2017 ZONING ORDINANCE

MURFREESBORO PLANNING DEPARTMENT
111 WEST VINE STREET
MURFREESBORO, TN 37130

APPENDIX A-ZONING

This copy of the Zoning Ordinance is available for reference purposes only. Although considerable care has been taken to assure that this volume accurately represents the Zoning Ordinance as of the last revision date noted on the inside cover, the City of Murfreesboro does not warrant that this is a true and accurate copy of the Zoning Ordinance. The Zoning Ordinance may be amended without the holder of this volume receiving notification. For verification of the text or to obtain a copy of the Zoning Map, please contact the Murfreesboro GIS Department at (615) 893-6441, 111 West Vine Street, Murfreesboro, Tennessee, 37130 or visit our website at www.murfreesborotn.gov.

MURFREESBORO
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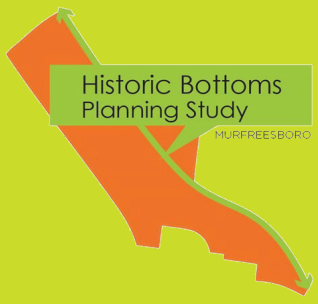

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NOTICE TO USER

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DATE OF LAST CODE REVISION: May 4, 2017

For further assistance, please contact the
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Cover submitted by Lexi Stacey, Administative Support Specialist

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APPENDIX A

ZONING

Editor's Note: Ord. No. 84-6 §1, adopted January 19, 1984, adopted a new comprehensive zoning ordinance, which, as provided in said section, ultimately supersedes the zoning ordinance dated July 10, 1958, as amended, Ord. No. 84-17 §1, adopted April 5, 1984, abolished the zoning ordinance of July 10, 1958. Ord. No. 84-23 §1, adopted June 21, 1984, readopted and reaffirmed Ord. No. 84-6.

[Cross references – Administration, Ch. 2; urban environmental commission, §2-36 et seq.; airport, Ch. 3; buildings, Ch. 7; cemeteries, Ch. 8; garbage, weeds, and trash, Ch. 14; property standards, Ch. 17; planning commission, Ch. 22; schools, Ch. 25; slum clearance, Ch. 25.5; subdivisions, maps and plats, Ch. 29; water and sewers, Ch. 33.]

SECTION 1. TITLE, PURPOSE, AND APPLICABILITY

Short Title.

This Appendix shall be known and may be cited as the zoning ordinance regulations of the City of Murfreesboro.

General Purpose and Intent.

The regulations contained in this article are designed and are enacted for the purpose of promoting the health, safety, and welfare of the residents of the City of Murfreesboro by lessening or preventing congestion in the public streets; securing safety from fire and other dangers; furthering the provision of adequate light and pure air; avoiding excessive concentrations of population and wasteful scattering of population; encouraging such distribution of population and such classification of land uses as will tend to facilitate and conserve adequate provisions for transportation, water supply, drainage, sanitation, educational opportunity, and recreation; protecting and promoting both urban and non-urban development; and preserving landmark buildings, objects and sites.

To these ends, the regulations contained in this article are to:

Divide the City into districts of such number, shape and area and of such different classes according to the use of land and building, height, and bulk of buildings, intensity of use of lot area, area of open spaces and other classifications, as may be deemed suited to regulate development;

Classify, regulate, and restrict the location of residential, commercial, business, industrial, and institutional uses;

Limit the height, bulk, and location of buildings;

Fix standards to which buildings or structures in the districts must conform;

Establish lot areas, set back and yard requirements, land use intensity ratios, use limitations and parking and loading and storage requirements applicable to buildings and uses;

Prohibit uses, buildings or structures incompatible with the character of established districts;

Prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed by this article;

Provide for variations from the regulations of this article;

Provide for special permit uses including planned developments and other special approvals;

Provide for site plan review; and,

Establish procedures necessary to implement and enforce the provisions of this article.

Applicability - General Scope.

(A) *Territorial application*. This article shall apply to all buildings and structures, land and uses within the City.

(B) *General application*. After the effective date of this article, all buildings and structures erected, remodeled, altered, and relocated and any use of land, buildings or structures established shall comply with the applicable provisions of this article. Existing buildings, structures and uses of land not complying with the provisions of this article may continue subject to the provisions of the nonconformities section of this article.

(C) *General prohibition*. No building or structure; no use of any building, structure or land; and no lot of record or zoning lot, now or hereafter existing, shall hereafter be established, altered, moved, divided, or maintained, in any manner except as authorized by the provision(s) of this article.

(D) *Private agreements*. This article is not intended to abrogate annul or otherwise interfere with any easement, covenant or private agreement; provided, however, that where the regulations of this article are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements, the regulations of this article shall govern.

(E) *Other laws and regulations*. The provisions of this article shall be considered the minimum requirements for the promotion of the public health, safety, comfort, morals, and general welfare. Where the provisions of this article impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this article

shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this article, the provisions of such statute, other ordinance or regulations shall be controlling.

Applicability - Existing Variances and Special Permits.

Variances granted and special permits issued prior to the date of this article shall remain valid. Buildings, structures or uses allowed by variances or special permits which cannot be issued under this article may continue subject to the provisions of the nonconformities section of this article.

Applicability - Building Permits Issued Prior to Effective Date.

This article shall not invalidate any unexpired building permit issued prior to the date of the article or extended by the building official; provided, however, that if any building, structure, or use constructed or established pursuant to such building permit does not comply with the provisions of this article, such building, structure or use shall be subject to the provisions of the nonconformities section of this article.

Applicability - Existing Buildings, Structures or Uses.

All buildings, structures or uses which are lawful on the effective date of this article shall not be rendered unlawful by any provision of this article.

Applicability - Pending Applications.

From and after the effective date of this article, the provisions of this article shall not apply to all pending applications upon which no final decision has been made; provided, however, that where a public hearing has been held by the Planning Commission or Board of Zoning Appeals, such pending application shall be processed in accordance with and decided pursuant to the law existing on the date of the application.

Severability; Provisions Declared Invalid.

If any one of the provisions of this article shall be found invalid, the other provision shall remain in full force and effect.

Effective Date.

This article shall be and become effective on February 3, 1984, and such date shall be referred to as the effective date of this Appendix. The effective date of Section 27 shall be September 8, 2000.

[Ord. No. 99-O-66 §21, 08-24-00]

SECTION 2. INTERPRETATION AND DEFINITIONS.

Word Usage.

In the interpretation of this article, the provisions and rules of this Section 2 shall be observed and applied, except when the context clearly requires otherwise:

(A) Words used in the present tense shall include the future tense.
(B) Words in the singular number include the plural number, and words in the plural number include the singular number.
(C) The masculine gender shall include the feminine and the feminine gender shall include the masculine.
(D) The word "shall" is mandatory.
(E) The word "may" is permissive.
(F) The word "person" includes individuals, firms, corporations, associations, and any other similar entities.
(G) The word "City" means the City of Murfreesboro, Tennessee.
(H) In case of any difference of meaning or implication between the text of this article and any caption, illustration or table, the text of this article shall control.
(I) For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. Additional definitions are included in this article (Appendix A – Zoning) in Section 24, Airport Overlay District, Section 27, Landscaping and Screening, Section 31, Temporary Mobile Recycling Centers, Section 32, Regulations of Sexually Oriented Adult Businesses, and Section 34, Floodplain Zoning. Words not defined in this article (Appendix A – Zoning) shall have the meaning given in Merriam Webster's Collegiate Dictionary 11th Edition or as it may be revised from time to time.

Definitions.

Abutting: Touching or sharing a common point or line. This term shall not be deemed to include parcels that are across a public way from each other.

Accessory apartment: A second dwelling unit either in or added to an existing single family detached dwelling, or in a separate accessory structure on the same lot of record, for use as an independent living facility with provision within the accessory apartment for food preparation, sanitation, and sleeping. Such a dwelling shall be accessory to the main dwelling.

Accessory dwelling unit: A dwelling unit used in conjunction with a commercial or industrial use with the dwelling unit attached to or located within the commercial or industrial building and occupied by the owner or an employee of the business establishment occupying the commercial or industrial building.

Accessory structure or use: An accessory structure or use is a structure or use which:

(A) is subordinate to and serves a principal building or a principal use;

(B) is subordinate in area, extent and purpose to the principal structure or principal use served;

(C) contributes to the comfort, convenience or necessity of the occupants, business or industry in the principal structure or principal use served; and,

(D) is located on the same zoning lot as the principal structure or principal use served.

Adjacent: Nearby property that touches the property lines of a parcel being considered and including property across streets.

Administration: The manager of the City of Murfreesboro and the administrative aides of the manager.

Adult day care center: A place providing or designed to provide a structured program of personal care and activities offered for more than three (3) hours per day but less than twenty-four (24) hours per day for ten (10) or more adults who may not be capable of full independent living as a result of physical disability, developmental disability, emotional impairment, and/or frailty resulting from advanced age.

Adult day care home: A place providing or designed to provide a structured program of personal care and activities offered for more than three (3) hours per day but less than twenty-four hours per day for more than four (4) but less than ten (10) adults who may not be capable of full independent living as a result of physical disability, developmental disability, emotional impairment, and/or frailty resulting from advanced age and where the owner or operator resides.

Airport: Passenger and freight loading and unloading facilities from aircraft and helicopters. Included are runways, hangers, refueling and repair facilities, parking and all other facilities needed to operate aircraft. Ticket purchasing, restaurants and retail stores are permitted as accessory uses.

Alley: A public right-of-way which affords only a secondary means of access to the property abutting thereon.

Amenity: Specific physical features of a development which are not required by provisions of Appendix A - Zoning.

Amusements, commercial outdoor, excluding motorized: Outdoor commercial recreational or entertainment activities, which do not involve the use of equipment powered by electric or combustion engines.

Amusements, commercial outdoor, motorized: Outdoor commercial recreational or entertainment activities, which involve the use of equipment powered by electric or combustion engines.

Amusement ride: A mechanical device designed to carry passengers along, under, around, through or over a fixed course, or within a limited area, for amusement of passengers or on-lookers, and includes but is not limited to a merry-go-round or ferris wheel.

Apartment: A room or suite of rooms designed or used as a single dwelling unit, located in a building in which there are two or more such rooms or suites.

Assisted-care living facility (ACLF): A building, establishment, complex, or distinct part thereof licensed with the State of Tennessee Department of Health as an assisted-care living facility and which accepts primarily aged persons for domiciliary care and provides on-site to its residents room, board, non-medical living assistance services appropriate to the residents' respective needs, and limited medical services as prescribed by each resident's treating physician.

Auction house: An establishment where the real or personal property of others is sold by a broker or auctioneer to persons who attend scheduled sales or events.

Automobile: Any vehicle designed for carrying 10 passengers or less, is used for the transportation of persons, and has a gross weight of less than 10,000 pounds, but excluding motorcycles and vehicles used to carry passengers for a fee.

Automotive dismantlers and recyclers: Any person, firm, association, corporation, or resident or nonresident who is engaged in the business and/or providing facilities for the purposes of recovering parts from automobiles and trucks which have been wrecked or otherwise rendered inoperable as transportation vehicles with said parts recovered being for resale and further reduce used automobiles and trucks to a condition capable of salvage for their metal scrap content by scrap processors.

Automobile graveyard: Any establishment or place of business which is maintained, used, or operated as a principal, accessory or ancillary use for storing, keeping, buying, or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts. One or more such vehicles will constitute an automobile graveyard. This definition for automobile graveyard does not include automobile dismantlers and recyclers, recycling centers or wrecker service storage yards as defined by Appendix A - Zoning.

Automotive service station: Any building, structure or land used for the dispensing, sale or offering for sale at retail of automotive fuel oils and accessories in connection therewith and for the servicing of motor vehicles. When such dispensing, sale or offering for sale is incidental to the conduct of a commercial garage, the premises shall be classified as a commercial garage.

Awning: A roof-like cover, often of fabric, metal, or glass, designed and intended for protection from the weather, or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, door, or the like.

Bed and breakfast homestay: A private home, inn, or other unique residential facility offering bed and breakfast accommodations and one daily meal and having one but not more than three guest rooms furnished for pay, with guests staying not more than fourteen days, where the innkeeper resides upon the premises and where the activity is subordinate and incidental to the main residential use of the building.

Bed and breakfast inn: A private home, inn, or other unique residential facility offering bed and breakfast accommodations and one daily meal and having four but not more than twelve guest rooms furnished for pay, with guests staying not more than fourteen days, and where the innkeeper resides upon the premises or property or immediately adjacent to it. Guest rooms shall be established and maintained distinct and separate from the innkeeper's quarters.

Boardinghouse: A building where meals and lodging are provided for compensation for three or more persons not otherwise specifically defined in Appendix A - Zoning and at which no convalescent or chronic care is given.

Buffer Zone: The required installation of landscaping between land uses. (See Section 27 for further explanation.)

Building: Any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property.

Building code: The building codes of the City as amended.

Building front or frontage: The exterior wall of a building facing the front line of a lot. See also "frontage."

Building height: The vertical distance measured from grade to the highest point of the roof for flat roofs, to the deck line for mansard roofs or to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

Building line: The line established by Appendix A - Zoning beyond which a building shall not extend.

Building official: The chief administrative head of the City Building Department.

Building, principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Bulk: The minimum or maximum lot area, yard area, height, dwelling unit density, or land use intensity ratios permitted or required in a zoning district.

Bulk regulations: Standards and controls that establish the maximum size of buildings and structures on a lot and the buildable area within which the building can be located, including coverage, setbacks, height, impervious surface ratio, floor area ratio and yard requirements.

Business school: An enterprise offering instruction and training, including four-year degrees and/or postgraduate degrees, in a service or the arts such as secretarial, cosmetology, commercial artist, computer software, legal, and similar training, provided that such enterprise does not offer student housing or athletic facilities at the site.

Business vehicle: Any vehicle(s) owned, leased or used by a business and its employees exclusively in the conduct of the business.

Bus terminal or service facility: Any building where intercity or intracity bus trips begin or terminate or the building or land where buses used in such trips are parked, serviced, or repaired.

Caliper: A standard trunk diameter measurement for nursery grown trees taken six inches above the ground for up to and including four-inch caliper size and twelve inches above the ground for larger sizes.

Canopy: A roof-like cover, often of fabric, metal, or glass, including an awning, that projects from the wall of a building over a door, entrance, or window; or a freestanding or projecting cover above an outdoor service area, such as at a gasoline service station.

Carnival: Temporary outdoor amusements including amusement rides, side-shows, motorized rides, exhibits, and/or games.

Cemetery: A place used to inter the remains of human dead. A cemetery may include a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination of such. A cemetery may include a funeral home, or facilities for cremation, or both if such home or facility are located and operated completely within the boundaries of the cemetery and accessory to the cemetery.

Cemetery, Pet: (See Pet Cemetery.)

Certificate of compliance: Approval by the zoning administrator that a use, building or structure complies with the provisions of this Zoning Code.

Certificate of occupancy: A document issued by the building official allowing the occupancy or use of a building and the structure or use has been inspected for compliance with all the applicable municipal codes and ordinances. A temporary certificate of occupancy may be issued by the building official allowing the occupancy or use of a building, although all required work has not been completed, if the owner posts a bond.

Church: A place devoted primarily to religious worship or religious education but excluding private schools. The definition for churches shall apply to all places used primarily for religious worship or religious education and shall be inclusive of all religious affiliations, even though called a “mosque,” “temple” or otherwise. [Note: By use of the word “primarily,” it is the intent to permit home worship in the residence of a citizen which includes people who do not reside therein.]

Club: A building or premises, owned or operated by a corporation, association, person

or persons, for a social, educational, or recreational purpose, to which membership is required for participation and not operated primarily for profit nor to render a service which is customarily carried on as a business.

Coffee, food, or beverage kiosk: A retail food business in a small freestanding building that sells beverages and/or food items from a service window with vehicular and/or pedestrian service and that provides no indoor or outdoor seating.

Commercial center: A group of commercial establishments, including but not limited to retail establishments, offices, and personal services that is planned, constructed, and managed as a total entity; with customer and employee parking and goods delivery provided on-site; and where restaurant uses occupy no more than 35% of the gross floor area of all buildings and the total building area does not exceed 25,000 square feet.

Common space: Land within or related to a development that is designed and intended for the common use or enjoyment of the residents or occupants and their guests and may include such complimentary structures and improvements as are necessary and appropriate. See also "open space."

Composting facility: A facility for processing organic matter through a controlled process for the production of compost but excluding ordinary single family domestic backyard composting. Any composting facility regulated by Rule 1200-1-7 of the Tennessee Department of Health and Environment Division of Solid Waste Management is subject to this definition.

Construction: The building, rehabilitation, remodeling, renovation or repair of any structure, landscape, hardscape, or any portion thereof, including any associated tenant improvements.

Contractor: A person who contracts to erect structures or buildings, construct streets, lay pipe, move earth or otherwise do land development. A contractor includes a person who contracts to perform all or part of another's contract as defined above.

Contractor's storage: The use of land or buildings for the storage or parking of materials, equipment, vehicles or supplies used by a contractor off the premises on which such storage is located.

Country club: A private club for members, their families and guests, for the purpose of social and recreational activities. See also "clubs."

Crematory: A place not accessory to a funeral home or cemetery which has been certified by the State for the cremation of deceased persons.

Crematory, Pet: (See Pet Crematory.)

Day care center: A place providing or designed to provide care for less than twenty-four hours a day for thirteen or more children no more than seventeen years old and which is licensed by the Tennessee Department of Human Services.

Demolition: The decimating, razing, ruining, tearing down or wrecking in whole or in part, any facility, structure, foundation, landscaping, pavement or building, (wall, fence) whether in whole or in part, whether interior or exterior.

Density: The number of dwelling units per acre of gross land area.

Department or discount store: A retail establishment with thirty-five thousand or more square feet of floor area which sells a general line of merchandise including apparel and some home furnishings, including, but not limited to, furniture or major home appliances.

District: A portion of the City within which specified regulations and requirements thereof apply pursuant to the provisions of Appendix A - Zoning.

Dwelling, Four-Family: A building designed for and occupied by not more than four families in separate dwelling units on the same lot of record.

Dwelling, Multiple-Family: A building or group of buildings for and occupied by five or more families in separate dwelling units on the same lot of record.

Dwelling, Single-Family Attached: A dwelling unit designed for and occupied by not more than one family having a wall in common with any other dwelling unit.

Dwelling, Single-Family Detached: A dwelling unit designed for and occupied by not more than one family and surrounded by open space or yards and having no roof, wall, or floor in common with any other dwelling unit.

Dwelling, Three-Family: A building designed for and occupied by three families in separate dwelling units on the same lot of record.

Dwelling, Townhouse: A row of three or more adjoining dwelling units, each of which is separated from the others by one or more unpierced common walls extending from the ground to the roof and have at least two exterior walls.

Dwelling, Two-Family: A building designed for and occupied by two families in separate dwelling units on the same lot of record.

Dwelling, Zero-Lot Line: A dwelling located on a lot in such a manner that one or more sides rests directly on a lot line.

Dwelling unit: Any building or portion thereof providing complete independent permanent facilities for living, sleeping, cooking, eating, and sanitation designed for or used exclusively as living quarters by one family, including a room in an extended stay hotel, but excluding a tent, travel trailer, a room in a hotel motel, or boarding house.

Eave: The overhanging lower edge of a roof.

Element, common: An amenity or facility, whose maintenance is the responsibility of a homeowners association or comparable group of owners in a nonresidential development,

which is regularly available for use by the occupants of more than one dwelling or structure, including, but not limited to, ties, open space and sanitary and storm sewers or other drainage facilities.

Emergency shelter: A facility temporarily designated by an appropriately authorized official under the Rutherford County Emergency Operations Plan as housing for persons who have been displaced from their homes as a result of a natural or man-made disaster during the time that the Mayor, County Mayor, or Governor has declared a natural or man-made disaster or emergency to exist within the community.

Enlargement: An addition to the floor area of an existing building, an increase in the size of any other existing structure or an increase in the portion of a tract of land occupied by an existing use.

Extended Stay Hotel/Motel: A Hotel, Motel, or other similar facility in which at least 5% of the rooms available are provided and offered to the public for compensation for a period of greater than 30 days within a 180-day period or the average stay in 5% of the rooms rented are for greater than 30 days and in which such rooms meet the definition of dwelling unit.

Family: In addition to customary domestic servants, either (a) an individual or two or more persons related by blood, marriage or adoption, maintaining a common household in a dwelling unit; or (b) a group of not more than four persons who are not related by blood, marriage, or adoption, living together as a common household in a dwelling unit, or (c) a group of not more than eight unrelated persons with disabilities, as defined by applicable federal law, which includes at least one (1) additional person (and may include a total of three (3) additional persons) acting as support staff or guardians, who need not be related to any of the persons with disabilities residing in the home, living together as a common household in a dwelling unit.

Note: Persons (i) who have been convicted of a crime involving violence, (ii) who have been convicted of unlawfully manufacturing or distributing any illegal drug or controlled substance, (iii) who are registered or are required to be registered as sex offenders, (iv) who are currently illegally using a controlled substance, and / or (v) whose tenancy would constitute a direct threat to the health or safety of others or whose tenancy would result in substantial physical damage to the property of others shall not be deemed to be persons with disabilities for purposes of this definition solely by virtue of that status.

Family crisis shelter: A facility operated by a public or private agency providing temporary housing for individuals or families who are displaced from their homes by an urgent event such as fire, flood, or incidence of family violence. “Temporary housing” is further defined in this section.

Family day care home: A place providing, or designed to provide, care for less than twenty-four hours a day for more than four, but less than eight, children who are unrelated, by blood or adoption, to the person providing such care, which may be licensed by the Tennessee Department of Human Services. See also “group day care home.”

Family violence shelter: A facility operated by a public or private agency providing temporary housing and food, personal advocacy, or other services to persons who have been victims of family violence, including any minor dependents of such victims, who temporarily require shelter and/or assistance in order to protect their physical or psychological welfare. "Temporary housing" is further defined in this section.

Fireworks: For the purposes of Appendix A - Zoning, fireworks shall be as defined and described in T.C.A. §68-104-101 et seq.

Fireworks public display: A display of fireworks at which the public is invited to attend whether or not for a fee.

Fireworks retailer: Any person, individual, firm, partnership, or corporation engaged in the business of making retail sales of fireworks at any time during the year.

Fireworks seasonal retailer: Any person, individual, firm, partnership, or corporation engaged in the business of making retail sales of fireworks from June 27th through July 5th and/or December 25th through January 2nd of each year.

Flagpole: (whether ground-mounted or wall-mounted) is a pole which is designed to raise and lower a flag sign by means of a cord, rope or cable through a pulley system or other such mechanical device. The height of a flagpole is measured from ground level at the base of the flagpole. For purposes of the Zoning Ordinance, a flagpole is deemed to be an accessory structure. For purposes of the Sign Ordinance, a flagpole is deemed to be a sign support structure.

Floor area: The sum of the horizontal areas of the several floors of all buildings on a lot measured from the exterior face of exterior walls. The following shall be excluded from calculation of the floor area:

(A) open exterior balconies or other covered open spaces.

(B) uncovered terraces, patios, porches, atriums or steps.

(C) garages, carports, or other areas, enclosed or unclosed used for the parking or circulation of motor vehicles.

(D) areas for housing major mechanical equipment which serves the building as a whole or a major portion thereof, but not including utility areas within individual dwelling units.

(E) areas of common special purpose used by a substantial portion of the occupants of the premises, including laundries, recreation areas, sitting areas, libraries, storage areas, common halls, lobbies, stairways and elevator shafts, attics and areas devoted exclusively to management and/or maintenance of the premises, but not including incidental commercial activities.

Floodplain or floodprone area: Any land susceptible to being inundated by water from any

source.

Floor area ration (FAR): The total square foot amount of floor area on a lot for each square foot of gross land area.

Fraternity and sorority houses: A dwelling maintained exclusively for members of an organization that is affiliated with an academic or professional college, university, or other recognized institution of higher learning.

Front: See "building front" and "frontage."

Front façade: The façade or facades of the structure containing the formal or main entryway(s) or containing such other architectural elements as would lead a reasonable person to perceive it as the front of the structure.

Frontage: All the property fronting on one side of a street, measured along such street, between lot lines, an intercepting street, a right-of-way in excess of thirty feet, an end of a dead-end street, a river, a lake or government boundary. See also "building front."

Funeral Home: A place used for human funeral services. Such place may include space and facilities for (a) display of deceased persons and rituals connected therewith before burial or cremation; (b) embalming and the performance of other services used in the preparation of the dead for burial or cremation; (c) the performance of autopsies and other surgical procedures upon the dead; (d) the sale and/or storage of caskets, funeral urns, and other related funeral supplies; (e) the storage of funeral vehicles, and (e) facilities for cremation.

Funeral Home, Pet: (See Pet Funeral Home.)

Garage, commercial: A building, or a portion thereof, other than a private garage, used primarily for the parking and storage of vehicles.

Garage, private residential: A garage which is accessory to a residential building and is used primarily for the parking and storage of vehicles owned or operated by the residents of dwelling units located in such building, and not as a separate commercial enterprise available to the public at large.

Garage sale: The sale of personal property at a residence by the homeowner or occupant of real property

Gasoline sales: Any building, structure, or land used for the retail sale and dispensing of automotive fuels into motor vehicles.

Grade:

(A) For buildings and structures more than five feet from any street line, the average level of the finished surface adjacent to the building or structure.

(B) For buildings or structures any portion of which is located within five feet of a street line or lines, the curb level or the average of the curb levels, or their equivalent established ground surface, adjacent to such street line or lines.

Grocery store: A retail establishment that primarily sells food, including canned, packaged, and frozen foods; fresh fruits and vegetables; and fresh (raw) and prepared meats, fish, and poultry.

Gross land area: The area of a lot within the property lines.

Group day care home: A place providing, or designed to provide, care for more than seven (7), but less than thirteen (13) children, for less than twenty-four hours a day which is licensed by the Tennessee Department of Human Services. See also "Family day care home."

Group shelter: A facility operated by a public or private agency, which may provide a program of services in addition to room and board to persons under continuous protection or supervision.

Height: See "building height."

Heliport: A helicopter landing area for boarding and discharging the occupants of the craft. Maintenance or fueling is not permitted.

Home for the aged: A building represented and held out to the general public as a home which accepts aged persons for relatively permanent, domiciliary care. It provides room, board, and personal services to one or more non-related persons. The term includes any building, section of a building, or distinct part of a building, a residence, a private home, a boarding home for the aged, or other place, whether operated for profit or not, which undertakes to provide, for a period exceeding twenty-four hours, housing, food services and one or more personal services for aged persons who are not related to the owner or administrator by blood or marriage. For the purpose of this definition "personal services" are defined as those services that are rendered to residents who need supervision or assistance in activities of daily living. Personal services may include protective care of residents, responsibility for the safety of the resident when in the facility, daily awareness by the management of the resident's whereabouts and the ability and readiness to intervene if crises arise. Neither nursing nor medical care services are to be provided at a home for the aged. Homes for the aged shall be divided into classes based on the number of persons to be housed as follows:

Class I . . . . . .one or more but less than nine

Class II . . . . .nine or more but less than twenty-five

Class III . . . . .twenty-five or more

Home occupation: An activity carried out for gain by a resident conducted only as an incidental and/or accessory use in the resident's dwelling unit or in a structure accessory

thereto, which is not otherwise defined or regulated by Appendix A - Zoning.

Homeowners association: A group of owners of property in a development, which group is responsible for the enforcement of rules and regulations governing the common elements of such development.

Hospital: An institution providing health services and medical or surgical care, primarily for temporary in-patients, to persons suffering from illness, disease, injury, deformity, or other abnormal physical or mental condition, and including as an integral part of the institution related facilities such as laboratories, outpatient facilities or training facilities. Hospital does not include institutions for the permanent care of or occupation by the poor, infirm, incurable, or insane.

Hotel: A building in which lodging or boarding and lodging are provided and offered to the public for compensation, and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boardinghouse, a lodging house, or an apartment.

Institution: A building occupied or operated by a nonprofit society, corporation, individual foundation or governmental agency for the purpose of providing charitable, social, educational or similar services of nonprofit character to the public.

Institutional group assembly use: Any building, structure or land for which a primary use is use as a place of assembly for fifty (50) or more persons; institutional group assembly uses include, but are not limited to, recreational fields, public buildings, public or private schools grades K-12, lodges, country clubs, clubs, churches and other places of worship.

Junk: Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, tires, debris, waste, used appliances, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

Junkyard: An establishment, or place of business which is maintained, operated, or used for outdoor storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. This definition includes scrap metal processors, used auto parts yards, yards providing temporary storage of automobile bodies or parts awaiting disposal as a normal part of the business operation when the business will continually have like materials located on the premises, garbage dumps and sanitary landfills. This definition for junkyard does not include recycling centers or wrecker service storage yards as defined by Appendix A - Zoning.

Kennel: Any lot, building, structure or premises primarily used for the boarding, breeding, training, and/or raising of domestic animal/wildlife (excluding livestock), whether by owners of such animals or by persons providing facilities and care, whether or not for compensation, but shall not apply to the keeping of animals in a municipal animal pound, pet store, a bona fide laboratory for scientific or experimental purposes (e.g. dental, veterinary, pharmaceutical or biological) or in a veterinary establishment for the purpose

of observation and/or recovery necessary to veterinary treatment.

Landfill: Land area consisting of waste, rubbish, or garbage which has been treated or disposed of in accordance with all applicable laws.

Landmark building: A building which with the approval of the building owner has been designated by the legislative body to be of significant aesthetic, architectural or historical importance or value.

Landmark district: A geographically definable area which has been designated by the legislative body as an area with a concentration of landmark buildings, objects, or sites.

Landmark object: An object which with the approval of the owner has been designated by the legislative body to be of significant aesthetic, functional, or historical importance or value.

Landmark site: A location which with the approval of the property owner is designated by the legislative body as the site of a building, object or past event of significant aesthetic, architectural or historical importance or value.

Landowner: The legal or beneficial owner or owners of the land. The holder of an option or contract to purchase, a lessee having a remaining term of not less than fifty years in duration, or other person having an enforceable proprietary interest may be considered a "landowner" for the purposes of this title.

Landscaping: The arrangement of natural vegetation on a lot.

Legislative body: The City Council of the City of Murfreesboro, Tennessee.

Livability space: The portion of open space not devoted to motor vehicle parking or circulation or public streets or alley rights-of-way, and which is landscaped, or improved as outdoor living or recreation space for occupants of the premises and which is used as beneficial open space provided that such space is directly accessible to the occupants of the premises and is available for their leisure time use.

Livability space ration (LSR): The total square foot amount of livability space for each square foot of floor area on the lot.

Loading space: An unobstructed, hard surfaced area no part of which is located in any street or public right-of-way and the principal use of which is for the standing, loading or unloading of trucks and trailers.

Lodge: A building or premises used for meetings and activities of a fraternal order or society.

Lot: A tract of land with at least sixteen feet of street frontage, occupied by, or designated to be developed for a building and its accessory buildings, or a principal use, together with such open spaces and yards as are designed and arranged, or required under Appendix

A - Zoning, to be used with such buildings or use.

Lot area: The total horizontal area included within lot lines.

Lot area per dwelling unit: That amount of the lot area required, by the applicable provisions of Appendix A - Zoning, for each dwelling unit located on a lot.

Lot, corner: A lot which adjoins the point of intersection or meeting of two or more streets.

Lot coverage: The percentage of lot area occupied by the ground area of principal and accessory buildings on such lot.

Lot, depth of: The mean horizontal distance between the front and rear lot lines.

Lot, double frontage: A lot having frontage on two nonintersecting streets. [Editor's note: If a double frontage lot has no vehicular access to a street frontage, as established by a subdivision plat recorded by the Rutherford County Register, then that yard adjacent to the street affording no access shall be considered a rear yard.]

Lot, flag: A lot which the front line abuts one or more rear or side lot lines of adjacent lots and the primary access is by a private or privately shared drive leading to a public right-of-way.

Lot, interior: A lot other than a corner lot.

Lot line, front: In the case of an interior lot abutting upon only one street, the line separating such lot from such street; in the case of a double frontage lot or a corner lot, each line separating such lot from the street shall be considered a front lot line; in the case of a flag lot, the front lot line is that property line other than the common boundary with the street (i.e. the frontage) which is most parallel and nearest to the public right-of-way from which access is gained except that in the event that the front of the principal existing or proposed structure will not be facing and parallel to said right-of-way, then the front lot line shall be the property line most parallel and adjacent to the front of the existing proposed structure.

Lot line, rear: That lot line which is parallel to and most distant from the front lot line of the lot; provided, however, that in the case of an irregular or triangular lot which has no lot line which is approximately parallel to the front lot line, a line ten feet in length entirely within the lot, parallel to, and at the maximum possible distance from the front lot line shall be considered to be the rear lot line; provided further, that in the case of any corner lot used for any purpose other than single-family residential use, the rear lot line shall be that lot line which is most parallel to and most distant from the street with the higher functional classification as determined by the Murfreesboro Major Thoroughfare Plan as adopted and as may be amended from time to time. In the event the corner lot abuts streets with the same functional classification the rear lot line shall be that lot line parallel and most distant from the street to which the existing or proposed structures are or will be oriented.

Lot line, side: Any lot line other than a front or rear lot line.

Lot lines: The lines bounding a lot.

Lot, minimum area of: The smallest lot on which a particular use or structure may be located in a particular district.

Lot of record: A parcel of land that is a lot in a subdivision recorded on the records of the Rutherford County Register's Office.

Lot, width of: The distance on a horizontal plane between the side lot lines measured at right angles to the lot depth at the minimum front yard line.

Lot, zoning: A parcel of land that is designated by its owner or developer as a tract all of which is to be used, developed, or built upon as a unit under single ownership. As long as it satisfies the above requirements, such lot may consist of:

(A) a single lot of record;

(B) a portion of a lot of record; or

(C) a combination of complete lots and portions of lots of record, or portions of lots of record.

Major Thoroughfare Plan: A long range plan for the location of major streets and their associated right-of-way widths adopted by the City in accordance with T.C.A. §13-4-301 et seq.

Manufacturing: The processing and converting of raw, unfinished or finished materials or products, or any of these, into an article or substance of different character, or for use for a different character, or for use for a different purpose.

Map, zoning: A map atlas delineating the boundaries of the zoning districts provided for in Appendix A - Zoning, as amended from time to time.

Master plan: A plan that provides an overall development concept for one or more tracts of land in order to coordinate the preparation of more detailed plans for the various sections and phases of the development and of other land in its proximity and is the initial step in the subdivision and platting process.

Mental health facility: A use operated by a public or private agency, which provides a program of services for day care or outpatients who are deficient in mental functions.

Mission: A facility operated by a non-profit charitable or religious organization providing temporary housing and/or food and other services on its premises primarily to indigent, needy, homeless, or transient persons. "Temporary housing" is further defined in this section.

Mobile home: A factory-assembled, movable dwelling designed and constructed to be towed on its own chassis, comprised of frame and wheels, to be used without a permanent

foundation for permanent occupancy but with the necessary service connections for required utilities, and distinguishable from other types of permanent dwellings in that the standards to which it is built include provisions for its mobility on that chassis as a vehicle.

Morgue: A place where the bodies of deceased persons are kept temporarily pending identification or release for burial, cremation, or autopsy and where autopsies or other surgical procedures upon the dead may be performed. A morgue may be accessory to a hospital or funeral home.

Motel: A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which at least a portion of the rooms are directly accessible from a public or private right-of-way, from a parking lot or space or from the exterior of the building. As such, it is open to the public in contradistinction to a boarding house or apartment.

Motor vehicle sales: The display, sales, storage, servicing, and repairing of new and used motor vehicles.

Motor vehicle service: A building or portion thereof to be used for equipping, servicing and repair of motor driven vehicles, with or without the sale of motor fuels and oils.

Motor vehicle storage: The use of any premises for outdoor parking of wrecked or abandoned vehicles.

Museum: A nonprofit, noncommercial establishment operated as a repository or a collection of nature, scientific, or literary curiosities or objects of interest or works of art, not including the regular sale or distribution of the objects collected.

Net land area: The area of a lot within the property lines, excluding existing public and private streets and areas of water courses and lakes.

Nonconforming building or structure: Any building or structure, other than a sign, lawfully existing on the effective date of Appendix A - Zoning, or any amendment to it rendering such building or structure nonconforming, which does not comply with all of the regulations of Appendix A - Zoning, or any amendment hereto, governing parking or space and bulk requirements for the zoning district in which such building or structure is located; or is located on a lot which does not, or is so located on a lot as not to, comply with the yard requirements for the zoning district in which such building or structure is located; provided, however, any building containing more than one dwelling unit in addition to the number permitted by the district regulations in the district where it is located shall be deemed to be a nonconforming use rather than a nonconforming building.

Nonconforming lot of record: A lot of record which does not comply with the lot requirements for any permitted use in the district in which it is located.

Nonconforming sign: Any sign lawfully existing on the effective date of Appendix A - Zoning, or any amendment to it rendering such sign nonconforming, which does not comply with

all of the standards and regulations of Appendix A - Zoning or any amendment hereto.

Nonconforming use: Any use lawfully being made of any land, building or structure, other than a sign, on the effective date of Appendix A - Zoning, or any amendment to it rendering such use nonconforming, which does not comply with all of the regulations of Appendix A - Zoning, or any amendment hereto, governing use for the zoning district in which such land, building or structure is located.

Nonresidential district: Any district whose designation does not begin with the letter "R."

Nonresidential use or purpose: Any building which is not used as a dwelling unit.

Nursing home: Any establishment which provides full-time convalescent or chronic care, or both, for three or more individuals who are not related by blood or marriage to the operator or who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Open space: The area of all uncovered space within the gross land area attributed to a lot, plus the area of all eligible covered open space within the lot. [Editor's note: Covered open space is usable open space closed to the sky, but having two clear unobstructed open or partially open sides. Partially open is to be construed as fifty percent (50%) open or more.]

Open space, common: Open space held in private ownership, recorded in the office of the Rutherford County Register, and regularly available for use by the occupants of more than one dwelling.

Open space ratio (OSR): The total square feet of open space for each square foot of floor area on the lot.

Open space, uncovered: Exterior space open to the sky including usable roof area.

Ornamental tower: An architectural element of churches intended primarily for ornamental purposes and which projects above the remainder of the principal structure.

Overlay District: A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that or in addition to that required by the underlying zone(s).

Owner: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by Appendix A - Zoning, full disclosure of all legal and equitable interests in the property is required.

Parking space: A space for the parking of a motor-driven vehicle within a parking lot or driveway and having a permanent means of access to a street right-of-way without requiring passage through another parking space except as is expressly permitted by

Appendix A - Zoning.

Parking structure and parking garage: A structure used for the parking of vehicles and consisting of one or more stories. A parking structure may be part of a building containing other uses or may be a stand-alone building.

Pet Cemetery: A place used to inter the remains of deceased domesticated animals. A pet cemetery may include a pet funeral home, or facilities for cremation, or both if such home or facility are located and operated within the boundaries of the pet cemetery and accessory to the pet cemetery. For purposes of this ordinance, "pet cemetery" does not include the interment of a pet upon the property of the pet owner.

Pet Crematory: A place not accessory to a pet funeral home or pet cemetery having an apparatus for the cremation of deceased animals.

Pet Funeral Home: A place used for funeral services for deceased domesticated animals. Such place may include space and facilities for (a) display of deceased animals and rituals connected therewith before burial or cremation; (b) the sale and/or storage of caskets, funeral urns, and other related funeral supplies; (c) the storage of funeral vehicles, and (d) facilities for animal cremation.

Planned development: A development of land that is under unified control and is planned and developed as a whole in a single development operation or in a programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces and other site features and improvements. Planned developments may include residential, commercial, or industrial uses or a mixture of such land uses.

Plot plan: A graphic depiction, drawn to an appropriate scale, indicating the dimensions of the lot or parcel which is the subject of an application for a zoning district amendment or special use permit including a legal description of such lot or parcel and the location of the lot or parcel in relation to adjacent street right-of-way.

Porte-cochere: A cover-like attached structure at an entrance to a building that allows vehicles to temporarily park or stop in order to allow occupants to exit a motor vehicle while being protected from the weather. This definition shall not include canopies or awnings.

Premises: A lot, plot or parcel of land, together with the buildings and structures thereon.

Principal structure and principal building: A building that contains the principal use located on a lot.

Principal use: A use that fulfills a primary function of an establishment, institution, household, or other entity located on a given lot

Printing and publishing: The production and distribution of books, magazines, newspapers and other printed matter, including retail photocopying and blueprinting services, as well as record pressing and publishing, engraving and photoengraving.

Private club or lodge: A building and related facilities owned or operated by a corporation, association or group of persons for social, educational or recreational purposes of members regularly paying dues, but not primarily for profit nor to render a service which is customarily carried on as a business and which is not a country club.

Processing: The procedure adopted by a person or party for the conversion of unprepared scrap materials into prepared grades of metallic suitable for re-melting, re-rolling, reforming, extruding, and utilization in metallics manufacture, both ferrous and nonferrous.

Radio and television transmission tower: Towers and accessory buildings for transmitting and receiving radio, television, satellite, and other broadcast signals, including radar surveillance.

Recycling center: An establishment, place of business, facility or building which is maintained, operated, or used for the storing, keeping, buying or selling of paper, newspaper or used food or beverage containers. This definition does not include temporary mobile recycling centers as defined in Section 31 herein.

Residential building: A building the principal use of which is a residential use.

Residential district: Any district whose designation begins with the letter "R."

Residential use or purpose: Any building or portion of a building used as a dwelling unit.

Responsible party: Any person or organization who has the legal obligation to maintain common space as defined in Appendix A - Zoning.

Restaurant: An establishment where food is available to the general public primarily for consumption within a structure on the premises, where the consumption of food in motor vehicles on the premises is neither encouraged nor permitted and where food is not served in disposable containers.

Restaurant, carry-out: An establishment which by design of physical facilities or by service or packaging procedures permits or encourages the purchase of prepared, ready-to-eat foods intended to be consumed off the premises, and where the consumption of food in motor vehicles on the premises is neither permitted nor encouraged.

Restaurant, drive-in: An establishment where food is served in disposable containers and which by design or facilities or by the type of service and packaging permits or encourages the purchase of prepared, ready-to-eat foods for consumption on or off the premises and which does permit consumption on the premises in motor vehicles.

Restaurant, Specialty: Establishments whose primary business is the sale of a specialty type of food or beverage that is not considered a complete meal (e.g., candy, coffee, pastries, or ice cream), where the sale of other food, beverages, or merchandise is incidental to the sale of the specialty food or beverage and where drive-up or drive-thru service is permitted. Food and beverages may be for customer consumption on or off the premises. Specialty Restaurants include but are not limited to coffee houses, coffee

shops, doughnut shops, ice cream shops, and teahouses.

Restaurant, Specialty- Limited: Establishments whose primary business is the sale of a specialty type of food or beverage that is not considered a complete meal (e.g., candy, coffee, pastries, or ice cream), where the sale of other food, beverages, or merchandise is incidental to the sale of the specialty food or beverage and where drive-up or drive-thru service is not permitted. Food and beverages may be for customer consumption on or off the premises. Specialty Restaurants include but are not limited to coffee houses, coffee shops, doughnut shops, ice cream shops, and teahouses.

Retail shop: An establishment engaged primarily in the sale of goods for personal use or consumption rather than for resale to the ultimate customer.

Roof line: A horizontal line intersecting the highest point or points of a roof.

Rooming or lodging house: A building where lodging is provided for compensation for three or more persons not otherwise specifically defined in Appendix A - Zoning and at which no convalescent or chronic care is given.

Salvage: The controlled removal of waste/material from a building, construction site, demolition site, or other site for the purpose of recycling, reuse, or storage for later recycling, reuse, or proper storage for future recycling or reuse.

Satellite reception dish: A specialized antenna for the reception and/or transmission of broadcast signals to and from orbiting satellites.

Setback: See “Yard.”

School, private: A school which is privately owned or operated with a curriculum comparable to that of a public school.

Scrap metal processors: Any persons or parties having facilities for processing and storing iron, steel, or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for re-melting purposes.

Scrap processing yard: Any place having the necessary machinery, equipment and other facilities to process, refine, manufacture, or prepare and store scrap iron, scrap steel, or nonferrous materials for resale or for re-melting purposes.

Screening: The use of vegetation, fencing or berms to limit the view of one premises from another.

Secondary material dealers: A person who shall engage in the business of buying, storing, and selling secondary materials consisting of old or scrap copper, brass, rope, rags, batteries, paper, rubber, iron, steel, and other old scrap, ferrous or nonferrous.

Self-service storage facility: A structure or group of structures consisting of individual, small, self-contained units that are leased or owned for the storage of business or

household goods or supplies.

Senior citizens center: A place operated by a not-for-profit, municipal, or other governmental agency which serves persons fifty-five (55) years of age or older and which provides a range of activities that may include recreational and social activities, hot lunch meals, a protected environment where elderly persons can congregate, community services, employment opportunities, opportunities for volunteer services, and information, referral and consultation services; and which, if properly licensed by the State of Tennessee, may operate an adult day care center. If approved by the Board of Zoning Appeals, no separate approval will be required in order for a Senior Citizens Center to operate an adult day care center.

Shopping center, community: A group of commercial establishments, including but not limited to retail establishments, offices, grocery stores, department or discount stores, and personal services that is planned, constructed, and managed as a total entity; with customer and employee parking and goods delivery provided on-site; and where the total building area is more than 150,000 square feet but does not exceed 300,000 square feet.

Shopping center, neighborhood: A group of commercial establishments, including but not limited to retail establishments, offices, grocery stores, department or discount stores, and personal services that is planned, constructed, and managed as a total entity; with customer and employee parking and goods delivery provided on-site; and where restaurant uses occupy no more than 30% of the gross floor area and the total building area is more than 25,000 square feet but does not exceed 150,000 square feet.

Shopping center, regional: A group of commercial establishments, including but not limited to retail establishments, offices, grocery stores, restaurants, department stores, discount stores, and personal services that is planned, constructed, and managed as a total entity; with customer and employee parking and goods delivery provided on-site; and where the total building area is more than 300,000 square feet.

Shrub: A woody plant with a multiple stem capable of growing to a height of no more than twenty feet.

Shrub, large: An upright plant growing ten feet to twenty feet in height at maturity planted for ornamental or screening purposes.

Shrub, medium: A plant growing five feet to nine feet in height at maturity planted for ornamental or screening purposes.

Shrub, small: A plant growing less than five feet in height at maturity planted for ornamental or screening purposes.

Single ownership: The proprietary interest of a single landowner, person, or entity, or entities under common control.

Streets: A public or private way, square or lane, permanently open to common and general

use, which affords the principal means of access to abutting property.

Street Design Specifications: The Street Design Specifications as adopted by the Murfreesboro Planning Commission as from time to time amended. The Street Design Specifications are part of the Subdivision Regulations.

Street line: A lot line separating a street from other land.

Story: A portion of a building between the surface of any floor and the surface of the floor above it, or, if there is no floor above it, the space between such floor and the ceiling above it. A basement or cellar shall not be deemed a story if the finished floor level directly above is not more than six feet above the average elevation of the adjacent finished grade.

Structural alteration: Any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.

Structure: Anything built or constructed, but not including paving or resurfacing of the ground.

*Structure, subsurface single-family detache*d: A residential building that is constructed with living area at least partially beneath a continuous exterior grade.

Student centers: A place affiliated with or sponsored by a civic or religious organization for college students which is available for counseling, ethical teachings, religious worship and residential, recreational, or educational use.

Subdivision: The division of a tract or parcel of land into two or more lots, sites, or other divisions requiring new street or utility construction, or any division of less than five (5) acres for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and when appropriate to the context, relates to the process of re-subdividing or to the land or area subdivided.

Subdivision regulations: The Subdivision Regulations as adopted by the Murfreesboro Planning Commission as from time to time amended. The Subdivision Regulations include the Street Design Specifications as adopted by the Murfreesboro Planning Commission as from time to time amended, and any reference to the Subdivision Regulations includes the Street Design Specifications unless otherwise specifically stated.

Taxidermy Studio: A place used for preparing, stuffing, and mounting the skins of animals to make them appear lifelike.

Telephone or telegraph facilities: Facilities essential to the provision of telephone or telegraph services such as central office exchanges and microwave towers which require a specific location in order to provide the most efficient service to the public as provided in T.C.A. §13-24-302.

Temporary housing: Housing provided to individuals or families where there are no

kinship ties between the persons providing the housing and the individuals or families who are the recipients of the housing excluding customary domestic servants and forms of housing, otherwise defined by Appendix A - Zoning. Housing is not temporary housing if it is provided to an individual or family for a period of time exceeding forty-five days during any twelve month period.

Transitional home: A residence used for the purposes of rehabilitating persons from correctional facilities, mental institutions, and alcoholic and drug treatment centers and operated by a public or private agency duly authorized and licensed by the state, which agency houses individuals being cared for by the agency and deemed by the agency to be capable of living and functioning in a community and which provides continuous professional guidance.

Truck or motor freight terminal, service facility: An establishment engaged in transporting goods or commodities for another business enterprise, including the parking and repair of the motor vehicles used in providing such service.

Underground: Not visible from the surface of the earth.

Utility equipment: Poles, towers, supports, wires, conductors, conduits, guys, stubs, cross arms, braces, transformers, insulators, cut-outs, switches, communication circuits, used or useful in supplying electricity, natural gas, water, communication or similar or associated services to the residential areas within the City.

Variance, bulk: A variance which relaxes the standards or regulations of Appendix A - Zoning with respect to bulk.

Variance, other: A variance which is not a use or bulk variation which relaxes the standards or regulations of Appendix A - Zoning with respect to sign regulations and parking and loading regulations and requirements. Other variations shall not include any modifications of any of the procedures set forth in Appendix A - Zoning.

Variance, use: A variance which permits property to be used for a purpose not otherwise permitted as a right or by special permit in the district in which the use is located. (Editor's note: Use variances are not permitted.)

Veterinary clinic: A place where animal care including medical and surgical care and/or grooming and overnight boarding services for small animals, including dogs, cats, birds, and other animal species no larger than dogs, is provided and where the entire facility including boarding areas are completely enclosed indoors and designated and constructed so that objectionable odors and noise are not emitted from the building. Such facility may have outside exercise areas that shall not be used for overnight confinement of animals and may include offices for veterinarians.

Veterinary hospital: A place where medical, surgical, grooming, and overnight boarding services for animals of all species are provided. A veterinary hospital may furnish all services furnished in a veterinary clinic as well as those furnished for larger animals; may

provide outdoor runs, boarding, and grooming facilities for any animals; and may include offices for veterinarians.

Veterinarian's office: The office of one or more licensed veterinarians where no animal care or boarding is provided on-site.

Vision triangle: A distance of twenty feet from the rights-of-way lines of two intersecting streets.

Warehouse: A building used primarily for the storage of goods and materials.

Wholesale display: A display of commodities of a wholesale establishment.

Wholesale establishment: A business engaged in the sale of commodities in quantity, usually for resale or business use, chiefly to retailers, other businesses, industries and institutions.

Wrecker service: A person, firm, partnership, association, or corporation engaged in the business, or offering the services of a vehicle wrecker or towing service to the public for a fee, whereby disabled motor vehicles are towed or otherwise removed from the place where they are disabled by use of a wrecker so designed for that purpose or by a truck, automobile or other vehicle so adapted to that purpose.

Wrecker service storage yard: A storage facility used by a wrecker service as defined by Appendix A - Zoning for the temporary storage of motor vehicles towed in the course of business by a wrecker service.

Yard: A required open space on a lot between a lot line and a building or structure which is unoccupied and unobstructed from the grade to the sky, except for the following permitted obstructions:

(A) accessory uses, subject to the provisions of Section 25 herein;

(B) statuary, arbors, trellises, and barbecue stoves;

(C) awnings and canopies;

(D) bay windows, porches and balconies projecting not more than forty-two inches from an exterior wall;

(E) chimneys, flues, fireboxes, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters and the like projecting not more than twenty-four inches from an exterior wall;

(F) fire escapes or outside stairways projecting from an exterior wall not more than four feet;

(G) flagpoles, subject to the limitations of the Sign Ordinance;

(H) non-mechanical laundry drying equipment, except in a front yard;

(I) off-street parking and loading, but only as expressly authorized in Section 26 in Appendix A - Zoning;

(J) terraces; and,

(K) recreational equipment, except in front yards.

Yard, front: A yard extending across the entire front of the lot measured between the front lot line of the lot and a line drawn parallel to the front lot line at the required building line on the lot, or any projections thereof other than those permitted in defining "yard."

Yard, rear: A yard opposite from the front yard and parallel to the rear lot line, extending across the entire rear of a lot and measured between the rear lot line and the required building line, or any projection thereof other than those expressly permitted in defining "yard."

Yard requirements: The regulations of Appendix A - Zoning establishing minimum front, side, and rear yard requirements and set-back requirements for various uses, structures, and districts.

Yard, side: A yard extending along a side lot line from the front yard to the rear yard and measured between the side lot line and the required building line or any projection thereof other than those expressly permitted in defining "yards."

Zoning permit: A written statement from the Zoning Administrator, or the Zoning Administrator's designee, confirming that a building is occupied and land used in compliance with the provisions of this article.

[Ord. No. 89-44 §1, 09-14-89; Ord. No. 91-28 §§1, 2, 05-30-91; Ord. No. 91-29 §2, 05-30-91; Ord. No. 92-0-12 §1, 01-14-92; Ord. No. 93-O-53 §1, 2, 01-13-94; Ord. No. 94-O-30 §1, 2, 07-28-94; Ord. No. 94-O-50 §2, 09-29-94; Ord. No. 95-O-21 §1, 04-27-95; Ord. No. 95-O-22 §6, 04-27-95; Ord. No. 95-O-24 §1, 05-25-95; Ord. No. 95-O-48 §1, 09-14-95; Ord. No. 95-O-49 §1, 09-14-95; Ord. No. 95-O-56 §1, 09-28-95; Ord. No. 95-O-59 §1, 11-09-95; Ord. No. 96-O-36 §1, 05-30-96; Ord. No. 97-O-09 §1, 04-10-97; Ord. No. 97-O-30 §1, 07-17-97; Ord. No. 97-O-31 §1, 06-26-97; Ord. No. 98-O-60 §§1–3, 01-14-99; Ord. No. 99-O-66 §4, 08-24-00; Ord. No. 00-O-67 §1, 11-16-00; Ord. No. 02-O-70 §1, 01-16-03; Ord. No. 05-O-79 §§1, 2, 12-15-05; Ord. No. 07-O-40 §§22-23, 11-08-07; Ord. No. 08-O-37 §1, 08-21-08; Ord. No. 09-O-16 §§1-5, 06-04-09; Ord. No. 09-O-29 §1-2, 08-27-09; Ord. No. 10-O-01 §1, 03-04-10; Ord. No. 10-O-04 §1-2, 03-04-10; Ord. No. 10-O-31 §1, 10-14-10; Ord. No. 11-O-33 §§1-2, 11-03-11; Ord. No. 11-O-34 §1, 12-15-11; Ord. No. 14-O-10 §1, 03-13-14; Ord. No. 14-O-61 §§1, 2, 01-15-15; Ord. No. 16-O-64 §§5-6, 01-05-17; Ord. No. 17-O-10 §1, 05-04-17]

SECTION 3. ADMINISTRATIVE BODIES, DEPARTMENTS, AND PERSONNEL

Summary of Authority.

The principal functions of each of the agencies responsible for the administration of this article are as follows:

The Planning Commission holds public hearings, if required, and makes recommendations to the City Council on applications for amendments to the zoning ordinance and for planned developments. The Commission reviews and approves site plans as provided in this article. The Commission reviews and makes recommendations on any and all other matters referred to it from time to time by the administrations and Council.

The Board of Zoning Appeals holds public hearings, as required, and is authorized, in accordance with the provisions of this article, to grant variations from the regulatory provisions of this article in cases of hardship, to hear and decide appeals from the administrative decisions of officials and to grant specified special uses.

The Planning Department prepares and makes recommendations on comprehensive plans to the Commission and Council and reviews and makes recommendations to the Commission and to the Council on applications for amendments to the text or official map of the zoning ordinance, and for subdivision, planned development, and site plan approval. The Department may conduct studies it deems appropriate in performing these functions.

The Zoning Administrator shall issue zoning permits, receive, file, and forward to the Board all applications for variances or other matters, on which the Board is required to act. The Zoning Administrator enforces the provisions of this article and makes such inspections as are necessary and appropriate to perform that function.

The Building Department is authorized to require and circulate for approval to other departments site plans that are not specified to be approved by the Commission, as the Building Official deems appropriate when a building permit is being requested. The Building Official is authorized to issue certificates of occupancy and building permits.

[Ord. No. 95-O-48 §2, 09-14-95; Ord. No. 99-O-66 §5, 05-24-00; Ord. No. 05-O-79 §1, 12-15-05]

SECTION 4. COMPREHENSIVE PLAN AND PROCEDURE.

(A) *Authority.* The Planning Department has the authority to prepare and recommend a comprehensive plan.

(B) *Purpose and definition*. Comprehensive plan shall mean and shall include statements of policies and goals with respect to the future development of all or any part of the City and shall contain one or more of the following elements: land use, transportation, public facilities, housing, economic development, and budget elements, and any data and studies relating thereto. Plans for defined geographical areas of the City such as planning districts, neighborhoods, and any of the elements of the comprehensive

plan, such as the Murfreesboro Major Thoroughfare Plan as adopted and as may be amended from time to time, shall be considered a part of the comprehensive plan.

(C) *Effect.* A comprehensive plan shall be considered an advisory document to be used by the City Council, administrative agencies, departments, and personnel responsible for the administration of this article.

(D) *Procedure for development, adoption, and amendment.* The comprehensive plan shall be developed, adopted, and amended as follows:

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

(2) *Adoption of plan*.

(a) The Department or Commission may hold public hearings on all or any portion of a proposed comprehensive plan. The Department shall forward it to the Council, which shall hold a public hearing thereon.

(b) At the completion of said public hearing, the legislative body shall, by majority vote, adopt, modify or reject the proposed comprehensive plan or any part of it. In the event the Council shall reject all or any part of the proposed comprehensive plan, it shall return the part that is rejected to the Commission for modification or amendment.

(3) *Amendment of plan.* The comprehensive plan or any portion of it may be amended in the same way it is adopted.

[Ord. No. 05-O-79 §1, 12-15-05; Ord. No. 09-O-16 §5, 06-04-09]

SECTION 5. ZONING PERMITS AND CERTIFICATES OF OCCUPANCY.

(A) *Authority.* The Zoning Administrator shall have the authority to issue zoning permits in accordance with the provisions of this article. The Building Official shall have the authority to issue certificates of occupancy in accordance with the provisions of this article and the Building Code.

(B) *Purpose.* Zoning permits are required to ensure that buildings are occupied and land used in compliance with this article. Certificates of occupancy are required to ensure that completed structures, additions or improvements are in compliance with any site plans or special approvals for such structures and developments and the Building Code.

(C) *Procedure.*

(1) *Issuance*.

(a) *Zoning permit*.

[1] A written statement from the Zoning Administrator to the person indicating that the described use is permitted and in compliance with the provisions of this article, or

[2] The Zoning Administrator may initial the building permit application indicating that the proposed use of the new, remodeled or rehabilitated building as stated is in compliance with the provisions of this article.

(b) *Certificate of occupancy*. Every application for a building permit shall be deemed to be an application for a certificate of occupancy. Certificates of occupancy may be issued by the Building Official when the development or structure has satisfied the requirements of this Appendix A, the applicable Building Codes, Chapter 29 of the City Code, the Subdivision Regulations, the Murfreesboro Water and Sewer Department Policies, Procedures and General Design Requirements and all other requirements of all utility providers. A final inspection shall be made to determine that the necessary regulations have been satisfied.

(2) *When issuance denied*.

(a) *Zoning permit.* The Zoning Administrator shall inform the person by verbal or written communication with an explanation of what would be necessary for such an approval.

(b) *Certificate of occupancy*. The Building Official shall by verbal or written communication inform the applicant within two days after the final inspection the specific reasons why the certificate of occupancy may not be issued.

(3) *Temporary certificates of occupancy*. The Building Official may issue a temporary certificate of occupancy if a structure is not yet completed or is a temporary structure for a specific purpose but is determined to be safe and habitable and in conformance with this article by the Building Official, provided that such temporary permit shall not be effective for a time period in excess of six months.

[Ord No. 10-O-04 §3, 03-04-10]

SECTION 6. AMENDMENTS.

(A) *Authority.* The City Council shall have the authority to enact amendments to the text or map of the zoning ordinance in accordance with the provisions of this section.

(B) *Type and purpose.* The purpose of an amendment is to reclassify land or to change the text of this article.

(C) *Guidelines for decision*. In determining whether to grant a requested amendment, the Council shall consider, among other things, the provisions of the comprehensive plan.

(D) *Initiation*. An amendment may be initiated by the Council, the Planning Department, the Planning Commission, or an owner or person(s) having a contractual interest in property to be affected by a proposed amendment.

(E) (1) *Procedure for Amendments to the Text of the Zoning Ordinance:*

(a) The Council or Commission may propose amendments to the text of the zoning ordinance by forwarding a proposal, which may set forth the purpose and reason for such proposed amendment, to the Department.

(b) The Department may make written proposals for amendments to the text of the zoning ordinance, which may set forth the purpose and reason for such proposed amendment.

(c) Within a reasonable period of time after the Council, the Commission, or the Department has recommended an amendment to the text of the zoning ordinance, the Commission shall hold a public hearing thereon. Written notice of such public hearing shall be published in a local newspaper of general circulation.

(d) Within two months of the conclusion of the public hearing, the Commission shall prepare a recommendation on the proposed amendment for the Council. A recommendation by the Commission shall be for approval or disapproval. The Commission may recommend variations to the text from that advertised provided the changes do not materially change the amendment.

(e) The Department shall forward the recommendation of the Commission, and the Department's recommendations if different from the Commission's, to the Council within ten days from the date of the Commission's action.

(f) The Council shall hold a public hearing on such proposed amendment after receipt of the recommendations of the Commission. Notice of any public hearing shall be published in a local newspaper of general circulation stating the date, time, and place of the hearing not more than thirty days nor less than fifteen days before such public hearing.

(2) *Procedure for Amendments to the Zoning Map excluding Planned Developments*.

(a) The Council or Commission may propose amendment of the map of the zoning ordinance to the Department for action in accordance with this section.

(b) The Department may make proposals for amendment of the map of the zoning ordinance for action in accordance with this section.

(c) An owner or other person having a contractual interest in property may file an application with the Department, which application shall be accompanied by a nonrefundable fee established from time to time by the Council, and which shall contain the following information:

[1] name, address, and telephone number of the applicant;

[2] if different from the applicant, the name, address, and telephone number of the owner(s) of the property for which a zoning district amendment is requested;

[3] a property tax map, group and parcel number for each parcel proposed to be reclassified;

[4] the present zoning classification(s) of the land proposed to be reclassified and the requested zoning classification(s);

[5] the acreage and current use of the land proposed to be reclassified; and,

[6] an explanation of the applicant's purpose for making the application.

(d) Not less than fifteen nor more than seventy-five days after an application has been filed, or the Council or the Department has recommended an amendment to the zoning map, the Commission shall hold a public hearing thereon. 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.

(e) After the conclusion of the public hearing, the Commission shall prepare a recommendation for the Council. Provided, however, the Commission may defer action for not more than two months, or for a greater period of time if the applicant so requests. A recommendation by the Commission shall be for approval or disapproval. The Commission may recommend a zoning classification not requested and which is not advertised provided the alternatively recommended classification is for a residential classification of lesser density or a commercial or industrial classification of lesser intensity than that which was advertised.

(f) The Department shall forward the recommendation of the Commission and the Department's recommendations, if different from the Commission's, to the Council within ten days from the date of the Commission's action.

(g) The Council shall hold a public hearing on such proposed amendment after the receipt of the recommendations of the Commission. Notice of any public hearing shall be published in a local newspaper of general circulation stating the date, time, and place of the hearing not more than thirty days nor less than fifteen days before such public hearing. In addition, a sign shall be maintained on the subject property by the applicant which meets with the size and content requirements 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.

(3) *Procedure for Amendments to the Zoning Map for Planned Developments*.
The procedure for amendments to the zoning map for planned developments shall be as provided in Section 13 of this article.

(F) *Required vote.* A favorable vote by a majority of the entire membership of the Council shall be required if the proposed amendment has been disapproved by the Commission, otherwise, the Council may approve or reject a proposed amendment by a majority vote. If a protest against a proposed amendment is presented in writing to the City Recorder, within ten days from the date of publication in a local newspaper of general circulation, duly signed and acknowledged by owners of twenty percent (20%) or more of any frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately in the rear thereof, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered, such amendment shall not be passed except by a two-thirds (2/3) vote of the Council.

(G) *Reapplication when denied.* If an application for an amendment to the zoning ordinance or zoning map is denied by the Council or is withdrawn by the applicant after a first reading of the proposed ordinance by the Council, a reapplication pertaining to the same property and requesting the same amendment may not be filed within eighteen months of the date final action was taken on the previous application or the date it was withdrawn unless such reapplication is initiated by the Department, Commission or authorized by the Council. An applicant may not withdraw the application after the notice of public hearing before the Council has been published in the local newspaper, without the permission of the Mayor and Council.

[Ord. No. 85-4 §1, 01-03-85; Ord. No. 88-57 §1, 11-17-88; Ord. No. 89-22 §§1, 2, 05-25-89; Ord. No. 95-O-48 §§3, 4, 09-14-95; Ord. No. 96-O-63 §1, 10-10-96]

SECTION 7. SITE PLAN REVIEW.

(A) *Authority*. The City Council shall have the authority to grant site plan approval concurrent with its action on planned developments in accordance with the provisions of Section 13 of this article.

The Planning Commission shall have the authority to grant site plan approval for specified commercial, industrial, and residential developments.

The Board of Zoning Appeals shall have the authority to grant site plan approval concurrent with its action on special exception uses in accordance with the provisions outlined in Sections 8 and 9 for specified uses as set forth in Chart 1.

The Building Official shall have the authority to grant administrative site plan approval concurrent with approval of building permit applications.

(B) *Purpose.* Site plan review assures that careful attention is given in site design to compliance with City codes, ordinances, policies, procedures, and resolutions related to land development and building construction.

(C) *Initiation*. An application for site plan approval may be initiated by the owner or other person having a contractual interest in the property for which site plan approval is requested or by the authorized agent of such owner or other person.

(D) *Site plans required*.

(1) Council site plan review and approval shall be required for planned developments in accordance with the provisions of Section 13 of this article.

(2) Commission site plan review and approval shall be required for the following:

(a) residential buildings containing five or more dwelling units;

(b) multiple main buildings proposed on a single lot;

(c) commercial, industrial, institutional, medical, or multi-family developments of one or more acres;

(d) structures greater than five thousand square feet in total area;

(e) residential developments with zero-side yards;

(f) mobile home parks and subdivisions in accordance with the provisions for such developments as outlined in Section 19 of this article; and,

(g) commercial, industrial, institutional, medical, or multiple-family developments of any size located within the GDO District.

(3) BZA site plan review and approval shall be required for special permitted uses in accordance with the provisions of Sections 8 and 9 of this article.

(4) Administrative site plan review and approval shall be required for the following applications regardless of any approval by any other body as provided in this article:

(a) all applications for building permits for new construction or enlargement of commercial, multi-family, or industrial developments;

(b) all applications for building permits involving a change of occupancy or any addition that will increase the need for parking as defined by this article;

(c) additions to residential structures that will increase density;

(d) all applications for building permits for construction or alteration of structures located within areas of special flood hazard in accordance with the requirements of Section 34. Floodplain Zoning of this article (Appendix A – Zoning); and

(e) all applications for building permits for new construction or enlargement of two-family, three-family, and four family structures.

(E) *Application.*

(1) The requirements and procedures for applications for site plan approval for special permit uses and planned developments are set forth in Sections 8, 9, and 13 of this article.

(2) Applications for Commission site plan approvals shall be filed with the Planning Director, and be accompanied by a nonrefundable fee established from time to time by the City Council and shall contain the following:

(a) the name, address, telephone number and facsimile number of the applicant;

(b) if different from the applicant, the name, address and telephone number of the owner or other persons having ownership and/or contractual interest in the property for which site plan approval is requested;

(c) the proposed use of the property; and,

(d) the site plan which shall be drawn at a scale to allow adequate review. Site plans for development of less than one hundred fifty acres shall be at a scale of not less than one hundred feet to the inch. For developments between one hundred fifty and one thousand acres, site plans shall be drawn at a scale of not less than two hundred feet to the inch. For developments exceeding one thousand acres, the scale shall be determined by the Planning Director but not larger than three hundred feet to the inch. The site plan shall be submitted on sheets measuring 18”x24” or 24”x36” and if more than one sheet is used, they shall be numbered in sequence. All applicable items on the following check list shall be depicted on the site plan. A copy of the checklist shall accompany the application for site plan review with items included on the site plan checked and items not included identified as “N/A” (not applicable). Items that are applicable but absent from the site plan shall be left blank.

CITY OF MURFREESBORO
PLANNING COMMISSION SITE PLAN REVIEW CHECKLIST

A. GENERAL SITE PLAN:

_____(1) the proposed site plan name and subdivision lot number if the property is part of an approved subdivision;
_____(2) the name, address, and telephone number of the person who prepared the site plan;
_____(3) a brief description and the date of all revisions with revisions noted and/or identified on the plan;
_____(4) the location of existing and proposed property lines with dimensions noted;
_____ (5) north direction;
_____ (6) graphic or bar scale;
_____ (7) names of adjoining property owners and/or subdivisions;
_____ (8) the acreage of the land to be developed;
_____ (9) the map, group, and parcel numbers for the property as recorded on the land tax maps of Rutherford County;
_____(10) a legend of symbols and line types used on the site plan;
_____(11) the minimum building setback lines as per Chart 2 of this article including the footnotes contained therein;
_____(12) public utility easements;
_____(13) denotation of all easements upon the land;
_____(14) the existing and proposed elevation contours at a vertical interval of two feet based on sea level with existing contours shown as dashed lines and proposed grading contours shown in solid lines;
_____(15) a location sketch map depicting the relationship of the site to the surrounding area including the adjoining streets and affected drainage basin;
_____(16) the location and arrangement of proposed structures;
_____(17) height of proposed structures in stories and feet;
_____(18) the square footage of all proposed structures;
_____(19) the location of railroads upon or adjoining the site;
_____(20) the location of cemeteries upon the development tract;
_____(21) phase lines;
_____(22) proposed fences with type of construction materials noted (i.e., chain link, wood, masonry);

B. ZONING:

_____(1) the present and proposed zoning classification(s) of the land proposed for development;
_____(2) the zoning classification(s) of adjoining land;
_____(3) overlay districts such as airport zones, flood zones, battlefield protection districts, gateway design overlay districts, and historic districts;
_____(4) a table of the required minimum setbacks as per Chart 2 of this article

including the footnotes contained therein;

_____(5) the proposed use for the subject property;

C. ACCESS, CIRCULATION, AND PARKING:

_____(1) adjoining public right(s)-of-way(s) with centerlines, medians, median openings and traffic lanes noted;

_____(2) the location of streets and driveways that intersect the adjoining public right(s)-of-way(s) adjacent to or across from the development tract;

_____(3) the name of adjoining public rights(s)-of-way(s) and designation as a state highway or local city street;

_____(4) classification of proposed and existing streets according to the Murfreesboro Major Thoroughfare Plan as adopted and as it may be amended from time to time;

_____(5) the location and dimensions of existing and proposed driveways and curb cuts;

_____(6) curbs;

_____(7) proposed median openings;

_____(8) proposed and existing sidewalks both on-site and within the adjoining public right(s)-of-way(s);

_____(9) slope and gradient of proposed streets and driveways;

_____(10) the location of all proposed and required parking and loading areas in accordance with Section 26 of this article;

_____(11) the location and dimensions of parking spaces;

_____(12) the location and dimensions of loading spaces;

_____(13) the location and dimensions of access aisles;

_____(14) a traffic control plan for work to be done within the public right(s)-of-way(s);

_____(15) parking calculations indicating the number of required spaces and the number of provided spaces;

D. FLOODING AND DRAINAGE:

_____(1) the limits of special flood hazard areas including the floodway and 100 year flood line;

_____(2) the minimum floor elevation(s) and the minimum pad elevation(s);

_____(3) the regulatory flood protection elevation according to the flood maps or flood studies as required and in accordance with Section 34 Floodplain Zoning of this article;

_____(4) the Flood Insurance Rate Map community and panel numbers, effective date, and flood zones of the subject property;

_____(5) the location of water courses upon or adjoining the development tract and any associated WQPAs (Water Quality Protection Areas) in accordance with Section 29 ½ of the Murfreesboro City Code;

_____(6) proposed drainage retention or detention areas with engineered stamped calculations;

_____(7) the location and invert elevations of proposed and existing bridges, culverts, drainage ditches, drainage swales, drain pipes and other drainage structures and storm drainage flow arrows;

_____(8) drainage calculation summary for all drainage structures included above and the square footage of all impervious areas (eg. building footprint, sidewalks, parking areas);

_____(9) high points, depressions, and significant spot elevations;

_____(10) the location and limits of all stormwater quality elements, areas, or structures;

_____(11) the location of all stormwater outfalls and discharge locations;

E. UTILITIES:

_____(1) the location, size, and direction of flow of existing and proposed sanitary sewers;

_____(2) profiles of proposed and inverts of existing sanitary sewers;

_____(3) the location and size of existing and proposed water mains;

_____(4) the location of existing and proposed fire hydrants;

_____(5) the location of gas lines;

_____(6) the location of overhead and underground utility lines, including electric, telephone, and cable television lines;

_____(7) the location and size of water meter connections;

_____(8) the location, size and blocking for valves and fittings for main line water lines;

_____(9) the location and size of sanitary sewer connections and clean-outs;

_____(10) the location of back-flow preventers;

_____(11) the location and size of reuse water lines and systems;

_____(12) where sanitary sewer is not available, the following:
(i) areas to be used for sewage disposal and their percolation results, or if the Planning Commission desires, any other acceptable data to show that the site can be served effectively by septic tanks;
(ii) water wells (existing and proposed); and
(iii) rock outcroppings, marshes, springs, sinkholes, natural storm drains, and other outstanding topographical features;

_____(13) the following general notes:
(i) main line water and sewer taps will be made by the Murfreesboro Water and Sewer Department;
(ii) the owner/developer, for budget purposes, should check with the Murfreesboro Water and Sewer Department for connection fees which may be substantial; and,
(iii) contractors for water and sewer work must be approved by the Murfreesboro Water and Sewer Department;

F. MULTI-FAMILY AND ZERO-LOT LINE DEVELOPMENTS:

_____(1) floor area ratio, total floor area, total square feet of ground area coverage;

_____(2) a tabulation of the number and size of dwelling units broken down by the number of bedrooms in each dwelling unit;

_____(3) reserved;

_____(4) information to support an application for amenity incentives as provided in section 14A of this article;

_____(5) the building footprints and legal building envelope of all lots in a zero-lot line development;

_____(6) the projected location of future lot lines to be established after construction has begun of all zero-lot line structures;

_____(7) the proposed location for elements of solid waste management including the locations of enclosures for garbage containers, dumpsters, or compactors and the location of screening for these site elements;

_____(8) a density calculation indicating the number of units and number of units per acre proposed;

_____(9) information to support City provided solid waste collection services (eg. location of dwelling entrances, container storage locations, street width, corner turn radiuses)

G. LANDSCAPING AND SCREENING:

_____(1) a separate landscape plan and checklist as required by Section 27 of this article;

H. CONSTRUCTION PHASE:

_____(1) the location and description of temporary signage, construction trailers, construction materials and equipment storage area(s), construction access location, and construction employee and visitor parking;

_____(2) temporary ditches, dikes, vegetation and/or mulching to be used to protect exposed areas during development or construction;

_____(3) sediment basins (debris basins, de-silting basins or silt traps) to be installed and maintained to remove sediment from runoff waters during development;

_____(4) temporary mulching or grassing to be used to control erosion during the construction project;

_____(5) temporary topsoil storage areas;

_____(6) construction track-out drives;

_____(7) erosion prevention and sediment control (EPSC) plan demonstration elements necessary to maintain adequate erosion prevention and sediment control;

_____(8) the location and site of all temporary and permanent erosion prevention and sediment control measures;

_____(9) construction phasing and implementation plan indicating the proposed progression of work from initial activities to completion;

_____(10) site access restriction elements such as temporary fences;

_____(11) temporary construction debris and waste management location such as portable waste containers, concrete washout areas and portable toilets;

I. PUBLIC STREET IMPROVEMENTS:

_____(1) separate plan sheets for any public street improvements in accordance with the Subdivision Regulations and Standard Street Specifications;
_____(2) any applicable streetscape elements, e.g. Medical Center Parkway Streetscape;
_____(3) sidewalk and pedestrian access elements which shall meet accessibility requirements;
_____(4) existing and proposed roadway drainage elements;
_____(5) existing and proposed traffic control devices and pavement markings;

J. STANDARD NOTES:

_____(1) The following standard note shall appear on all site plans: "In accordance with TCA Section 7-59-310(b)(1), Competitive Cable and Video Services Act, in cases of new construction or property development where utilities are to be placed underground, the developer or property owner shall give all providers of cable or video serving the City of Murfreesboro dates on which open trenching will be available for the providers' installation of conduit, pedestals or vaults, and laterals, referred to as "equipment," to be provided at each such providers' expense."
_____(2) The following standard note shall appear on all site plans: "All signage, including flags and flagpoles, is subject to independent review by the Building and Codes Department. All signage must conform to their requirements and require separate sign permits."
_____(3) The following standard note shall appear on all site plans: "A Land Disturbance Permit may be required. Determination whether a Land Disturbance Permit is required shall be made by the City Engineer. A separate Land Disturbance Permit application shall be made with the office of the City Engineer for review and upon approval for issuance of a Land Disturbance Permit."
_____(4) The following standard note shall appear on all site plans: "For all developments of more than one acre, a State of Tennessee Construction General Permit is required. Evidence of this permit must be provided to the office of the City Engineer prior to construction commencement."
_____(5) For any work proposed in the public right-of-way, the following note should be added to the plans: "Contractor to coordinate with the Traffic Engineer in the City Transportation Department prior to commencement of work in this area to avoid damage to traffic signal devices."
_____(6) The following standard note shall appear on all site plans with frontage along a state highway: "A TDOT permit may be required. Evidence of TDOT approval is required prior to the issuance of any building permits."

_____(7) The following standard note shall appear on all site plans that are not exempt from providing a Stormwater Management Plan: "A Stormwater Management Plan demonstrating that the site provides for treatment of the water quality volume and provides for management of the streambank protection volume must be provided."

_____(8) The following standard note shall appear on all site plans: "An Engineers Certification of the construction of the stormwater management facilities must be provided to the City Engineer prior to issuance certificate of occupancy."

_____(9) The following standard note shall appear on all site plans: "A Stormwater Fee Credit Application must be submitted prior to the issuance of a building permit."

_____(10) The following standard note shall appear on all site plans: "A Stormwater Facilities Operation and Maintenance Plan and a Stormwater Facilities Maintenance Agreement must be submitted prior to issuance of a building permit."

_____(11) The following standard note shall appear on all site plans: "The Stormwater Facilities Maintenance Agreement must be recorded prior to certificate of occupancy."

K. OTHER:

_____(1) the location and arrangement of all outdoor lighting in accordance with Section 18, 21, and/or 24 of this article;

_____(2) for proposed flagpole(s), the flagpole(s) must be located on the site plan along with the maximum proposed pole height, the maximum proposed flag square footage, and the foundation design. The set back requirements for flagpole(s) are established in the Sign Ordinance;

_____(3) the proposed location for elements of solid waste management including the locations of enclosures for garbage containers, dumpsters, or compactors and the location of screening for these site elements;

_____(4) preliminary architectural elevations for all proposed buildings with final architectural elevations to be submitted prior to issuance of building permits;

_____(5) any other information necessary for the Planning Commission and Planning Director to adequately review the site plan;

_____(6) handicap accessibility elements such as parking stalls, handicap ramps, tactile warning strips, etc.

(3) Applications for administrative site plan review shall be filed with the Building Official, shall be accompanied by a nonrefundable fee established from time to time by the City Council, and shall contain the following:

(a) for all applications for building permits for new construction or enlargement of commercial, multi-family, or industrial developments the same information shall

be supplied as required for Planning Commission site plan review as provided in subsection (E)(2) above;

(b) for all applications for building permits involving a material change of use, any addition or use that will increase the need for parking as defined by this article, and additions to residential structures that will increase density by adding more dwelling units than previously shown on approved site plans, the applicant shall supply information sufficient for the Building Official to determine compliance with this article or any other ordinance or resolution regulating land development within the City; and,

(c) for all applications for building permits for construction or alteration of structures located within areas of special flood hazard the applicant shall supply information sufficient for the Building Official and Administrator to determine compliance with Section 34, Floodplain Zoning of this article including the limits of floodway and other special flood hazard areas, the associated regulatory flood elevation(s), and the regulatory flood protection elevation, as determined according to flood maps or flood studies as required and in accordance with Section 34 of this article including the Flood Insurance Rate Map panel number, date, and flood zones of the subject property.

(F) *Criteria for Planning Commission site plan review*. The Planning Commission shall approve site plans if the Commission finds them in compliance with this article, the Subdivision Regulations, and any other ordinance or resolution regulating land development in the City, provided however, that where multi-family, industrial, institutional or commercial developments are proposed adjacent to existing single-family developments, or within or adjacent to areas of special flood hazard, or along major thoroughfares or sub-standard streets, or the character of the proposed development and the adjacent property reasonably require same, the Commission shall have authority to require any or all of the following in an amount or to an extent other than as required by any ordinance, resolution, the Subdivision Regulations or the Policies, Procedures & General Design Requirements of the Water and Sewer Department:

(1) that the developer additionally buffer, arrange structures, or meet other conditions of approval in order to mitigate any adverse impact that might affect the adjacent homes or area;

(2) that retention / detention facilities be provided to reduce the amount of run-off created by the development;

(3) that access requirements are met or that existing streets be widened, curbed and guttered;

(4) that sidewalks be provided; or

(5) that off-site drainage or street improvements be constructed.

The Commission shall approve, conditionally approve, conditionally disapprove pending submission of additional information, or disapprove with stated reasons, the site plan application within sixty-five days of the date that the application for site plan review was filed with the Planning Director. The Commission may defer action in order to allow the applicant to prepare special studies of the impact the proposed development will have upon traffic conditions of adjacent roadways or drainage

conditions in the City's drainage system. Failure by an applicant to provide complete and accurate information may be grounds for deferral or disapproval.

(G) *Procedure for administrative site plan review.* The Building Official or designee shall approve, subject to conditions, or disapprove administrative site plans within fourteen days of their receipt. The Building Official shall mail written notice of the decision to the applicant, along with reasons for the decision.

(H) *Appeal of administrative site plan review.* An applicant may appeal the Building Official's decision, or the conditions imposed by the Building Official, to the Board of Zoning Appeals by filing a written notice of appeal with the Zoning Administrator within ninety days of the Building Official's decision. The procedures for appeal of administrative decisions are set forth in Section 12 of this article. Three days shall be allowed for notice by mail to the applicant, unless by certified return receipt mail, in which case the date of actual receipt shall be used.

(I) *Effect of site plan approval*. Approval of a site plan shall permit the applicant to apply for any other permits and approvals including, but not limited to, those permits and approvals required by this article, the Subdivision Regulations and the Building Code. Administrative site plan approval shall be required regardless of prior site plan approval by the Council, Commission, or BZA, provided the Building Official shall note the conditions of approval from these other review bodies upon any building permit issued and shall require compliance with the same prior to the issuance of the certificate of occupancy.

(J) *Period of validity*. Commission site plan approvals are valid for eighteen months, after which if construction has not begun the site plan approval will not be valid.

(K) *Amendments.*

(1) *Substantial deviations.* If a proposed amendment to a site plan deviates substantially from the approved site plan such approved site plan shall be amended in accordance with the procedure and standards which would govern its approval if initially filed at this time. Such substantial deviations include the following:

(a) a one percent (1%) or greater increase in floor area or number of units;

(b) a two percent (2%) or greater decrease in parking spaces, open space or livability space; and,

(c) the relocation of any structure, dedicated street, easement or landscape screen in any direction from the location shown on the site plan for the distances specified below based on the size of the development:

[1] five feet or more for site plans of eight acres or less;

[2] ten feet or more for site plans of eight acres but less than twenty acres; and,

[3] fifteen feet for site plans of twenty acres or more.

(2) *Minor deviations*. If a proposed amendment to a site plan represents only a minor deviation from the approved site plan, the applicant shall file a written application for such amendment with the Planning Director who shall act upon such application within ten working days of its receipt. Such minor deviations include, but are not limited to the following:

(a) a less than one percent (1%) increase, or any decrease in the floor area or number of units, provided that the maximum floor area ratio or gross dwelling-

unit density per acre, as regulated in Chart 2 for the zoning district in which the subject property for which a site plan has been submitted, is not exceeded;

(b) a less than two percent (2%) decrease in parking spaces, open space or livability space;

(c) the relocation of any structure, dedicated street, easement, or landscape screen in any direction from the location shown on the site plan for the distances specified below based on the size of the development:

[1] less than five feet for site plans of eight or less acres;

[2] less than ten feet for site plans of eight acres but less than twenty acres; and,

[3] less than fifteen feet for site plans of twenty acres or more; and,

(d) the correction of drafting errors on the approved site plan.

(L) *As built survey may be required.*

(1) The Commission and/or the Council may require that an as built survey be provided before a certificate of occupancy can be issued or performance bonds or letters of credit can be released.

The reviewing body may request an as built survey for any site plan that it has authority to review.

(2) The as built survey shall be prepared or certified by a registered engineer giving the location and elevations of all improvements including buildings, drainage facilities, driveway access, landscaping and other improvements.

The Planning Director shall review and compare the as built survey with the approved site plan and notify the developer within ten working days as to the development's compliance with the approved site plan.

(3) The Planning Director may approve minor deviations as defined in this article. If a deviation is not minor or if the as built survey shows the development is not in compliance with the provisions of this article, and/or the approved site plan for the development, it shall be forwarded to the appropriate reviewing body by the Director. The reviewing body may then approve, conditionally approve or disapprove the deviations from the approved site plan. The reviewing body shall, within sixty days of receipt, take action on this matter.

If the as built survey shows the development is in compliance, then the certificate of occupancy may be issued and the performance bond or letter of credit may be released provided it is not posted for additional purposes of assurance.

(M) *Letter of credit or performance bond may be required*. The reviewing body may require that the developer provide a letter of credit or performance bond for certain improvements such as landscaping, buffering, street improvements, and/or drainage facilities that are a part of the approved site plan.

[Ord. No. 95-O-48 §5, 09-14-95; Ord. No. 96-O-21 §1, 04-18-96; Ord. No. 99-O-66 §17, 05-24-00; Ord. No. 03-O-53 §1, 01-08-04; Ord. No. 04-O-68 §1, 12-16-04; Ord. No. 05-O-79 §§1, 3, 4, 12-15-05; Ord. No. 07-O-40, 11-08-07; Ord. No. 08-O-17 §34, 06-05-08; Ord. No. 09-O-16 §§7-10, 06-04-09; Ord. No. 10-O-

04 §§4-5, 03-04-10; Ord. No. 10-O-07 §1, 03-25-10; Ord. No. 12-O-34 §1, 12-20-12; Ord. No. 15-O-11 §1, 03-12-15]

SECTION 8. PROCEDURE FOR USES REQUIRING SPECIAL PERMITS.

(A) *Authority*. The Board of Zoning Appeals shall have the authority to grant special use permits for specified uses set forth on Chart 1 of this article in accordance with the provisions of this article.

(B) *Purpose.* Special use permits are required for specified uses which must satisfy standards in addition to those generally applicable in a zoning district to eliminate or minimize the potentially harmful characteristics or impact of such special uses on the character of the zoning district in which they will be located.

(C) *Initiation.* The owner or other person who has contractual interest in the property which is the site of the proposed special use, City Council, Planning Commission or Planning Department may initiate a request of a special use permit.

(D) *Procedure.*

(1) The owner or other person having a contractual interest in the property which is the site of the proposed special use shall file an application for a special use permit with the Zoning Administrator, which application shall be accompanied by a nonrefundable fee established from time to time by the Council and shall contain the following information:

(a) name, address, and telephone number of the applicant;

(b) nature and extent of the applicant's ownership interest in the property which is the site of the proposed special use;

(c) a site plan of the site of the proposed special use drawn at a scale to allow adequate review. Site plans for developments of less than one hundred fifty acres will be at a scale of not less than one hundred feet to the inch. For development between one hundred fifty and one thousand acres, site plans will be at least two hundred feet to the inch. Site plans shall contain the following information:

[1] property boundary lines and dimensions, available utilities, and easements, roadways, rail lines and public rights-of-way crossing and/or adjacent to the subject property;

[2] the proposed height, dimensions and arrangement of buildings on a site;

[3] the type and location of landscaping proposed for the site;

[4] the location of points of ingress to and egress from the site;

[5] the location of existing and proposed driveways, parking lots, and loading areas;

[6] any proposed regrading of the site and any topographical or physical features of the site including watercourses.

(d) address of the site of the proposed special use;

(e) unless modified less restrictively by the Department, a vicinity map showing the property which is the site of the proposed special use and all parcels of property within a five hundred-foot radius. Such vicinity maps shall show any and all

streets, roads, or alleys and shall indicate the owner's name and dimensions of each parcel of property shown;

(f) zoning classification of the property which is the site of the proposed special use;

(g) the proposed special use to be located on such property with a description of the manner in which the special use will be conducted or operated, including, but not limited to, the following:

[1] the hours and days of operation;

[2] the duration of the proposed special use;

[3] the number of expected customers, patrons, clients, or patients that will be expected to utilize any proposed facility or participate in any program connected with the proposed special use; and,

[4] the projected traffic that will be expected to be generated by the proposed special use;

(h) the potentially harmful characteristics of the proposed special use for the zoning district in which it is proposed to be located and the manner in which the applicant proposes to eliminate or minimize them.

(2) Not more than forty-five days after an application for a special use permit is filed, the BZA shall hold a public hearing thereon. Written notice of such public hearing shall be published in a newspaper of general circulation in this community. In addition, a sign shall be posted and maintained on the subject property by the applicant which conforms to the size and content requirements of the BZA, 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 special use permit. The BZA may approve, disapprove, or approve subject to conditions after deliberations of the proposed special use application. The BZA may take the matter under advisement or defer decision until the next regular meeting or special called meeting.

The heretofore described notification requirements shall not be required for applications for family violence shelters when the applicant can demonstrate to the Planning Director that there is a compelling need for confidentiality of location and that by advertising in the previously described manner the personal safety of the potential inhabitants of the proposed family violence shelter would be threatened. In this event the Director shall advise the BZA in writing that the notification requirements are to be waived.

(3) Additionally, an owner or other person having a contractual interest in a property which is the site of a proposed special use may, with the approval of the Planning Staff, submit an application requesting a preliminary special use permit if some of the information required under subsection (1) will not be available at the time the application is heard by the BZA. It is the purpose of this provision to enable an applicant for a special use permit to learn if there appear to be fundamental difficulties with the proposed special use at the proposed site before the applicant expends the time and funds necessary to develop all the information required by subsection (1). The BZA may grant a preliminary conditional special use permit if the application contains sufficient information for the BZA to reasonably conclude

that the property has the capacity to meet the general and specific standards for the proposed special use set forth in Section 9. The granting of a preliminary conditional special use permit does not grant the applicant any vested rights, or the privileges set forth in subsection (E), nor does it entitle the applicant to a special use permit. A special use permit may be issued to an applicant who has received a preliminary special use permit only after the procedures described in subsections (1) and (2) have been fully complied with and the BZA has approved the special use application. The time limitation on reapplication in subsection (H) does not apply to applications for a preliminary conditional special use permit.

(E) *Effect of issuance of special use permit*. The issuance of a special permit shall not allow the development of the site for the special use, but shall merely authorize the filing of applications for required permits and approvals, including, but not limited to, building permits and certificates of occupancy.

(F) *Assurance of compliance with conditions.* The Building Official shall not issue a certificate of occupancy for a special use if any of the conditions, imposed by the BZA in approving the special use permit, have not been met.

(G) *Amendments to special permits.* A special use permit may be amended pursuant to the same procedure and in accordance with the same standards which governed its grant.

(H) *Reapplication if denied*. If an application for a special use permit is denied by the BZA, a reapplication pertaining to the same property and requesting the same special use permit may not be filed within eighteen months of the date final action was taken on the previous application unless such reapplication is initiated by the Department or authorized by the BZA.

[Ord. No. 89-22 §3, 05-25-89; Ord. No. 93-O-45 §§1–7, 09-16-93; Ord. No. 93-O-53 §10, 01-13-94; Ord. No. 98-O-23 §1, 06-04-98; Ord. No. 05-O-79 §1, 12-15-05]

Section 9. Standards for Special Permit Uses.

(A) *Authority.* The Board of Zoning Appeals is authorized to grant special use permits for the uses specified on Chart 1 in accordance with the procedure for the issuance of such permits set forth in Section 8 of this article.

(B) *Conditions on special uses.* The BZA may impose such conditions upon the premises benefited by a permit for a special use as may be necessary to prevent or minimize any adverse effects of such special use upon and to ensure the compatibility of the special use with other property in the vicinity of such special use. These conditions may be in addition to the minimum standards for special permit uses specified in subsection (D)(2). Such conditions shall be set forth in the resolution authorizing such special permit use and in the special use permit. A violation of such conditions shall be a violation of this article. The BZA is authorized to revoke a permit for a special use when the conditions imposed upon the premises benefited by a permit for a special permit use have been violated or have not been met.

(C) *Standards of general applicability*. An applicant for a special permit shall present evidence at the public hearing on such special permit, which evidence must establish:

(1) that the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare;

(2) that the proposed building or use will be constructed, arranged, and operated so as to be compatible with the immediate vicinity and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations;

(3) that the proposed buildings or use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services;

(4) that the proposed building or use will not result in the destruction, loss, or damage of any feature determined by the BZA to be of significant natural, scenic, or historic importance; and,

(5) that the proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use.

(D) *Authorized special uses and additional standards*.

(1) The special permit uses specified on Chart 1 of this article shall be allowed in the districts indicated on said Chart 1 subject to the issuance of special permits therefor.

(2) The following special permit uses shall be allowed in the districts indicated on Chart 1 of this article subject to the issuance of special permits therefor and subject to the following minimum standards which shall apply in addition to the general standards applicable to special permit uses set forth in subsection (C) hereof:

(a) *Accessory apartments shall be subject to the following standards:*

[1] only one accessory apartment shall be allowed upon a lot zoned for single family purposes;

[2] except for bona fide temporary absences, the owner(s) of the residence or lot upon or in which the accessory unit is created shall occupy at least one of the dwelling units on the premises and members of the family or their invited guests shall occupy the other dwelling unit. In no event shall either of the units be used as a rental unit to non-family members;

[3] 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;

[4] 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 or approval of the special permit lapses;

[5] the design and size of the accessory apartment shall conform to all applicable standards in the health, building, and other codes;

[6] the accessory apartment shall not exceed seven hundred square feet of floor area;

[7] the BZA may condition approval upon the special use permit lapsing at such time as the ownership of the property is transferred; and,

[8] the BZA may require additional standards be met in order to assure compatibility of the proposed use with adjoining properties and to maintain the integrity of the single family zoning district.

(b) Reserved

(c) *Adult day care center shall be subject to the following additional standards:*

[1] an on-site off-street area shall be provided for vehicles to load and unload passengers;

[2] facilities for vehicular access to and from the site of the adult day care center shall be arranged to permit vehicles to exit from the site without backing onto any street or sidewalk;

[3] an application for a special use permit for an adult day care center shall be accompanied by a statement from the State of Tennessee, Department of Human Services, that such adult day care center can comply with all requirements of the State of Tennessee with respect to such use;

[4] screening may be required along the lot lines of the site of the facility to block such facility from view of property classified in the RS or RD zoning districts and from the residential portion of an approved planned development;

[5] required off-street parking shall be located on-site. Parking shall not be permitted in the required front yard of such facility;

[6] a statement shall accompany the application for a special use permit which shall indicate the applicable components of the program such as: work activities, nutritional services, continuing education, life enrichment activities, speech and hearing therapy, and health monitoring; and,

[7] the BZA may require additional standards be met in order to assure compatibility of the proposed use with adjoining properties.

(d) Reserved

(e) *Adult day care homes shall be subject to the following additional standards:*

(1) an on-site off-street area shall be provided for vehicles to load and unload passengers;

(2) facilities for vehicular access to and from the site of the adult day care home shall be arranged to permit vehicles to exit from the site without backing onto any street or sidewalk;

(3) an application for a special use permit for an adult day care home shall be accompanied by a statement from the State of Tennessee, Department of Human Services, that such adult day care home can comply with all requirements of the State of Tennessee with respect to such use;

(4) screening may be required along the lot lines of the site of the facility to block such facility from view of property classified in the RS or RD zoning districts and from the residential portion of an approved planned development;

(5) required off-street parking shall be located on-site. Parking shall not be permitted in the required front yard of such facility;

(6) a statement shall accompany the application for a special use permit which shall indicate the applicable components of the program such as: work activities, nutritional services, continuing education, life enrichment activities, speech and hearing therapy, and health monitoring; and,

(7) the BZA may require additional standards be met in order to assure compatibility of the proposed use with adjoining properties.

(f) Reserved

(g) *Airports and heliports shall be subject to the additional standard that the application for a special permit shall be accompanied by the written recommendations of the Federal Aviation Administration.*

(h) *Animal rendering shall be subject to the following additional standards*:

[1] the application shall be accompanied by an affidavit by the applicant that the proposed animal rendering facility will comply with all local, state, and federal laws or regulations applicable to such animal rendering operations and that required permits and approvals have been or will be secured; and

[2] the BZA may require additional standards in order to assure the compatibility of the proposed animal rendering operation with other property in the vicinity of the animal rendering operation.

(i) Reserved

(j) *Assisted-care living facilities shall be subject to the following additional standards:*

(1) off-street parking shall be located in the rear of the proposed assisted-care living facility;

(2) off-street parking areas and driveways shall have a hard dustless surface;

(3) assisted-care living facilities shall provide screening along the sides and rear where the property abuts other property used for single family residential purposes or zoned in the RS or RD classifications or the residential portion of a planned development;

(4) an assisted-care living facility shall have at least two thousand square feet of lot area for each boarding room;

(5) assisted-care living facilities shall be located only along streets identified on the Major Thoroughfare Plan as an arterial or collector street and shall not be permitted along minor residential streets;

(6) any dumpster located on-site shall be positioned so as to minimize adverse impact on adjoining properties with special consideration for properties used for single family purposes or zoned in the RS or RD classifications or the residential portion of a planned development; and,

(7) the BZA may require additional standards in order to assure the compatibility of the proposed location with adjoining properties.

(k) Reserved

(l) *Automobile dismantlers and recyclers shall be subject to the following additional standards:*

(1) no person shall establish, operate, or maintain an automobile dismantling or recycling operation or facility, any portion of which is visible from an adjacent property, or street right-of-way unless it is screened by natural objects, plantings, fences, or other means approved by the BZA;

(2) the automobiles or other motor vehicles or the parts thereof stored on the site shall be arranged in such a manner as to allow for safe and convenient access of fire fighting apparatus;

(3) automobile or other motor vehicle tires shall be stored on-site at a designated portion of the site as identified on the site plan submitted along with the application for the special use permit. All such automobile or motor vehicle tires shall be stored in such a manner as to prevent the accumulation of water in the tires so as to avoid a breeding area for mosquitoes. Such tire storage shall be at such a location as to minimize risk of fire;

(4) the application shall specify the maximum height proposed for the storage of wrecked or inoperable motor vehicles, motor vehicle parts, and scrap metals and the methods to be used for securing and screening same. Materials may not be stored at a height which creates a safety hazard or which lacks adequate screening;

(5) the application shall be accompanied by a sworn affidavit by the applicant that all permits and approvals required by any local, state, or federal environmental laws or regulations including, but not limited to water and air pollution laws and regulations, have been secured, and that such use shall be operated in accordance with any such local, state, or federal environmental laws or regulations;

(6) the BZA may require that security fencing of the site in conjunction with or in addition to the screening which may be required in subsection (1) above;

(7) the location of all machinery, whether permanently located or portable, used for crushing, chipping, flattening, or baling of automobiles or automobile parts shall be identified on the site plan as required by Section 8 of this article. Any such machinery shall be located on-site in such a manner as to minimize harmful and annoying intrusions of noise onto adjacent properties. Any such machinery shall be operated in such a manner as to minimize the potential release of vehicle fluids and vapors, including but not limited to oils, air conditioner vapors, fuels, antifreeze, battery acids, fibers, and other harmful agents, into the environment; and,

(8) other additional standards may be required in order to assure the compatibility of the automobile dismantler or recycler with other property in the vicinity of the automobile dismantler or recycler.

(m) Reserved

(n) *Automobile graveyards shall be subject to the following additional standards:*

(1) no person shall establish, operate, or maintain an automobile graveyard, any portion of which is visible from an adjacent property, or street right-of-way unless it is screened by natural objects, plantings, fences, or other means approved by the BZA;

(2) the automobiles or other motor vehicles stored on the site shall be arranged in such a manner as to allow for safe and convenient access of fire fighting apparatus;

(3) automobile or other motor vehicle tires shall be stored on-site at a designated portion of the site as identified on the site plan submitted along with the application for the special use permit. All such automobile or motor vehicle tires shall be stored in such a manner as to prevent the accumulation of water in the tires so as to avoid a breeding area for mosquitoes. Such tire storage shall be at such a location as to minimize risk of fire;

(4) the application shall specify the maximum height proposed for the storage of motor vehicles or motor vehicle parts and the method to be used for securing and their screening same. Materials may not be stored at a height which creates a safety hazard or which lacks adequate screening;

(5) the BZA may require that security fencing of the site in conjunction with or in addition to the screening which may be required in subsection (1) above;

(6) the locations of all machinery, whether permanently located or portable, shall be identified on the site plan as required by Section 8 of this article. Any such machinery shall be located on-site in such a manner as to minimize harmful and annoying intrusions of noise onto adjacent properties. Any such machinery shall be operated in such a manner as to minimize the potential release of vehicle fluids and vapors, including but not limited to oils, air conditioner vapors, fuels, antifreeze, battery acids, fibers, and other harmful agents, into the environment; and,

(7) other additional standards may be required in order to assure the compatibility of the automobile graveyard with other property in the vicinity of the automobile graveyard.

(o) Reserved

(p) *Bed and breakfast homestays shall be subject to the following additional standards:*

[1] required parking for the use shall be located in the rear of the principal structure upon the lot;

[2] no bed and breakfast homestay shall be permitted within two hundred fifty feet of another bed and breakfast homestay or bed and breakfast inn measured from property line to property line;

[3] the only meal to be provided to guest shall be breakfast, and it shall only be served to guests taking lodging in the facility;

[4] no food preparation or cooking for guests shall be conducted within any bedroom made available for guests;

[5] no outward modification to the residential structure shall be made that will change its character as a residential structure;

[6] the proposed use shall be permitted only in single family residential structures; and,

[7] additional screening or fencing as per Section 27 may be required to additionally buffer the proposed use from adjoining properties; and

[8] A Bed and Breakfast Homestay may operate a Specialty Restaurant- Limited”

as an accessory use to the Bed and Breakfast Homestay in accordance with the authorization of Section 25 (D)(7) and such accessory use may be open to guests who are not taking lodging in the facility subject to the following standards:

[a] The accessory Specialty Restaurant- Limited may offer service only between the hours of 10:00 am and 3:00 pm;

[b] The accessory Specialty Restaurant- Limited may not exceed more than 20 percent of floor area of the bed and breakfast homestay, and;

[c] The accessory Specialty Restaurant- Limited may only offer consumption on premises of prepared food and/or beverages and may not offer take away service for such prepared food and/or beverage items.

(q) Reserved

(r) *Bed and Breakfast Inns shall be subject to the following additional standards:*

[1] required parking for the use shall be located in the rear of the principal structure upon the lot;

[2] no bed and breakfast inn shall be permitted within two hundred fifty feet of another bed and breakfast homestay or bed and breakfast inn measured from property line to property line;

[3] the only meal to be provided to guest shall be breakfast, and it shall only be served to guests taking lodging in the facility;

[4] no food preparation or cooking for guests shall be conducted within any bedroom made available for guests;

[5] the use shall be permitted only in older residential structures that are recognized as architecturally, historically, or culturally significant by the BZA and through renovation and use as a bed and breakfast inn will contribute significantly to the ambiance, character, or economic revitalization of the neighborhood;

[6] no outward modification to the residential structure shall be made that will change its character as a residential structure;

[7] additional screening or fencing as per Section 27 may be required to additionally buffer the proposed use from adjoining residential properties;

[8] provision for solid waste disposal shall be made to the satisfaction of the BZA provided that should a dumpster be used it shall be located in the rear yard at least twenty-five feet from the nearest property line and it shall be enclosed inside a wooded fenced area and screened from view of adjoining properties. Notwithstanding the foregoing, fencing in the Historic District (H-1) shall comply with the Historic Zoning guidelines and shall be subject to appropriate review of the Historic Zoning Commission; and,

[9] an application for a special permit for a bed and breakfast inn shall be accompanied by a statement from the Department of Health and Environment that such bed and breakfast establishment can comply with all requirements of the State of Tennessee with respect to such use; and

[10] A Bed and Breakfast Inn may operate a Specialty Restaurant- Limited as an accessory use to the Bed and Breakfast Inn in accordance with the authorization of section 25 (D)(7) and such accessory use may be open

to guests who are not taking lodging in the facility subject to the following standards:

[a] The accessory Specialty Restaurant- Limited may offer service only between the hours of 10:00 am and 3:00 pm;

[b] The accessory Specialty Restaurant- Limited may not exceed more than 20 percent of floor area of the bed and breakfast inn, and;

[c] The accessory Specialty Restaurant- Limited may only offer consumption on premises of prepared food and/or beverages and may not offer take away service for such prepared food and/or beverage items.

(s) Reserved

(t) *Boardinghouses shall be subject to the following additional standards:*

[1] off street parking shall be located in the rear of the proposed boardinghouse;

[2] off street parking areas and driveways shall have a hard dustless surface;

[3] boardinghouses shall provide screening along the sides and rear where the property abuts other property used for single family residential purposes or zoned in the RS or RD classifications or the residential portion of a planned development;

[4] a boardinghouse shall have at least two thousand square feet of lot area for each boarding room and for any dwelling unit in which the owner or operator may reside; and,

[5] the BZA may require additional standards in order to assure the compatibility of the proposed location with adjoining properties.

(u) Reserved

(v) *Carnivals shall be subject to the following additional standards:*

(1) the carnival and all associated vehicles, rides, and structures shall be located a minimum of forty-two feet from any public right-of-way;

(2) the area to be utilized for the carnival shall consist of a paved, concrete or smooth graveled surface; carnivals may be permitted on grass areas but only upon approval by the BZA;

(3) a minimum of four portalets (portable toilets) or equivalent permanent bathroom facilities shall be provided for use by patrons of the carnival;

(4) the applicant shall obtain written consent from the owner of the property for use by the carnival and a copy shall be filed with the Planning Director, or designee;

(5) the applicant shall provide a certificate of liability insurance in the minimum amount of $1,000,000 which names the City as an additional insured. A copy of the insurance documents shall be filed with the Planning Director, or designee;

(6) the applicant shall provide certification from a structural engineer licensed in the state of Tennessee certifying that all rides have been inspected, erected properly, and are operating safely. A copy of the engineer's certification shall be filed with the planning director, or designee;

(7) traffic control measures may be required by the BZA including a requirement that the applicant make provisions for directing traffic during anticipated periods of peak operation or attendance; and,

(8) other additional standards, including requirements for the duration of the carnival and the hours of operation, may be required in order to assure the compatibility of the carnival with other property in the vicinity of the carnival.

(w) Reserved

(x) *Cemeteries and mausoleums shall be subject to the following additional standards:*

[1] cemeteries shall be located on sites of at least ten acres;

[2] a mausoleum which is not located in a cemetery shall be located on a site of at least two acres;

[3] all structures located in a cemetery of six feet in height or over including, but not limited to mausoleums, monuments, and buildings, and all mausoleums not located in a cemetery and regardless of height shall be set back at least one hundred feet from each lot line and street right-of-way;

[4] all graves or burial lots shall be set back at least thirty feet from each lot line and street right-of-way;

[5] screening located along the lot lines of the site of the cemetery or mausoleum shall be provided to block such cemetery or mausoleum from view from other property; and,

[6] a cemetery site shall not obstruct the development of any street proposed in the Murfreesboro Major Thoroughfare Plan as adopted and as may be amended from time to time.

(y) Reserved

(z) *Composting facilities shall be subject to the following additional standards:*

(1) The applicant shall provide the following additional information:

[a] a detailed description of the composting process to be used;

[b] identify the source(s), composition, and quantities of materials to be composted;

[c] information detailing how materials will be stored and managed on-site prior to initiating the composting process and how the composted materials will be stored and managed on-site after completion of the composting process;

[d] detail the nature of any grinding, chipping or mixing processes that may be done to prepare the compost materials for composting;

[e] a plan for management of stormwater run off and identify measures to avoid contamination of surface and ground water systems;

[f] indicate the manner and location in which composted materials will be disposed and/or used;

[g] if the composted materials are not to be used on-site, the applicant shall indicate the manner in which the materials will be transported off of the site;

[h] chemicals and materials to be used as part of the composting process shall be identified and the areas for their storage shall be noted on the site plan;

[I] the site plan submitted with the application shall indicate site improvements necessary for management of the composting process and shall indicate the prevailing direction of warm weather wind and air movement;

[j] the application shall indicate measures for mitigation of potential undesirable conditions such as odor control, impacted stormwater management, soil/groundwater protection, bird control, vector control, and insect control; and,

[k] the location and nature of adjoining land uses that may be sensitive to noise and odors generated at the site shall be identified;

(2) the BZA may require additional screening of the composting operation from adjoining properties through the use of vegetative buffers, earth berms, or privacy fences;

(3) the BZA may deny approval for sites that are in close proximity to or likely to impact through noise or odor adjoining developments including single family homes, multiple family developments, churches, hospitals, schools, parks, nursing homes, etc.;

(4) the BZA may deny approval for composting facilities for composting of materials that are potentially problematic including liquid manure, sewage sludge, or fish wastes;

(5) the BZA may condition approval on use of management practices that minimize potential adverse conditions;

(6) the BZA may condition approval on minimum and/or maximum quantities of compost materials being processed or stored on-site and may place conditions that limit or prohibit sales of composted materials from the site; and,

(7) the BZA may approve the application for a defined time period at the expiration of which the BZA will evaluate performance in which case the BZA may re-approve for a defined time period, place additional conditions of approval, or deny re-approval.

(aa) Crematories shall be subject to the following additional standards:

[1] If located adjacent to or within 500 feet of land zoned for single family or multiple family purposes or the residential portion of a Planned Development, all bodies and cadavers shall be loaded or unloaded within the confines of a structure completely out of public view.

[2] There shall be no disposal of ash or other waste material on the property.

[3] The applicant shall provide documentation demonstrating that the proposed crematory is licensed in the State of Tennessee or that it can meet the requirements necessary to obtain a license to operate as a crematory in the State of Tennessee and obtains it within a reasonable period of time.

[4] The Board of Zoning Appeals may require additional standards in order to assure the compatibility of the crematory with other property in the vicinity

of the crematory.

(bb) *Day care centers, family day care homes, and group day care homes* shall be subject to the following additional standards.

[1] an on-site off-street area shall be provided for vehicles to load and unload passengers;

[2] facilities for vehicular access to and from the site of the day care home shall be arranged to permit vehicles to exit from the site without backing onto any street or sidewalk;

[3] an application for a special permit for a day care home shall be accompanied by a statement from the State of Tennessee, Department of Human Services, that such day care home can comply with all requirements of the State of Tennessee with respect to such use;

[4] screening may be required along the lot lines of the site of the day care home to block such day care home from the view of property classified in a residential zoning district and from the residential portion of an approved planned unit development; and,

[5] required off-street parking shall be located on-site.

(cc) Reserved

(dd) *Explosives manufacture or storage shall be subject to the following additional standards*:

[1] the application shall be accompanied by an affidavit by the applicant that the proposed explosives manufacture or storage will comply with all local, state, and federal laws or regulations applicable to such explosives manufacture or storage operations and that required permits and approvals have been or will be secured; and

[2] the BZA may require additional standards in order to assure the compatibility of the proposed explosives manufacture or storage operation with other property in the vicinity

(ee) Reserved

(ff) *Family crisis shelters shall be subject to the following additional standards:*

[1] an on-site off-street area shall be provided for vehicles to load and unload passengers provided, however, if no turn around area is available on-site, then access to and from the site shall be arranged to provide an unencumbered view of on-coming traffic for vehicles which must back into the street;

[2] parking shall be required as provided in Section 26 and Chart 4 of this article;

[3] screening and/or fencing shall be required along the lot lines of the site of the family crisis shelter to block such facility from the view of adjoining property;

[4] an application for a family crisis shelter shall include a statement from the applicant indicating a maximum time period during which individual users of the facility will be allowed by the applicant or its agents to utilize or reside at the facility;

[5] an indoor and/or outdoor recreation area may be required to be located on-site for the use of the inhabitants of the family crisis shelter. The BZA may require that this area be screened from the view of any street or adjoining

property and, in the event children are expected to be housed in the shelter, appropriate playground equipment and fencing to assure safety of the children may be required to be installed. Provided, however, the BZA shall not require both an indoor and outdoor recreation area if it determines that one or the other will adequately serve the needs of potential users of the facility; and,

[6] other additional standards may be required in order to assure the compatibility of the family crisis shelter with other property in the vicinity of the shelter.

(gg) Reserved

(hh) *Family violence shelters shall be subject to the following additional standards:*

[1] an on-site off-street area shall be provided for vehicles to load and unload passengers provided, however, if no turn around area is available on-site, then access to and from the site shall be arranged to provide an unencumbered view of on-coming traffic for vehicles which must back into the street;

[2] no required parking shall be permitted in the required front yard in the RM-12, RM-16, and RM-22 zoning districts;

[3] parking shall be required as provided in Section 26 and Chart 4 of this article provided, however, that if the required parking is located off-site it shall be located on land within six hundred feet of the principal structure of the family violence shelter;

[4] in the event the applicant wishes to have the notice requirements waived as provided in Section 8(D)(2) then the application for the special use permit for a family violence shelter shall be accompanied by a statement from the State of Tennessee, Department of Human Services, that such family violence shelter can comply with all requirements of the State of Tennessee with respect to such use;

[5] screening and/or fencing shall be required along the lot lines of the site of the family violence shelter to block such facility from the view of adjoining property;

[6] an application for a family violence shelter shall include a statement from the applicant indicating a maximum time period during which individual users of the facility will be allowed by the applicant or its agents to utilize or reside at the facility;

[7] other additional standards may be required in order to assure the compatibility of the family violence shelter with other property in the vicinity of the shelter; and,

[8] if notification requirements are not required as may be permitted under Section 8(D)(2) then the BZA shall require strict application of all provisions of this article.

(ii) Reserved

(jj) *Fireworks and/or explosives manufacture, storage or distribution shall be subject to the following additional standards:*

[1] a facility used for manufacture, storage or distribution of fireworks must be located a minimum of two hundred fifty feet from any adjoining property line;

[2] any site for a fireworks manufacture, storage or distribution must be located so that all parts of all structures on the site are no more than five hundred feet from an operable fire hydrant and no closer than two hundred fifty feet to any fuel source; and,

[3] the BZA may require additional standards be met in order to assure compatibility of the proposed location with adjoining properties.

(kk) Reserved

(ll) *Fireworks retailers shall be subject to the following additional standards:*

[1] any site requested for approval for a fireworks retailer must be improved with a permanent structure from which the retail sales will be conducted;

[2] fireworks retailers must be located to orient their trade to out-of-state tourists. For this purpose, the BZA shall consider the proximity of the site to interstate highway interchanges and the flow of out-of-state tourist traffic;

[3] Fireworks retailers must comply with the following Codes:

[a] Standard Building Code;

[b] Standard Fire Prevention Code; and,

[c] Murfreesboro City Code Section 12, Article II Pyrotechnics.

The applicant shall demonstrate ability to comply with these codes by obtaining a letter so stating from the Building and Codes Department.

[4] fireworks retailers must comply with all state laws regarding the sale of fireworks including T.C.A. §68-104-101 et seq.;

[5] any fireworks stored on the site of a fireworks retailer must be located a minimum of fifty feet from any fuel source and no further than five hundred feet from an operable fire hydrant;

[6] the BZA may require additional standards be met in order to assure compatibility of the proposed location with adjoining properties.

(mm) Reserved

(nn) *Fraternity and sorority houses shall be subject to the following additional standards:*

[1] applications for fraternity and sorority houses shall be accompanied by a floor plan which depicts the proposed layout of the facility including the location and square footage of any area devoted to sleeping rooms;

[2] areas for outdoor recreational use or outdoor group activities shall be screened or fenced in such a manner as to provide an effective buffer for adjacent residential uses;

[3] parking areas shall be designed and arranged so that backing from the site onto a public right-of-way will not be necessary and adequate space will be available for vehicles to turn around on-site. An on-site off-street area shall be provided for vehicles to load and unload passengers. Parking areas shall not be permitted in the required front yard;

[4] the BZA may place limits upon the number of students who may reside upon the premises; and,

[5] in order to assure compatibility of the fraternity or sorority house with the surrounding neighborhood, the BZA may place restrictions upon the hours

of the day during which outdoor recreational activities or other outdoor group activities may be conducted on the site.

(oo) Reserved

(pp) *Group shelters shall be subject to the following additional standards:*

[1] an on-site off-street area shall be provided for vehicles to load and unload passengers;

[2] parking shall be required as provided in Section 26 and Chart 4 of this article;

[3] screening and/or fencing shall be required along the lot lines of the site of the group shelter to block such facility from the view of adjoining property;

[4] an application for a special use permit for a group shelter shall be accompanied by a statement from the State of Tennessee, Department of Human Services, Department of Corrections, or any other State sponsored agency or department, if any, that may have regulatory jurisdiction over such facilities, stating that such group shelter can comply with all requirements of the State of Tennessee with respect to such use;

[5] no group shelter shall be permitted to be located within one thousand feet of another lawfully established group shelter;

[6] other additional standards may be required in order to assure the compatibility of the group shelter with other property in the vicinity of the shelter;

[7] the following land use intensity ratios shall apply to group shelters located in any zoning district:

Maximum Floor Area Ratio (F.A.R.)	Minimum Livability Space Ratio (L.S.R.)	Minimum Open Space Ratio (O.S.R.)
.30	.48	.70

Explanation:
F.A.R. X lot area = maximum total floor area.
L.S.R. X lot area = required livability space.
Lot area - (O.S.R. X lot area) = maximum building coverage of a lot.

Example with a 20,000 square foot lot:
Maximum total floor area = 6,000 square feet.
Minimum required livability space = 9,600 square feet.
Maximum building coverage = 6,000 square feet.

Definition of Livability Space: The portion of open space not devoted to motor vehicle parking or circulation of public streets or alley rights-of-way, and which is landscaped, or improved as outdoor living or recreation space for occupants of the premises and which is used as beneficial open space provided that such space is directly accessible to the occupants of the premises and is available for their leisure time use.

(qq) Reserved

(rr) *Home occupations shall be subject to the following additional standards:*

[1] no person who is not a resident of the dwelling unit may be employed in connection with the home occupation at the dwelling unit or on the property;

[2] one attached business sign, not exceeding three square feet, may be permitted subject to approval by the BZA. Such signs shall not be permitted by right;

[3] there shall be no alteration of the residential building which changes the character as a dwelling. No display of products shall be visible from the street;

[4] the home occupation shall be incidental and subordinate to the residential use of the dwelling unit. No more than twenty-five percent (25%) of the area of a residential dwelling unit and accessory structure, if used as part of the home occupation, shall be devoted to the home occupation. In the event the home occupation is to be conducted totally from within an accessory structure, no more than five hundred square feet of area may be devoted to such home occupation. No more than one home occupation shall be permitted per residential dwelling unit and any related accessory structure;

[5] no mechanical or electrical equipment may be used in a residential dwelling unit or accessory structure in connection with a home occupation except such types as are customary for domestic, household, or hobby purposes; personal computers and facsimile machines may be used. Machinery that causes noise likely to be heard by neighbors or interference with radio or television reception shall be prohibited;

[6] there shall be no storage outside a principal building or accessory structure of equipment or materials used in connection with the home occupation;

[7] there shall be adequate provision for any traffic generated by such home occupation including off-street parking if required by the BZA;

[8] group instruction in connection with the home occupation may be permitted subject to approval by the BZA. For the purposes of this subsection, instruction shall be group instruction if it involves more than two students at any time. The BZA may place a maximum number of students that may be on-site at any time and may establish limitations on the frequency of such group instruction.

[9] the following activities and land uses shall not be permitted as home occupations:

[a] automotive repair (body or mechanical), upholstery or painting;

[b] kennels;

[c] taxi service;

[d] gun dealers; or,

[e] charter bus service;

[10] the BZA may require additional standards in order to assure the compatibility of the home occupation with other property in the vicinity of the home occupation and to assure the residential character of the neighborhood is maintained.

(ss) Reserved

(tt) *Homes for the aged, class I, shall be subject to the following additional standards:*

(1) off-street parking shall be located in the rear of the proposed home for the aged;

(2) off-street parking areas and driveways shall have a hard dustless surface;

(3) homes for the aged shall provide screening along the sides and rear where the property abuts other property used for single family residential purposes or the residential portion of a planned development;

(4) a home for the aged shall have at least two thousand square feet of lot area for each boarding room and for any dwelling unit in which the owner or operator may reside; and,

(5) the BZA may require additional standards in order to assure the compatibility of the proposed location with adjoining properties.

(uu) Reserved

(vv) *Homes for the aged, class II, shall be subject to the following additional standards:*

(1) off-street parking shall be located in the rear of the proposed home for the aged;

(2) off-street parking areas and driveways shall have a hard dustless surface;

(3) homes for the aged shall provide screening along the sides and rear where the property abuts other property used for single family residential purposes or zoned in the RS or RD classifications or the residential portion of a planned development;

(4) a home for the aged shall have at least two thousand square feet of lot area for each boarding room and for any dwelling unit in which the owner or operator may reside;

(5) any dumpster located on-site shall be positioned so as to minimize adverse impact on adjoining properties with special consideration for properties used for single family purposes or zoned in the RS or RD classifications or the residential portion of a planned development; and,

(6) the BZA may require additional standards in order to assure the compatibility of the proposed location with adjoining properties.

(ww) Reserved)

(xx) *Homes for the aged, class III, shall be subject to the following additional standards:*

(1) off-street parking shall be located in the rear of the proposed home for the aged;

(2) off-street parking areas and driveways shall have a hard dustless surface;

(3) homes for the aged shall provide screening along the sides and rear where the property abuts other property used for single family residential purposes or zoned in the RS or RD classifications or the residential portion of a planned development;

(4) a home for the aged shall have at least two thousand square feet of lot area for each boarding room and for any dwelling unit in which the owner or operator may reside;

(5) homes for the aged, class III, shall be located only along streets identified on the Major Thoroughfare Plan as an arterial or collector street and shall not be permitted along minor residential streets;

(6) any dumpster located on-site shall be positioned so as to minimize adverse impact on adjoining properties with special consideration for properties used for single family residential portion of a planned development; and,

(7) the BZA may require additional standards in order to assure the compatibility of the proposed location with adjoining properties.

(yy) Reserved

(zz) *Institutional group assembly uses, including recreational fields, public buildings, public or private schools grades K-12, lodges, country clubs, clubs, churches, and other places of worship, shall be subject to the following additional standards:*

[1] Parking areas shall be designed and arranged so that backing from the site onto a public right-of-way will not be necessary and adequate space will be available for vehicles to turn around on-site. An on-site off-street area shall be provided for vehicles to load and unload passengers. Parking areas shall not be permitted in the required front yard;

[2] In all residential districts an institutional group assembly use shall have a lot size not less than three times the minimum lot size permitted in the zoning district where the institutional group assembly use is proposed to be located. In the event the institutional group assembly use is proposed to be located on land that has two or more different zoning classifications, the minimum lot size shall be calculated by applying the larger required minimum lot size;

Examples:

MINIMUM ZONING DISTRICT	MINIMUM LOT SIZE (SQ. FT.)	LOT SIZE ACRES	X 3	ACRES
RS-15	15,000	.34	45,000	1.03
RS-12	12,000	.28	36,000	.83
RS-10	10,000	.22	30,000	.69
RS-8	8,000	.18	24,000	.55
RS-4	4,000	.09	12,000	.28
R-D	8,000	.18	24,000	.55
R-MO	4,000	.09	12,000	.28;

[3] On-site lighting for parking areas, fields for athletics, scoreboards, and grounds shall be arranged in such a manner as to minimize intrusion of lighting into areas zoned or used for residential or medical purposes. To this end, a plan depicting the proposed location of on-site exterior lighting fixtures shall be submitted for review by staff and the BZA. Such plan shall depict the arrangement of the lighting fixtures, their height, their specifications, and the direction in which lighting will be oriented. Additional information may be

required by the *staff or the BZA in order to verify whether the lighting will be* intrusive into areas zoned or used for residential or medical purposes;

[4] Applications for an institutional group assembly use shall indicate the proposed locations of garbage dumpsters or receptacles. These facilities shall be located in such a manner as to minimize adverse affects upon neighboring properties and aesthetics from the public right-of-way. The use of dumpsters may be prohibited in the event the BZA determines that such would have a detrimental effect upon the adjacent property;

[5] Areas for outdoor recreational use or outdoor group activities shall be screened or fenced in such a manner as to provide an effective buffer for adjacent uses. Screening shall be required pursuant to Section 27 of this article or as required by the BZA;

[6] The number of required parking spaces provided on-site shall be in accordance with Chart 4 of this article provided, however, if the applicant can present evidence satisfactory to the BZA that a substantial portion of the expected users will arrive at the institutional group assembly use by bus, bicycle, walking, or by car pooling or that off-street parking areas on adjacent or nearby properties will be available on a long term basis, the BZA shall have authority to determine the number of required parking spaces to be provided on-site. The BZA may require that a reserve area be retained on-site for future expansions of the parking area;

[7] an application for a special use permit for an institutional group assembly use shall be accompanied by a description of uses or activities proposed for the facility which may be subject to separate regulation or which may result in unusual traffic patterns, traffic volumes, or other detrimental impacts upon adjacent properties, including but not necessarily limited to those uses which would require a special permit if not a part of the institutional group assembly use;

[8] the BZA shall have authority to approve an on-site location with water, sewer, and electric utility connections for accommodations for travel trailers or R.V.s (recreational vehicles) for use by visiting or traveling speakers or guests associated with the institutional group assembly use. Provided, however, such location for travel trailers or R.V.s shall not be permitted for use as a permanent residential dwelling unit;

[9] the BZA shall have the authority to grant variances to the standards imposed by this subsection for temporary or short term uses of property for the institutional group assembly use purposes. In such cases, the BZA may impose conditions of approval to assure the compatibility of the short-term land use with other property in the vicinity of the proposed use; and

[10] the application for a special use permit for an institutional group assembly use shall indicate any intentions for the use of systems for the external broadcast of speech, music, or other sounds. If such are proposed, the applicant shall indicate the times of day and duration of their proposed use. The BZA shall have the authority to place restrictions upon their use in order to minimize excessive noise from intruding upon neighboring properties

especially those zoned or used for residential purposes. In no event shall the BZA approve the use of such which would be in violation of the City Code or ordinances regulating noise. BZA approval does not constitute a waiver of any City Code or ordinances regulating noise.

(aaa) Reserved

(bbb) *Junkyards shall be subject to the following additional standards:*

(1) no person shall establish, operate, or maintain a junkyard, any portion of which is visible from an adjacent property, or street right-of-way unless it is screened by natural objects, plantings, fences, or other means approved by the BZA;

(2) the materials stored on the site shall be arranged in such a manner as to allow for safe and convenient access of fire fighting apparatus;

(3) automobile or other motor vehicle tires shall be stored on-site at a designated portion of the site as identified on the site plan submitted along with the application for the special use permit. All such automobile or motor vehicle tires shall be stored in such a manner as to prevent the accumulation of water in the tires so as to avoid a breeding area for mosquitoes. Such tire storage shall be at such a location as to minimize risk of fire;

(4) the application shall specify the maximum height proposed for the storage of junk or motor vehicle parts and the methods to be used for securing and screening same. Materials may not be stored at a height which creates a safety hazard or which lacks adequate screening; and,

(5) other additional standards may be required in order to assure the compatibility of the junkyard with other property in the vicinity of the junkyard.

(ccc) Reserved

(ddd) *Landfill shall be subject to the following additional standards:*

[1] the site for the landfill shall be a minimum of twenty-five acres;

[2] the days and hours during which landfill operations will take place shall be submitted for the review and final approval of the BZA;

[3] the application shall be accompanied by an affidavit by the applicant that the proposed landfill operation will comply with all local, state, and federal laws or regulations applicable to such landfilling operations and that all required permits and approvals have been secured;

[4] the landfill site shall not obstruct the development of any street proposed in the Murfreesboro Major Thoroughfare Plan as adopted and as may be amended from time to time; and

[5] the landfill site shall have direct access to a major or collector street.

(eee) Reserved

(fff) *Missions shall be subject to the following additional standards:*

[1] an on-site off-street area shall be provided for vehicles to load and unload passengers provided, however, if no turn around area is available on-site, then access to and from the site shall be arranged to provide an unencumbered view of on-coming traffic for vehicles which must back into the street;

[2] parking shall be required as provided in Section 26 and Chart 4 of this article;

[3] screening and/or fencing shall be required along the lot lines of the site of the mission to block such facility from the view of adjoining property;

[4] an indoor and/or outdoor recreation area may be required to be located on-site for the use of the inhabitants of the mission. The BZA may require that this area be fenced from the view of any street or adjoining property and, in the event children are expected to be housed in the mission, appropriate playground equipment and fencing to assure safety of the children may be required to be installed. Provided, the BZA shall not require both an indoor and outdoor recreation area if it determines that one or the other will adequately serve the needs of potential users of the facility;

[5] an application for a mission shall include a statement from the applicant indicating a maximum time period during which individual users of the facility will be allowed by the applicant or its agents to utilize or reside at the facility;

[6] no mission shall be permitted to be located within one thousand feet of another lawfully established mission; and,

[7] other additional standards may be required in order to assure the compatibility of the mission with other property in the vicinity of the facility.

(ggg) Pet Cemeteries shall be subject to the following additional standards:

[1] Pet cemeteries shall be located on sites of at least five acres;

[2] All structures located in a pet cemetery of eight (8) feet in height or over including, but not limited to mausoleums, monuments, and buildings, and all mausoleums not located in a cemetery and regardless of height shall be set back at least one hundred feet from each lot line and street right-of-way;

[3] all graves or burial lots shall be set back at least thirty feet from each lot line and street right-of-way;

[4] screening located along the lot lines of the site of the pet cemetery may be required by the Board of Zoning Appeals to block such cemetery from view from other property;

[5] a pet cemetery site shall not obstruct the development of any street proposed in the Murfreesboro Major Thoroughfare Plan as adopted and as may be amended from time to time;

[6] Parking areas shall be designed in a manner to minimize backing into any public right-of-way; and,

[7] The Board of Zoning Appeals may require additional standards in order to assure the compatibility of the pet cemetery with other property in the vicinity of the pet cemetery.

(hhh) Pet Crematories shall be subject to the following additional standards:

[1] If located adjacent to or within 500 feet of land zoned for single family or multiple family purposes or the residential portion of a Planned Development, all bodies and cadavers shall be loaded or unloaded within the confines of a structure completely out of public view.

[2] There shall be no disposal of ash or other waste material on the property.

[3] A pet crematory shall be operated in a manner consistent with generally

accepted standards.

[4] The Board of Zoning Appeals may require additional standards in order to assure the compatibility of the pet crematory with other property in the vicinity of the pet crematory.

(iii) *Radioactive material, processing or storage, shall be subject to the following additional standards*:

[1] the application shall be accompanied by an affidavit by the applicant that the proposed processing or storage of radioactive material will comply with all local, state, and federal laws or regulations applicable to such processing or storage of radioactive material and that required permits and approvals have been or will be secured; and

[2] the BZA may require additional standards in order to assure the compatibility of the proposed processing or storage of radioactive material with other property in the vicinity.

(jjj) Reserved

(kkk) *Radio and television transmission towers shall be subject to the following additional standards:*

[1] radio and television towers shall not be located in the approach or landing zones of an airport or heliport;

[2] the application for a special permit shall be accompanied by the written recommendations of appropriate state and federal agencies;

[3] if a height variance is requested, except in the CBD Zoning District, radio and television towers one hundred feet in height shall be set back, in addition to the yards required by the regulations of the district in which such towers are located, one foot for every three feet in height over one hundred feet;

[4] in the event any tower is to be equipped with hazard lights, the use of white strobe lights shall be restricted to daylight hours;

[5] the BZA may place restrictions on the manner (and color) in which the tower can be painted, within the parameters of applicable state and federal regulations; and,

[6] the BZA may require additional standards be met in order to assure compatibility of the proposed use with adjoining properties.

(lll) Reserved

(mmm) *Recycling center shall be subject to the following additional standards:*

(1) A plan for the maintenance of the grounds shall be submitted along with the application for the special permit in order to assure that the site will be maintained in a clean, safe, and sanitary condition and free of litter, vermin, and odors associated with the items proposed to be stored on-site and to assure operation of the site in conformance with the City's regulations and Codes regarding litter, trash, and garbage;

(2) no recycling center shall be located within two hundred fifty feet of any restaurant or other food service establishment or within two hundred fifty feet of any property zoned for single family or two-family residences;

(3) the site of the proposed recycling center shall be secured in order to prevent improper or unauthorized use of the facility and the hours of operation shall

be clearly posted in a manner to be visible from the adjoining public way; and,

(4) other additional standards may be required in order to assure compatibility of the recycling center with other property in the vicinity of the recycling center.

(nnn) Restaurants, Specialty - Limited shall be subject to the following additional standards:

[1] Required parking shall be located on-site, shall be constructed with a hard dustless surface, and shall be designed as required under Section 26. The Board of Zoning Appeals may require that any parking that is provided shall be located in the rear of the principal structure located on the premises.

[2] Backing from or into the public street shall not be permitted in order to access or vacate on-site parking spaces.

[3] Food and beverages may be consumed on-site or may be purchased for consumption off-site, however, no drive-up or drive-thru windows or service shall be permitted

[4] Provisions for solid waste management shall be made that will be adequate to handle the volume of solid waste generated on-site. Dumpsters shall be located in a manner to minimize impact on adjacent properties, shall be screened or buffered from view from the public R.O.W. or adjoining properties, and shall be enclosed within a fence or wall in accordance with the requirements of Section 18 Regulations of General Applicability. The Board of Zoning Appeals may place conditions upon the times in which the solid waste containers may be serviced.

[5] The Board of Zoning Appeals may require a minimum “Type B” landscape buffer between the property and any contiguous residential use.

[6] On-site lighting shall not exceed sixteen (16) feet in height in addition to complying with all other requirements of Section 18 Regulations of General Applicability regarding on-site lighting.

[7] A Specialty Restaurant shall not be located within 250 feet of any other Specialty Restaurant along any street; such measurement shall not be applicable to other Specialty Restaurants located on other streets; however, corner lots shall be measured on both streets.

[8]The Board of Zoning Appeals may require additional standards in order to assure the compatibility of the Specialty Restaurant with other property in the vicinity of the Specialty Restaurant.”

(ooo) *Retail sales events shall be subject to the following additional standards:*

(1) an application for a retail sales event may be made to include more than one potential site. In which case all participating property owners shall sign the application for the special use permit and shall be responsible for meeting any conditions placed by the BZA on the issuance of the special use permit as may be applicable to their property.

(2) the maximum number of such events for any one property which may be approved by the BZA during any twelve month period is two. The maximum length of any such event is three days. There shall be at least thirty days

between any two events approved under this subsection on the same property. These retail sales events shall be in addition to any event held as a matter of right under Section 25(B)(14). There shall be at least thirty days between any event approved under this subsection and any event held as a matter of right under Section 25(B)(14) on the same property;

(3) traffic control measures may be required by the BZA. These may include a requirement that the applicant make provisions for directing traffic during expected peak hours of operation;

(4) the owner shall be responsible for ensuring that neighboring residential property shall not be encroached upon or driveway access obstructed and that there shall be no visitor parking on neighboring property without the written consent of the affected property owner;

(5) all trash or garbage that may be left at the location or on surrounding property as a result of the event shall be removed by the property owner or designee within twenty-four hours after the event;

(6) the BZA may require additional standards be met in order to mitigate potentially detrimental affects of such events. These conditions may include special definition of parking areas, limitations on the duration and frequency of events, and specification of hours of operation; and,

(7) the BZA may consider prior violations or problems associated with retail sales events conducted on the property in determining appropriate additional standards or conditions.

(ppp) Reserved

(qqq) *Sand, gravel, and other extraction and processing shall be subject to the following additional standards:*

[1] over-burden shall be retained on a suitable portion of the site of the sand or gravel or other extraction operations and shall be used for backfill;

[2] adequate supports shall be provided to prevent caving and backsliding into an excavated area;

[3] no excavation shall be made within seventy-five feet of the perimeter of the site of the sand, gravel, or other extraction operation; within one hundred feet of any street right-of-way or within two hundred fifty feet of any building used for residential purposes provided, however, that if the owner of the property adjoining, abutting or adjacent to the property which is the site of the sand, gravel, or other extraction and processing operations agrees, in writing, such excavation may be closer to such property owner's lot line than provided in this subsection (D) provided that in no case shall an excavation be made within thirty feet of the lot line of any other property. Such notarized written agreement shall be submitted with the application for a special permit;

[4] all excavations shall be filled and the land restored, regraded and resloped as nearly as practicable to its original condition and grade within ninety days after the date sand, gravel, or other extraction operations cease, provided, however, that any excavation made closer than two hundred fifty feet to a lot line of the property which is the site of the sand, gravel, or other extraction

operations shall be filled, and the land restored, regraded, or resloped within nine months from the date the excavation within two hundred fifty feet of such lot line is completed unless the owner of property abutting or adjoining such lot line agrees, in writing, to an extension of time within which such reclamation activities shall be completed. Such written agreement shall be notarized and shall be submitted with the application for a special permit or to the Building Official at any time prior to the expiration of the nine-month period within which excavations within two hundred fifty feet of the lot line of property which is the site of the sand, gravel, or other extraction operations must be filled, restored, regraded, and resloped. Such agreement shall set forth the date when such reclamation activities shall be completed, which date shall, in no event, be later than ninety days after the date sand, gravel, or other extraction operations on the property cease. Failure to complete reclamation activities by the date set forth in such agreement shall be deemed a violation of this article. If at any time such agreement is modified, rescinded, or becomes null and void, the owner of the property which is the site of the sand, gravel, or other extraction operation shall within ten days thereafter notify the Zoning Administrator thereof in writing stating whether such agreement is revoked, null and void, or modified, and if modified, the provision of such agreement which has been modified along with a copy of the modified agreement. If the agreement is revoked or becomes null and void, excavations within two hundred fifty feet of the property line of the property shall cease immediately, and the area which was the subject of such agreement shall be filled, restored, regraded, or resloped within ninety days after the date such revocation or within ninety days after the date such agreement becomes null and void. If the date upon which reclamation activities shall be completed is revised in a modified agreement, reclamation activities shall be completed by such date;

[5] land shall be restored, regraded, and resloped as nearly as practicable to its original condition and grade provided, however, that after such reclamation activities, no slope on such land shall be steeper than three feet horizontal to one foot vertical and no greater quantities of drainage water shall flow onto adjoining properties or shall flow at a faster rate onto adjoining properties than such drainage water flowed prior to the commencement of sand, gravel, or other extraction or processing activities on the land reclaimed;

[6] prior to the commencement of sand, gravel, or other extraction operations, the applicant for the special permit shall submit to the Zoning Administrator a performance bond in the amount of three thousand five hundred dollars ($3,500.00) per acre, for each acre proposed to be used for sand, gravel, or other extraction operations to ensure that the land shall be restored, regraded, and resloped as provided in this subsection when such mining or extraction operations cease. Such performance bond shall be released after reclamation activities are complete and the condition, grade, and drainage of the land are approved in writing by the Zoning Administrator and the City Engineer, provided, however, that a proportionate release of such bond may

be authorized by the Zoning Administrator and City Engineer for phased or partial reclamation;

[7] equipment used in sand, gravel, or other extraction or processing operations shall be operated in such a manner that noise and vibration are prevented, to the extent possible, from emanating beyond the boundaries of the site of the mining, extraction, or processing operations;

[8] a statement setting forth the type, location, and conditions of such processing operations shall be submitted for the review and approval of the City Council. The Council may require a written assessment of the environmental impact of the proposed sand, gravel, or extractive operation and processing;

[9] the location and surface of driveways providing access to and egress from the site are subject to the review and approval of the BZA;

[10] rock quarries are not permitted;

[11] the application shall be accompanied by an affidavit by the applicant that the proposed sand, gravel, or other extraction or processing will comply with all local, state, and federal laws or regulations applicable to such extraction or processing operations and that required permits and approvals have been or will be secured; and

[12] the BZA may require additional standards in order to assure the compatibility of the proposed extraction or processing operation with other property in the vicinity of the extraction or processing operation.

(rrr) Reserved

(sss) *Scrap processing yards shall be subject to the following additional standards:*

(1) no person shall establish, operate, or maintain a scrap processing yard, any portion of which is visible from an adjacent property, or street right-of-way unless it is screened by natural objects, plantings, fences, or other means approved by the BZA;

(2) the scrap and scrap metal stored on-site shall be arranged in such a manner as to allow for safe and convenient access of fire fighting apparatus;

(3) the application shall specify the maximum height proposed for the storage of iron, steel, or nonferrous scrap and the methods to be used for their securing and their screening. Materials may not be stored at a height which creates a safety hazard or which lacks adequate screening;

(4) the application shall be accompanied by a sworn affidavit by the applicant that all permits and approvals required by any local, state, or federal environmental laws or regulations including, but not limited to water and air pollution laws and regulations, have been secured, and that such use shall be operated in accordance with any such local, state, or federal environmental laws or regulations;

(5) the BZA may require that security fencing of the site in conjunction with or in addition to the screening which may be required in subsection (1) above;

(6) the location of all machinery, whether permanently located or portable, used for crushing, chipping, flattening, melting, or smelting or otherwise processing scrap or scrap metals shall be identified on the site plan as required by Section 8 of this article. Any such machinery shall be located

on-site in such a manner as to minimize harmful and annoying intrusions of noise onto adjacent properties. Any such machinery shall be operated in such a manner as to minimize the potential release of vehicle fluids and vapors, including but not limited to oils, air conditioning vapors, fuels, antifreeze, battery acids, fibers, and other harmful agents, into the environment; and,

(7) other additional standards may be required in order to assure the compatibility of the scrap processing yard with other property in the vicinity of the scrap processing yard.

(ttt) Reserved

(uuu) *Self-service storage facilities shall be subject to the following additional standards:*

(1) the following activities shall be prohibited:

[a] auctions; commercial, wholesale, or retail sales; and miscellaneous or garage sales;

[b] the servicing, repairing, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment;

[c] the operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment;

[d] the establishment of a transfer or storage business;

[e] the using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, live band, amplifiers, loudspeakers, or other machine or device for producing or reproducing sound in such a manner as to disturb the peace, quite and comfort of neighboring residents at any time with louder volume than is necessary for convenient hearing for the persons responsible for producing or reproducing such sound;

[f] any use of individual units for residential purposes, including but not limited to cooking or sleeping; or

[g] any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

Notwithstanding the foregoing, the owner or manager of the mini-storage facility may conduct auctions and repair and maintain the premises when reasonably required in the usual and customary operation of the mini-storage business.

(2) for self-service storage facilities that have a side or rear property line abutting a property used for single family purposes or classified in the RS or RD classifications or the residential portion of a planned development a minimum ten foot wide landscape strip shall be provided which shall be planted in accordance with Section 27 of this article and at the discretion of the BZA may include earth berms, masonry fences, or walls. The applicant or owner shall post a surety instrument satisfactory to the City Horticulturist to assure the landscaping and screening will be maintained the first three years;

(3) self-service storage facilities shall provide on-site a minimum ten foot landscape strip along the front property line abutting all public rights-of-way.

This landscape strip shall be planted in accordance with Section 27 of this article and at the discretion of the BZA may include earth berms, masonry fences or walls;

(4) all storage shall be indoors. However, an area may be provided on-site to be used for outdoor storage of RVs, trailers, cars, and boats. Such area shall be used exclusively for this purpose and shall be screened from the view of adjoining residential areas in the manner as described in sub-sections 2 and 3 above; and,

(5) the BZA may require additional standards be met including additional screening, placement of screening, placement and orientation of on-site lighting and security systems in order to assure the compatibility of the proposed location with adjoining properties.

(vvv) Reserved

(www) *Senior citizens center shall be subject to the following additional standards:*

[1] an on-site off-street area shall be provided for vehicles to load and unload passengers;

[2] facilities for vehicular access to and from the site of the senior citizens center shall be arranged to permit vehicles to exit from the site without backing onto any street or sidewalk;

[3] screening may be required along the lot lines of the site of the facility to block such facility from view of property classified in the RS or RD zoning districts and from the residential portion of an approved planned development;

[4] required off-street parking shall be located on-site. Parking shall not be permitted in the required front yard of such facility;

[5] a statement shall accompany the application for a special use permit which shall indicate the applicable components of the program such as: work activities, nutritional services, continuing education, life enrichment activities, speech and hearing therapy, and health monitoring; and,

[6] the BZA may require additional standards be met in order to assure compatibility of the proposed use with adjoining properties.

(xxx) Reserved

(yyy) *Stockyards or slaughter of animals and poultry shall be subject to the following additional standards*:

[1] the application shall be accompanied by an affidavit by the applicant that the proposed stockyard or slaughter of animals and poultry will comply with all local, state, and federal laws or regulations applicable to such stockyards or slaughter of animals and poultry operations and that required permits and approvals have been or will be secured; and

[2] the BZA may require additional standards in order to assure the compatibility of the stockyard or slaughter of animals and poultry operation with other property in the vicinity of the stockyard operation.

(zzz) Reserved

(aaaa) *Student centers shall be subject to the following additional standards:*

[1] applications for student centers shall be accompanied by a floor plan which depicts the proposed layout of the facility, including the location and square footage of any area devoted to sleeping rooms;

[2] areas for outdoor recreational use or outdoor group activities shall be screened or fenced in such a manner as to provide an effective buffer for adjacent uses;

[3] parking areas shall be designed and arranged so that backing from the site onto a public right-of-way will not be necessary and adequate space will be available for vehicles to turn around on-site. An on-site off-street area shall be provided for vehicles to load and unload passengers. Parking areas shall not be permitted in the required front yard;

[4] the BZA may place limits upon the number of students who may reside upon the premises; and,

[5] in order to assure compatibility of the student center with the surrounding neighborhood, the BZA may place restrictions upon the hours of the day during which outdoor recreational activities or other outdoor group activities may be conducted on the site.

(bbbb) Taxidermy Studios shall be subject to the following additional standards:

[1] An applicant for a taxidermy studio shall make provision for disposal of biological remains of animals in a manner acceptable to the Board of Zoning Appeals.

[2] There shall be no outdoors storage of animal remains prior to their disposal.

[3] The Board of Zoning Appeals may require additional standards in order to assure the compatibility of the taxidermy studio with other property in the vicinity of the taxidermy studio.

(cccc) *Telephone and telegraph transmission towers shall be subject to the following additional standards:*

[1] telephone and telegraph transmission towers shall not be located in the approach or landing zone of an airport or heliport;

[2] the application for a special permit shall be accompanied by the written recommendations of appropriate state and federal agencies;

[3] if a height variance is requested, except in the CBD zoning district, telephone and telegraph transmission towers over one hundred feet in height shall be set back, in addition to the yards required by the regulations of the district in which such towers are located, one foot for every three feet in height over one hundred feet.

[4] in the event any tower is to be equipped with hazard lights, the use of white strobe lights shall be restricted to daylight hours;

[5] the BZA may place restrictions on the manner (and color) in which the tower can be painted, within the parameters of applicable state and federal regulations; and,

[6] the BZA may require additional standards be met in order to assure compatibility of the proposed use with adjoining properties, subject to T.C.A. §13-24-301 et seq.

(dddd) T*emporary Mobile Recycling Centers shall be subject to the following additional standards*:

[1] Subject at all times to applicable state laws and the following conditions, a temporary mobile recycling center may be placed on a parcel zoned college-university (CU), commercial highway (CH), commercial fringe (CF), light industrial (L-I) and heavy industrial (H-I).

[2] No temporary mobile recycling receptacle shall exceed 48 feet in length.

[3] The placement of the receptacle and the operation of the temporary mobile recycling center will be reasonably compatible with and not detrimental to the public welfare or injurious to the improvement and use of the adjoining property.

[4] Two signs per receptacle shall be permitted. The signs shall be mounted on the outside of the receptacle and state the name of the business, the name and telephone number of the responsible party, and hours of operations. All signs shall be subject to Code Chapter 25.2, the Sign Ordinance.

[5] The site shall be kept in a clean, safe, and sanitary condition.

[6] The receptacle shall be located so as not to impair traffic flow;

[7] No receptacle shall be located closer than three hundred (300) feet from residentially zoned property.

[8] The site shall be used exclusively for collection and shall not have any processing equipment on-site.

[9] All applicable set-back lines shall be honored.

(eeee) *Temporary vendors, as described in Section 25(D)(4) of this article, are subject to the following additional standards*:

[1] The application for a temporary vendor Special Use Permit shall include the signature of the owner of the property or the owner's authorized agent. The owner of the property may be the applicant if the owner is to be the operator of the temporary use.

[2] The site for a temporary vendor shall be improved to provide adequate parking as determined by the BZA and shall provide for an on-site turn around area so that backing onto the street will not be necessary. Parking areas shall have an asphalt, concrete, or other hard dustless surface. In the event the proposed location will be on the site of an existing permanent business, the applicant must provide verification that the parking spaces displaced by the temporary vendor (including areas for tents, trailers, inventory, and parking for the temporary vendor) will not total more than 25% of the total parking available on the site.

[3] Traffic control measures may be required by the BZA. These may include a requirement that the applicant make provisions for directing traffic during expected peak hours of operation.

[4] Temporary facilities, including vehicles, trailers or tents, will be permitted provided they are erected or placed in conformance with all applicable Codes. Any tent must provide an emergency exit remote from the point of entrance into the tent. Vehicles, trailers and tents must be located on an asphalt, concrete or hard dustless surface and in no event may be erected

or placed on a gravel or grass area. All approved vehicles, trailers or tents must be maintained in good condition. Any vehicle, trailer or other moveable equipment used in connection with such temporary vendor shall be removed from the site at the conclusion of each business day. No such vehicle, trailer or equipment shall be removed and then be parked or stored in a residential area where such parking or storage is prohibited by ordinance or restrictive covenant. A vehicle or trailer may remain on the site overnight only if it is being used to provide security for items for sale remaining on the site, which items are not in a vehicle or trailer, provided the vehicle or trailer is constantly occupied or attended. The applicant shall be required to identify any vehicle, trailer or equipment to be used, and its overnight use and location, in the application.

[5] Any site used for a temporary vendor must be located so that all parts of all facilities and sales inventory on the site are no more than five hundred feet from an operable fire hydrant.

[6] A deposit in the amount of five hundred dollars ($500) per site shall be made with the Building and Codes Department. In the event the site has not been cleared and cleaned within the time specified, the deposit shall not be refunded. Additionally, unless the owner (and permit holder, if different) can prove good cause, the site shall not be eligible for other permits for temporary vendors, and the permit holder shall not be eligible for another temporary vendor Special Use Permit, for six (6) months for the first offense, twelve (12) months for the second offense and eighteen (18) months for the third and all subsequent offenses. Except as otherwise specifically provided herein in subsection [10], all sites must be cleared and cleaned within five (5) days after the expiration of the Special Use Permit.

[7] Adequate provision shall be made for restroom facilities on the property. Restroom facilities must be located on-site for all temporary vendor locations that include on-site overnight security. Portable toilets, if used, shall be located on the site and may not be located in any required front setback or in any required side yard. The BZA may approve the use of off-site restroom facilities provided they will be available during all business hours and provided that the applicant provides the written permission of the owner or manager of the off-site facilities.

[8] The applicant shall post on the property documentation of the BZA's granting of a temporary vendor Special Use Permit for inspection by City officials or others during the course of the temporary use.

[9] No special use permit shall be granted to any applicant who occupies or proposes to occupy premises for the temporary vendor where conditions exist on the site which are in violation of the sign, building, fire, electrical, or other ordinances of the City. If any such violations occur after the issuance of the temporary vendor Special Use Permit and same are not cured within 24 hours after notice, the Special Use Permit may be suspended, revoked or terminated by written notice, any temporary electrical service may be interrupted, and the deposit may be forfeited. The written notice referenced

in the previous sentence may be given by the Director of the Planning and Zoning Department, the Director of the Building and Codes Department, the City Manager or the Assistant City Manager. The City may, in addition, initiate any other enforcement remedies with respect to such violations as may be provided by law.

[10] Any electric meter installed on a freestanding permanent pole and/or any temporary pole installed to supply power to a temporary vendor shall be removed within 14 days after the Special Use Permit expires.

[11] Any site for a temporary vendor must be located so that all parts of all facilities and/or tents and all inventory are outside of any easements for electric power transmission or distribution.

[12] Adequate provision shall be made for solid waste management. If a dumpster is to be located on-site, it shall be located in such a manner as to minimize impact on adjoining properties or other businesses on the same lot of record.

[13] Signage for a temporary vendor shall conform to the requirements of the City's sign regulations including but not limited to an application for a sign permit and payment of applicable sign permit fees. The granting of a temporary vendor Special Use Permit shall not, by itself, allow any signage on the site in addition to that which was allowed prior to the granting of such permit.

[14] The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, live band, amplifiers, loudspeakers, or other machine or device for producing or reproducing sound in such a manner as to disturb the peace, quiet and comfort of neighboring residents at any time with louder volume than is necessary for convenient hearing for the persons responsible for producing or reproducing such sound shall not be permitted.

[15] A site may be used for temporary vending for no more than 70 days during any 12 month period. The BZA may approve a site to be used by multiple temporary vendors provided that no site shall be used by more than one temporary vendor at any time. A Special Use Permit for temporary vending shall expire at the end of one year after the date of approval. Notwithstanding the foregoing, a site which was approved by the Board of Zoning Appeals as a location for a temporary vendor of food or retail merchandise during the 12 months immediately preceding the effective date of this ordinance will continue to be an eligible site for a temporary vendor Special Use Permit for up to six months during any 12 month period provided all other conditions for site approval continue to be met, and provided further, that the eligibility of any such site for the issuance of an extended Special Use Permit shall end at the end of any 12 month period during which the site was not given approval for use by a temporary vendor of food or retail merchandise, or on November 14, 2017, whichever shall first occur.

[16] The BZA may require additional standards be met in order to assure compatibility of the proposed location with adjoining properties.

[17] Notwithstanding subsections [2] and [4] above, a temporary vendor may be permitted to locate parking areas, tents and other facilities on lots with gravel surfaces if such gravel surfaced lots were legally established, in existence and had been used for temporary vending purposes prior to January 1, 2007 provided however that the exception in this subsection shall end on November 14, 2017.

[18] The application for and grant of a Special Use Permit for temporary vending of fireworks shall be subject to the following additional conditions.

[aa] Any site for a fireworks seasonal retailer must be located so that all parts of all facilities and fireworks inventory on the site are no closer than two hundred feet to any fuel source.

[bb] No fireworks seasonal retailer shall be approved for any site within two hundred fifty feet of an establishment, which is licensed for on-site consumption of alcoholic beverages, or beer, as defined by state law. This measurement shall be made in a straight line without regard to intervening structures or objects from any structure, tent, or inventory storage area of a fireworks seasonal retailer to the nearest point of any structure or area where the alcoholic beverages or beer are licensed to be served.

[cc] The sales period for a fireworks seasonal retailer location shall not be approved for a period that begins before June 28 or ends after July 5 and/or begins before December 26 and ends after January 2 of any year. No activity associated with the fireworks seasonal retailer shall be located on the property before June 22 or before December 21 and all materials including sales offices, tents, garbage, trash, etc., shall be removed from the lot on or before July 10 or January 7.

[dd] Fireworks seasonal retailers must comply with all state and City laws and ordinances regarding the sale of fireworks, including but not necessarily limited to T.C.A. §68-104-101 and City Code §12.

[ee] A fireworks seasonal retailer shall not be approved for a period of more than one calendar year.

[ff] The applicant must obtain a tent permit for the fireworks tent.

[gg] A fireworks seasonal retainer shall provide certification that the tent is flame-resistant or treated to be flame-resistant.

[hh] A fire extinguisher shall be kept on-site at all times.

[ii] The City's fireworks ordinance shall be posted on-site.

[jj] No fireworks are to be set off on-site.

[kk] The site must pass an electrical safety inspection prior to opening for business. An electrical permit must be purchased from the Building and Codes Department in order to obtain this inspection.

[19] The application for and grant of a Special Use Permit for the temporary vending of Christmas trees shall be subject to the following additional conditions:

[aa] A seasonal Christmas tree sales location shall not be approved for a period that begins before November 15 or ends after December 28 of any year. Accordingly, no activity associated with the seasonal Christmas tree sales shall be located on the property before November 15 and all materials including discarded trees, tents, sales offices, garbage, etc., shall be removed from the lot on or before January 2.

[20] The application for and grant of a Special Use Permit for the temporary vending of food, beverages, animals, produce, other merchandise and any other such temporary sales event that is not an accessory use to the principal use on a lot or a portion of a lot shall be subject to the following additional conditions:

[aa] Tables, chairs, or other furniture that would allow or facilitate on-site consumption of food or beverages shall not be allowed on the site.

(E) *Renewals*. Renewals of Special Use Permits for temporary mobile recycling centers and temporary vendors may be administratively issued by the Planning Director if certain standards are met. In the event the Director has doubt regarding the compatibility of the proposed temporary mobile recycling centers and temporary vendors with adjoining land uses, the Director shall deny approval. Applicants who do not meet the standards listed in this section or whose Special Use Permit applications have been denied by the Director may apply to the Board of Zoning Appeals as provided in Sections 8 and 9 of this article. The standards to be met for administrative issuance are as follows:

(1) The temporary mobile recycling centers and temporary vendors shall have obtained a Special Use Permit from the Board of Zoning Appeals or the Planning Director within the twelve (12) month period immediately preceding the current application. Any variances previously granted to a temporary mobile recycling center or a temporary vendor during this time frame shall be applicable to the administrative approval as well, provided that the Planning Director determines that the variances had had no detrimental impacts.

(a) The current application for a Special Use Permit shall have the same applicant name as the previously-granted Special Use Permit.

(b) The current application for a Special Use Permit shall be for the same property (tax map, group, and parcel) as the previously-granted Special Use Permit. The tent, sales yard or other facility shall be placed in the same location on the property as indicated on the previously-granted Special Use Permit. In addition, the applicant for administrative approval of a temporary mobile recycling center or temporary vendor must demonstrate compliance with all standards listed in Sections 9(D)(2)(dddd) and (eeee), respectively.

(c) The zoning district and bulk regulations for the location in the current application for a Special Use Permit shall be the same as the zoning district and bulk regulations for the previously-granted Special Use Permit.

(d) The length, width, and height dimensions of the tent, sales yard or other facility in the current application for a Special Use Permit shall be the same as the length, width, and height dimensions of the tent, sales yard or other facility in the previously-granted Special Use Permit. The length and/or width dimensions

of the tent, sales yard or other facility in the current application may exceed the length and/or width dimensions of the tent, sales yard or other facility in the previously-granted Special Use Permit by two (2) feet, provided that the tent, sales yard or other facility meets all minimum required building setbacks. In the event the Planning Director has doubt regarding the compatibility of the length and/or width expansion with adjoining land uses, the Director shall deny approval. Height expansions shall not be administratively approved by the Planning Director.

(2) The temporary mobile recycling centers and temporary vendors shall not have been issued a citation, written warning, or fine by any law enforcement agency within the twelve (12) month period immediately preceding the current application. The applicant shall attest in writing that no such actions have been taken by any law enforcement agency.

(3) The temporary mobile recycling centers and temporary vendors and the property on which they are located shall not have been issued a citation, written warning, or fine by any City, County, Regional, State, or Federal department or agency for any violation of any zoning, building, fire, or property maintenance code or regulation within the twelve (12) month period immediately preceding the current application. The applicant shall attest in writing that no such actions have been taken by any governmental department or agency.

[Ord. No. 92-O-12 §§2, 3, 01-14-92; Ord. No. 93-O-21 §1, 07-01-93; Ord. No. 93-O-53 §8, 01-13-94; Ord. No. 94-O-30 §§3, 4, 8, 07-28-94; Ord. No. 95-O-21 §2, 04-27-95; Ord. No. 95-O-22 §§1, 2, 5, 04-27-95; Ord. No. 95-O-24 §5, 05-25-95; Ord. No. 95-O-56 §2, 09-28-95; Ord. No. 96-O-22 §1, 04-18-96; Ord. No. 96-O-36 §1, 05-30-96; Ord. No. 97-O-09 §4, 04-10-97; Ord. No. 97-O-30 §11, 07-17-97; Ord. No. 97-O-31 §2, 06-26-97; Ord. No. 98-O-23 §3, 06-04-98; Ord. No. 98-O-60 §§6, 7, 01-14-99; Ord. No. 99-O-66 §16, 08-24-00; Ord. No. 00-O-67 §2, 11-16-00; Ord. No. 01-O-30 §§1–3, 01-17-02; Ord. No. 03-O-16 §§1–4, 05-13-03; Ord. No. 05-O-79 §§1, 5, 12-15-05; Ord. No. 07-O-39 §§1-2, 11-08-07; Ord. No. 08-O-37 §2,3, 08-21-08; Ord. No. 09-O-16 §§11-18, 06-04-09; Ord. No. 10-O-01 §2-5, 03-04-10; Ord. No. 10-O-31 §§2-4, 10-14-10; Ord. No. 16-O-64 §§1-2, 7-8, 10-14-10]

SECTION 10. VARIANCES.

(A) *Authority.* The Board of Zoning Appeals shall have the authority to grant the variances specified in this article after a public hearing on a requested variance and only if the BZA makes specific written findings in favor of such variance based upon the standards for variance hereinafter set forth.

(B) *Purpose.* The purpose of a variance is to relieve the hardship or practical difficulty the regulations of this article may impose upon a landowner because of the unusual characteristics of a parcel of property which make compliance with regulations generally applicable in a zoning district extraordinarily difficult or impossible.

(C) *Initiation.* The owner or person having a contractual interest in the property for which a variance is sought may initiate a request for a variance.

(D) *Procedure*.

(1) *Application*. The owner or other person having a contractual interest in the

property to be affected by the variance shall file an application for a variance with the Zoning Administrator. Such application shall be accompanied by a non-refundable application fee established from time to time by City Council. However, no application fee is required when the applicant is relocating a sign because of condemnation or road construction by the city, county, state or federal government. The application shall contain the following information:

(a) name, address, and telephone number of the applicant;
(b) nature and extent of the applicant's interest in the property for which a variance is requested;
(c) a plot plan showing the dimensions of the property for which a variance is requested;
(d) the street address and legal description of the property for which a variance is requested;
(e) zoning classification of the property for which a variance is requested;
(f) a statement of the exact variance sought and section of this article from which a variance is requested;
(g) a statement of the purpose for the requested variance and the intended development of property if the variance is granted;
(h) if a use variance is sought, a statement setting forth the reason why a variance and not a zoning amendment is appropriate and stating whether the applicant previously sought a zoning amendment for such property, and, if so, the disposition of the request for such amendment; and,
(i) unless otherwise modified by the Zoning Administrator, in accordance with standards established by said BZA in rules published from time to time, a vicinity map showing the property which is the site of the requested variance and all parcels of property within a five hundred foot radius if such property is located within the City. Such vicinity map shall show any and all streets, roads or alleys, and shall indicate the owner's name and dimensions of each parcel of property shown.

(2) *Action by the Board*. Not more than forty-five days after an application is filed, the BZA shall hold a public hearing thereon. Written notice of such public hearing shall be published in a newspaper of general circulation. In addition, a sign shall be posted and maintained on the subject property by the applicant which conforms with the size and content requirements of the BZA, and written notice shall be mailed to contiguous property owners, property owners directly across the street, and property owners diagonally across the street from the subject property. Failure to mail notice to such owner(s) will not invalidate the amendment or action of the BZA.

Prior to the adjournment of the meeting at which such public hearing is concluded, the BZA may act on the requested variance or take the matter under advisement, or defer decision until the next or special called meeting of the BZA. Notice of the BZA's decision, along with its written findings, shall be mailed to the applicant within fifteen days after the date of the BZA's decision on the requested variance.

(E) *Standards and proof required for variances.*

(1) Reserved.

(2) *Bulk variances and other variances*. No bulk variance or other variance shall be granted unless the applicant establishes that the bulk or other regulations generally applicable in the zoning classification for the property for which a variance is requested impose practical difficulties which are unusual to the property and are not self-created. The applicant must also show that the bulk or other variance requested will not be unduly detrimental to other property in the vicinity of the property for which the variance is requested. Additionally to satisfy the requirements outlined in this subsection for the granting of a bulk or other variance, an applicant shall establish the existence of the following:

(a) *Practical difficulties*. The narrowness, shallowness or shape, topography or other condition of the land is such that it is extraordinarily difficult to comply with the generally applicable bulk or other regulations of the zoning classification for the property.

(b) *Unusual characteristics of the subject property*. The property is unusual in that it has unusual physical features compared to other property located in the same zoning district.

(c) *Not self-created*. The condition of the property has not resulted from any deliberate action by the owner.

(F) *Findings.* The BZA must make specific written findings of fact on each of the standards for a variance in either granting or denying the variance. Said findings will determine that the variance will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public health, safety, comfort, morals, or welfare of the inhabitants of the City.

(G) *Conditions on variances.* The BZA may set forth conditions in the written resolution granting a variance. Such conditions may relate to screening, landscaping, location, and other conditions necessary to preserve the character of the area and protect property in the vicinity of the variance. A violation of such conditions shall be a violation of this article.

(H) *Determination of compliance with conditions.* The Zoning Administrator shall determine when the applicant has complied with the conditions set forth in the resolution granting the variance.

(I) *Effect of grant of variance.* The grant of a variance shall not allow the development of the property for which a variance was granted but shall merely authorize the filing of applications for required permits and approvals, including, but not limited to, building permits, and certificates of occupancy.

(J) *Length of variance.* Variances are valid for an unlimited time, irrespective of ownership, unless otherwise conditioned.

[Ord. No. 87-10 §1, 01-15-87; Ord. No. 89-22 §4, 05-25-89; Ord. No. 89-38 §2, 09-14-89; Ord. No. 90-11 §1, 05-22-90; Ord. No. 05-O-79 §1, 12-15-05]

SECTION 11. INTERPRETATIONS.

(A) *Authority.* After consultation with the Planning Director, the City Attorney may render an interpretation on any regulatory provision of this article in connection with reviews of building permit applications for zoning compliance or written requests for opinions directed to the City Attorney.

(B) *Procedure.* If the Zoning Administrator determines that a regulatory provision of this article is so unclear or ambiguous that an interpretation of the provision is necessary to process a building permit application for zoning compliance in accordance with the provisions of Section 5 of this article, the City Attorney shall interpret such provision. After interpretation of such provision, the Zoning Administrator shall determine whether the proposed development is consistent with the City Attorney's interpretation and shall continue to process such building permit application for zoning compliance in accordance with the provisions of Section 5 of this article.

[Ord. No. 14-O-62 §1, 01-15-15]

SECTION 12. APPEALS FROM ADMINISTRATIVE DECISIONS.

(A) *Authority.* The Board of Zoning Appeals shall have the authority to hear and decide appeals from any order, requirement, decision or determination by any department, office or bureau responsible for the administration of this article.

(B) *Initiation.* An appeal may be initiated by any person aggrieved or by any officer, department, or bureau affected by an order, requirement, decision, or determination by any department, office, or bureau responsible for the administration of this article.

(C) *Procedure.*

(1) *Notice of appeal*. Within fifteen days after the date of a written notice, requirement, decision, or determination of an administrative department, bureau, or office with respect to the enforcement of this article, a person or entity aggrieved or any office, department or bureau affected thereby, shall file a notice of appeal with the Zoning Administrator and with the department, office, or bureau which rendered the decision or determination, issued the order or imposed the requirement appealed. Such notice shall be accompanied by a nonrefundable fee established from time to time by City Council and shall contain the following:

(a) name, address, and telephone number of the person aggrieved or the name of the office, department, or bureau affected;

(b) name of the department, office, or bureau responsible for the order, requirement, decision, or determination appealed;

(c) a statement setting forth the order, requirement, decision, or determination appealed and the date thereof;

(d) if applicable, a statement setting forth the provision of this article with which the order, requirement, decision, or determination is inconsistent and the nature of the inconsistency; and,

(e) a notice filed by a department or bureau shall be authorized by the head thereof.

(2) *Action on notice of appeal*. Not more than forty-five days after a notice of appeal is filed, the BZA shall hold a hearing thereon. Written notice of such hearing shall be mailed to the person, officer, department or bureau who filed the notice of appeal and to the department, office or bureau responsible for the order, requirement, decision or determination being appealed.

(3) *Decision of BZA.* Prior to the adjournment of the meeting at which such hearing on such notice of appeal is concluded, the BZA may affirm, reverse, or modify the order, requirement, decision or determination appealed from and in so doing, the BZA may issue an order, impose a requirement or render a decision or determination which it deems appropriate and, to that end, the BZA shall be deemed to have the same powers as the office, department, or bureau whose action was the subject of the appeal. The BZA may take the appeal under advisement or defer the decision until the next regular meeting of the BZA.

(D) *Effect of filing an appeal.* The filing of a notice of appeal shall require the office, department or official whose action is appealed from to forward any and all records or facsimile copies thereof concerning the subject matter of the appeal to the BZA and shall stay any proceedings in furtherance of the action appealed from unless the office, official or department responsible for such action certifies in writing to the person, officer, department or official who filed the notice of appeal and to the BZA that a stay poses an imminent peril to life or property, and setting forth the reasons therefore, in which case the appeal shall not stay further proceedings until the peril is corrected, at which time the stay shall again be in effect.

[Ord. No. 99-O-66 §20, 05-24-00; Ord. No. 05-O-79 §1, 12-15-05]

SECTION 13. PLANNED DEVELOPMENT REGULATIONS.

(A) *Purpose and Intent.* The purposes of these planned development district regulations are as follows:

(1) to promote flexibility in development design and to permit planned diversification in the location of structures;

(2) to promote the efficient use of land by permitting a planned arrangement of buildings, circulation systems, land uses, and utilities;

(3) to preserve existing landscape features and amenities and to utilize such features in a harmonious fashion;

(4) to encourage the total planning of land tracts consistent with adopted long-range plans;

(5) to permit the use of new and innovative land development techniques while assuring protection of existing adjacent development;

(6) to encourage the functional and beneficial use of open spaces and to preserve natural features of a development site;

(7) to promote the creation of a safe and desirable living environment for residential areas characterized by a unified site and development program;

(8) to permit the creation of a variety of housing types compatible with surrounding

development to provide a greater choice of types of environment and living units;

(9) to promote the provision of attractive and appropriate locations for business and manufacturing uses in well-designed developments and the provision of opportunities for employment closer to residences with a reduction in travel time from home to work;

(10) to encourage the revitalization of established commercial centers;

(11) to promote the diversification in the uses permitted and variation in the relationship of uses, structures, open space, and height of structures in developments intended as cohesive, unified projects;

(12) to encourage design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property; and,

(13) to promote the significance of architectural and aesthetic improvements and details in atypical developments.

(B) *Regulations of general applicability for planned developments.*

(1) *Ownership and division of land*. No tract(s) of land may be considered for or approved as a planned development unless such tract(s) is under the single ownership of a landowner as defined in this article. The holder of a written option to purchase or any governmental agency shall be considered a landowner for purposes of this section. Unless otherwise provided as a condition of approval of a planned development, the landowner of an adopted planned development may divide and transfer parts of such development provided that the transferee shall be obligated to complete each such part, and use and maintain it in strict conformance with the approved planned development.

(2) *Waiver of BZA action*. No action of the BZA shall be required in the approval of a planned development including those activities or uses which would otherwise require special use permits as provided by other provisions of this article.

(3) *Common space and common elements*.

(a) Where provided, common space must be usable for recreational purposes or must provide visual, aesthetic and environmental amenities. The uses authorized for the common space must be appropriate to the scale and character of the planned development, considering its size, density, expected population, topography, and the number and type of dwellings or other buildings to be constructed.

(b) Common space must be suitably improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved. Any buildings, structures or other improvements to be located in the common space must be appropriate and must conserve and enhance the amenities of the common space having regard to its topography and the intended function of the common space.

(c) The development phasing sequence must coordinate construction of improvements. In no event shall occupancy permits for any phase of the planned development be issued unless and until the common space and common elements which are part of that phase have been dedicated, or conveyed and improved, or performance bonds, letters of credit, or other acceptable performance guarantees have been posted to assure completion.

(d) No common space or common elements of a planned residential development shall be conveyed or dedicated by the developer or any other person to any public body, homeowners' association or other responsible party unless the Planning Commission has determined that the character and quality of the tract to be conveyed makes it suitable for the intended purpose. The Commission may give consideration to the size and character of the dwellings to be constructed within the planned development, the topography and existing trees, the ground cover, other natural features, and the manner in which the common space is to be improved and maintained for recreational or amenity purposes.

(e) The Commission shall not approve a planned development unless adequate provision has been made for continued maintenance of common space or common elements in a manner which assures its maintenance and use for its intended purpose.

(4) *Accessibility of site*. All proposed streets, alleys and driveways shall be adequate to serve the residents, occupants, visitors, emergency and sanitation vehicles or other anticipated traffic of the planned development, but may be designed so as to discourage outside through traffic from transversing the development. The location of the entrance points of the streets, alleys, and driveways upon existing public roadways shall be subject to the approval of the Commission. The Commission may condition approval on the construction of improvements such as street widening, curbs, gutters, and sidewalks to existing contiguous streets and or the provision of connections to community greenways, bicycle paths or routes, or pedestrian ways.

(5) *Off-street parking*. Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks, and steps may be provided, maintained and lighted for night use. Screening of parking and service areas may be required through use of trees, shrubs, hedges and/or screening walls.

(6) *Pedestrian circulation*. The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system in order to provide an appropriate degree of separation of pedestrian and vehicular movement. As a condition of approval, the Commission or City Council may require the construction of sidewalks to facilitate safe pedestrian movement.

(7) *Privacy*. The planned development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the planned development. Protection and enhancement of property and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, berms, and landscape barriers. Should high-rise buildings be approved, they shall be located within the development in such a manner as to minimize any adverse impact on adjoining low-rise buildings.

(8) *Relationship to the Subdivision Regulations and the other zoning regulations.* The ordinance approving the planned development may provide for such exceptions from the non-overlay district zoning regulations governing use, density, area, bulk, parking, and such Subdivision Regulations as may be necessary or desirable to achieve the objectives of the proposed planned development, provided such exceptions are consistent with the standards and criteria contained in this section

and have been specifically identified and requested in the application for a planned development. Unless the ordinance approving a planned development contains a clear statement of exceptions to them, the standards and criteria of the district zoning regulations (non-overlay) will apply to all planned developments. The only exceptions to overlay district regulations permitted in a planned development are exceptions, in the Battlefield Protection District zone and the Gateway Design Overlay District zone, to a building height, a setback, or a landscaping requirement.

(9) *Development period; phasing*. The expeditious construction of any planned development approved under these regulations shall be undertaken to assist in the assurance of the full completion of the development.

(a) *Start of development.* Within eighteen months from and after the effective date of the ordinance approving the planned development, actual construction shall have commenced in such development. For the purposes of this subsection, actual construction is defined to include the permanent fastening of construction materials on-site or extensive grading including demolition or removal of existing structures necessary for the development. In the event that actual construction shall have not begun within eighteen months, the Commission shall, at least every eighteen months thereafter, review the zoning of the planned development and may recommend that the City Council take action to zone the land back to the zoning classification placed upon the land prior to the adoption of the ordinance approving the planned development. Any permit issued for such planned development shall become void if actual construction has not commenced within the eighteen month period, and no new permit shall be issued until appropriate action or review by the Commission.

(b) The Commission may permit the development to progress in phases and sections, provided, each phase or section of the development is so planned and so related to existing surroundings and available facilities and services that failure to proceed to subsequent stages will not have an adverse impact on the initial phases or sections of the planned development or its surroundings.

(10) *Annexation*. An application for planned development approval may be made simultaneous with a request for annexation. In which case the annexation and application for the planned development shall proceed as provided in Section 17 of this article.

(11) *Landscaping*. Landscaping for planned developments shall generally conform to the minimum requirements for landscaping and screening as established in Section 27 of this article.

(C) *Planned development districts.*

(1) *PRD, Planned Residential District*. Any planned development for a land use, uses, or combination of uses permitted by right or by special permit in the RS-15, RS-12, RS-10, RS-8, RS-4, RD, RM-12, RM-16, RM-22, or R-MO districts as indicated in the DWELLINGS, OTHER HOUSING, and INSTITUTIONS section of Chart 1 of this article shall be classified as and shown on the official zoning map as a PRD, Planned Residential District.

(2) *PCD, Planned Commercial District*. Any planned development for a land use, uses, or combination of uses permitted by right or by special permit in the CL, CF,

CH, OG, CM-R, CM, and CBD districts as indicated in the COMMERCIAL section of Chart 1 of this article shall be classified as and shown on the official zoning map as a PCD, Planned Commercial District.

(3) *PID, Planned Industrial District*. Any planned development for a land use, uses, or combination of uses permitted by right or by special permit in the H-I or L-I districts as indicated in the INDUSTRIAL, TRANSPORTATION AND PUBLIC UTILITIES, and OTHER sections of Chart 1 of this article shall be classified as and shown on the official zoning map as a PID, Planned Industrial District.

(4) *PUD, Planned Unit District*. Any planned development consisting of a combination of uses permitted by right or by special permit in a combination of the zoning districts indicated on Chart 1 of this article and which does not qualify otherwise as a PRD, PCD, or PID shall be classified as and shown on the official zoning map as a PUD, Planned Unit District.

(5) *PND, Planned Institutional District*. Any planned development for a land use, uses, or combination of uses permitted by right or by special permit in any district as indicated in the INSTITUTIONS section of Chart 1 of this article shall be classified as and shown on the official zoning map as a PND, Planned Institutional District.

(6) The Planning Director shall make determinations as to the applicable district designation and procedure after the pre-application conference as provided in subsection (D)(1) below based upon information submitted for and discussed during said pre-application conference.

(D) *Procedures for planned development approval.*

(1) *Pre-application conference*. Not more than six months prior to filing an application for planned development approval the applicant shall request a pre-application conference with the Planning Director to evaluate if the applicant is proceeding under the proper section of this article; to advise the Director of the location, scope, nature, and proposed district designation of the proposed planned development; to clarify issues; and, to discuss others matters as may be relevant to the planned development approval process. This pre-application conference shall be attended by the Director and the applicant and/or the applicant's agent(s) who may be professional engineers, architects, or land planners retained by the applicant to assist in the preparation of the development plans. The applicant shall obtain no vested rights by virtue of this pre-application conference.

(2) *Application for planned development approval*. The application shall be accompanied by a nonrefundable fee established from time to time by City Council and shall include the following:

(a) For all planned residential developments:

[1] a map showing available utilities, easements, roadways, rail lines and public right-of-way crossing and adjacent to the subject property;

[2] a graphic rendering of the existing conditions and/or aerial photograph(s) showing the existing conditions and depicting all significant natural topographical and physical features of the subject property; location and extent of water courses, wetlands, floodways, and floodplains on or within one hundred feet of the subject property; existing drainage patterns; location and extent of tree cover; and community greenways and bicycle paths and

routes in proximity to the subject property;

[3] a plot plan, aerial photograph, or combination thereof depicting the subject and adjoining properties including the location of structure on-site and within two hundred feet of the subject property and the identification of the use thereof;

[4] a drawing defining the general location and maximum number of lots, parcels or sites proposed to be developed or occupied by buildings in the planned development; the general location and maximum amount of area to be developed for parking; the general location and maximum amount of area to be devoted to open space and to be conveyed, dedicated, or reserved for parks, playgrounds, recreation uses, school sites, public buildings and other common use areas; the approximate location of points of ingress and egress and access streets; the approximate location of pedestrian, bicycle and vehicular ways or the restrictions pertaining thereto and the extent of proposed landscaping, planting, screening, or fencing;

[5] a tabulation of the maximum number of dwelling units proposed including the number of units with two or less bedrooms and the number of units with more than two bedrooms;

[6] a tabulation of the maximum floor area proposed to be constructed, the F.A.R. (floor area ratio), the L.S.R. (livability space ratio), and the O.S.R. (open space ratio);

[7] a written statement generally describing the relationship of the proposed planned development to the current policies and plans of the City and how the proposed planned development is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of this article;

[8] if the planned development is proposed to be constructed in stages or units during a period extending beyond a single construction season, a development schedule indicating:

(aa) the approximate date when construction of the project can be expected to begin;

(bb) the order in which the phases of the project will be built;

(cc) the minimum area and the approximate location of common space and public improvements that will be required at each stage; and,

(dd) a breakdown by phase for subsections [5] and [6] above;

[9] proposed means of assuring the continued maintenance of common space or other common elements and governing the use and continued protection of the planned development. For this purpose, the substance of any proposed restrictions or covenants shall be submitted;

[10] a statement setting forth in detail either (1) the exceptions which are required from the zoning and Subdivision Regulations otherwise applicable to the property to permit the development of the proposed planned development or (2) the bulk, use, and/or other regulations under which the planned development is proposed;

[11] the nature and extent of any overlay zone as described in Section 24 of this

article and any special flood hazard area as described in Section 34 of this article;

[12] the location and proposed improvements of any street depicted on the Murfreesboro Major Thoroughfare Plan as adopted and as it may be amended from time to time;

[13] the name, address, telephone number, and facsimile number of the applicant and any professional engineer, architect, or land planner retained by the applicant to assist in the preparation of the planned development plans. A primary representative shall be designated;

[14] architectural renderings, architectural plans or photographs of proposed structures with sufficient clarity to convey the appearance of proposed structures. The plan shall include a written description of proposed exterior building materials including the siding and roof materials, porches, and decks. The location and orientation of exterior light fixtures and of garages shall be shown if such are to be included in the structures; and,

[15] if a development entrance sign is proposed the application shall include a description of the proposed entrance sign improvements including a description of lighting, landscaping, and construction materials.

(b) For all planned commercial, planned industrial developments and planned unit developments:

[1] a map showing available utilities, easements, roadways, rail lines and public rights-of-way crossing and adjacent to the subject property;

[2] a graphic rendering of the existing conditions and/or aerial photograph(s) showing the existing conditions and depicting all significant natural topographical and physical features of the subject property; location and extent of water courses, wetlands, floodways, and floodplains on or within one hundred feet of the subject property; existing drainage patterns; location and extent of tree cover; and, community greenways and bicycle paths and routes in proximity to the subject property;

[3] a plot plan, aerial photograph, or combination thereof depicting the subject and adjoining properties including the location of structures on-site or within two hundred feet of the subject property and the identification of the use thereof;

[4] a drawing defining the location and area to be developed for buildings and parking; standards for pedestrian and vehicular circulation; the proposed points of ingress and egress to the development; the provision of spaces for loading; proposed screening to be made in relation to abutting land uses and zoning districts; and the extent of proposed landscaping, planting and other treatment adjacent to surrounding property;

[5] a circulation diagram indicating the proposed principal movement of vehicles, bicycles, goods, and pedestrians within the development to and from existing thoroughfares;

[6] a development schedule indicating the stages in which the project will be built and when construction of the project can be expected to begin. If the planned development is proposed to be constructed in stages or units during

a period extending beyond a single construction season, a development schedule indicating:

(aa) the approximate date when construction of the project can be expected to begin;

(bb) the order in which the phases of the project will be built; and,

(cc) the minimum area and the approximate location of common space and public improvements that will be required at each phase.

[7] a written statement generally describing the relationship of the planned development to the current policies and plans of the City and how the proposed planned development is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of this article;

[8] a statement setting forth in detail the manner in which the proposed planned development deviates from the zoning and Subdivision Regulations which would otherwise be applicable to the subject property;

[9] a tabulation setting forth:

(aa) maximum total square feet of building floor area proposed for commercial uses and for industrial uses, by general type of use;

(bb) maximum total land area, expressed in acres and as a percent of the total development area, proposed to be devoted to commercial and/or industrial uses; minimum public and private open space; streets and off-street parking and loading areas; and,

(cc) a tabulation of the maximum floor area to be constructed, the F.A.R. (floor area ratio), the L.S.R. (livability space ratio), and the O.S.R. (open space ratio).

[10] the nature and extent of any overlay zone as described in Section 24 of this article and any apecial flood hazard area as described in Section 34 of this article;

[11] the location and proposed improvements of any street depicted on the Murfreesboro Major Thoroughfare Plan as adopted and as it may be amended from time to time;

[12] the name, address, telephone number, and facsimile number of the applicant and any professional engineer, architect, or land planner retained by the applicant to assist in the preparation of the planned development plans. A primary representative shall be designated;

[13] architectural renderings, architectural plans or photographs of proposed structures with sufficient clarity to convey the appearance of proposed structures. The plan shall include a written description of proposed exterior building materials including the siding and roof materials, porches, and decks. And an exterior lighting plan; and,

[14] the application shall include a description of proposed signage for the development including calculations of square footage and height. If a development entrance sign is proposed the application shall include a description of the proposed entrance sign improvements including a description of lighting, landscaping, and construction materials.

(c) *Additional information may be required*. The planning staff, Planning Commission, or City Council may require additional information to be submitted which may be necessary to make a determination regarding the application for a planned development.

(3) *Staff review of application*. Upon receipt of an application for planned development approval, the planning staff shall review the application for completion. In the event the planning staff determines the application is incomplete, the planning staff shall notify the applicant of elements necessary to complete the application. When the application is complete, the planning staff shall prepare a written response recommending appropriate changes, additions, and deletions and identifying any special concerns with respect to the proposed planned development.

(4) *Planning Commission review of application*. Not more than forty-five days after a complete application for planned development approval has been filed, 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 seventy-five days after the Commission has received 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.

(5) *Legislative approval of planned development*.

(a) The City Council shall hold a public hearing on the application for the planned development after receipt of recommendations from the Commission. Notice of such public hearing shall be in the manner as prescribed in Section 6(E)(2)(g) of this article. Provided, further, notice of any appeal made pursuant to subsection (5)(b) below shall be included with notices mailed to property owners as required by this subsection. Failure to mail notice to property owners or to post signs as prescribed in Section 6(E)(2)(g) shall not invalidate any action of Council.

(b) The applicant may appeal any special conditions placed by the Commission upon the approval of the planned development. Any such appeal shall be made in writing and shall be filed with the Planning Director not less than twenty-one calendar days prior to the scheduled public hearing before City Council. Such written appeal shall include proposed alternatives. The appeal shall be considered as part of the public hearing. Council shall render a decision on any such appeal and shall approve, disapprove, or approve the planned development subject to special conditions. Council may condition approval upon conditions in addition or in substitution to those placed by the Commission.

(c) Approval by Council shall constitute a change of the zoning map and shall

authorize the applicant to proceed with the filing of applications for site plans, subdivision plats, building permits, certificates of occupancy and any other permits ordinarily required for development.

(6) *Minor deviations*. When filing subsequent applications for required approvals, the applicant must identify any deviations from the approved planned development. The staff of the Planning Department shall evaluate the deviations to determine whether they are substantial or minor in accordance with the following:

(a) it provides for less density than the approved outline plan; or

(b) it provides greater open space by the elimination of or reduction in the size of the residential, commercial or industrial buildings; or

(c) it modifies the orientation of buildings or their location as long as such changes do not significantly alter or adversely affect the relationship of such buildings to the total development or any of its elements. Such modification shall not exceed a distance of:

[1] five feet for final plan of eight or less acres;

[2] ten feet for final plan of eight acres but less than twenty acres; and,

[3] fifteen feet for final plans of twenty acres or more.

The evaluation shall be made within fourteen days. If the planning staff finds the planned development deviates substantially from the approved application, the applicant shall apply for an amendment of the planned development as provided in this section.

(7) *Amendments*. A planned development may be amended in the accordance with the procedure which governs its approval as provided in this section.

[Ord. No. 85-4 §1, 01-03-85; Ord. No. 95-O-48 §6, 09-14-95; Ord. No. 97-O-63 §1, 11-20-97; Ord. No. 99-O-66 §18, 08-24-00; Ord. No. 04-O-56 §§1–3, 10-28-04; Ord. No. 05-O-79 §1, 12-15-05; Ord. No. 08-O-47 §1, 10-23-08; Ord. No. 09-O-16 §§19-22, 06-04-09; Ord. No. 10-O-04 §6-9, 03-04.10]

SECTION 14. DISTRICTS ESTABLISHED.

In order to carry out the purposes and provisions of this article, the City of Murfreesboro is divided into the following districts:

(A) *Residential districts*.

(1) RS-15, Single-Family Residential District.

(2) RS-12, Single-Family Residential District.

(3) RS-10, Single-Family Residential District.

(4) RS-8, Single-Family Residential District.

(5) RS-4, Single-Family Residential District.

(6) R-D, Duplex Residential District.

(7) RM-12, Residential Multi-family District.

(8) RM-16, Residential Multi-family District.

(9) RM-22, Residential Multi-family District.

(10) R-MO, Mobile Home District.

(11) RZ, Residential Zero-Lot Line District.

(B) O*ffice districts*.
(1) OG, General Office District.
(2) OG-R, General Office District - Residential.
(C) *Commercial districts*.
(1) Reserved.
(2) CL, Local Commercial District.
(3) CH, Highway Commercial District.
(4) CBD, Central Business District.
(5) CM-R, Medical District Residential.
(6) CM, Medical District Commercial.
(7) CF, Commercial Fringe District.
(8) CM-RS-8, Medical District Residential Single Family.
(9) MU, Mixed Use District.
(D) *Industrial districts*.
(1) H-I, Heavy Industrial District.
(2) L-I, Light Industrial District.
(E) *Special purpose districts*.
(1) CU, College and University District.
(2) Reserved.
(3) P, Park District.
(F) *Overlay districts*.
(1) Reserved.
(2) H-1, Historic District.
(3) AHR, Airport Height Regulation District.
(4) BPD, Battlefield Protection District.
(5) GDO, Gateway Design Overlay District.
(a) GDO-1.
(b) GDO-2.
(c) GDO-3.
(d) GDO-4.
(6) PS, Planned Signage Overlay District.
(7) CCO, City Core Overlay District.
(G) *Planned Developments*.
(1) PRD, Planned Residential District.
(2) PCD, Planned Commercial District.
(3) PID, Planned Industrial District.
(4) PUD, Planned Unit District.
(5) PND, Planned Institutional District.

Previous Section 14 -Ord. No. 85-4 §1, 01-03-85; Ord. No. 88-9 §1, 02-18-88; Ord. No. 95-O-48 §7, 09-14-95]

[Ord. No. 85-4 §1, 01-03-85; Ord. No. 87-25 §1, 05-14-87; Ord. No. 90-20 §1, 04-26-90; Ord. No. 92-3 §§1–3, 01-15-92; Ord. No. 92-5 §§1, 2, 01-23-92; Ord. No. 92-10 §1, 01-30-92; Ord. No. 95-O-48 §8, 09-14-95; Ord. No. 95-O-59 §5, 11-09-95; Ord. No. 96-O-07 §1, 03-07-96; Ord. No. 97-O-63 §2, 11-20-97; Ord. No. 99-O-37 §2, 08-12-99; Ord. No. 00-O-80 §1, 01-25-01; Ord. No. 03-O-53 §2, 01-08-04; Ord. No. 05-O-

79 §7, 12-15-05; Ord. No. 05-O-78 §1, 01-12-06; Ord. No. 06-O-21 §1, 06-22-06; Ord. No. 09-O-16 §23, 06-04-09; Ord. No. 12-O-35 §1, 01-10-13; Ord. No. 13-O-50 §1, 01-09-14; Ord. No. 14-O-62 §2, 01-15-15]

SECTION 14A. AMENITY INCENTIVES FOR MULTIPLE-FAMILY DEVELOPMENTS IN THE MULTIPLE-FAMILY RESIDENTIAL DISTRICTS.

(A) *Purpose.* The increases in floor area or density provided for in this section are permitted in order to achieve a more efficient utilization of public facilities, limit urban sprawl, conserve open space, minimize encroachments into areas of environmental sensitivity, promote a more harmonious urban environment, and encourage provision of recreational amenities.

(B) *Density bonus.* If the site plan for a multiple-family residential development includes an amenity described in this section and the Planning Director finds that the proposed amenity meets the requirements of this article including this section and Section 7, then the applicant shall be entitled to a density bonus as specified in this section, provided that the total of all such density bonuses may not exceed thirty percent (30%) of the maximum density permitted in the district. No density bonus shall be permitted for multiple family developments of less than one acre or less than five units.

(C) *Authority.* The Planning Director shall have the authority to approve or reject density bonuses as provided in this section.

(D) *Procedure.*

(1) To obtain approval for a density bonus an applicant shall provide sufficient information for the Planning Director to determine if the proposed amenity complies with the provisions of this section and qualifies for a density bonus. To this end the following shall be submitted along with an application for site plan approval as required by Section 7 of this article:

(a) a site plan drawn to scale identifying the location, size, and dimensions of the proposed amenity or amenities;

(b) a written description of the proposed amenity or amenities and the amount of the requested density bonus for each proposed amenity;

(c) a written calculation of the density bonus the applicant proposes to be allowed; and,

(d) any other information required by the Director necessary to determine if the proposed amenity qualifies for a density bonus.

(2) The Director shall determine whether amenities for which density bonuses are requested comply with the provisions of this section, and if the Director determines they do so comply, the density bonus to which the applicant is entitled shall be approved. If an amenity proposed to be provided does not comply with the provisions of this article, the requested density bonus shall be disapproved.

(3) Written notice setting forth the amount of the density bonus for which the applicant is entitled shall be mailed to the applicant within fourteen days of the receipt by the Director of the applicant's completed application for a density bonus. Such notice shall include the Director's reasons for denial or reduction in requested density bonus.

(4) An applicant may appeal the decision of the Planning Director with respect to the applicant's eligibility for a density bonus and the amount thereof to the Board of Zoning Appeals in accordance with the provision for appeals set forth in Section 12 of this article.

(E) *Amenity incentives allowed*.

(1) The provision of the following amenities in the RM-12, RM-16, and RM-22 Districts will qualify a multiple-family development for the following increases in density for dwellings. Provided, however, no amenity may include within it any other amenity also proposed for a density bonus.

Amenity	Density Increase
(a) Reserved.	Reserved.
(b) Permanent in-ground swimming pool.	One percent (1%) for each five hundred square feet of pool surface area up to a maximum increase of five percent (5%) not to exceed six dwelling units.
(c) Standard size tennis, handball, or racquetball court. Such court must be improved as a permanent element of the site.	One percent (1%) increase for each court or rink provided up to a maximum increase of up to three percent (3%) not to exceed four dwelling units.
(d) Standard size baseball, softball, football or soccer field equipped with standard goals, back-stops and bases.	Two percent (2%) for each field not to exceed six percent (6%) or seven dwelling units.
(e) Standard size basketball court with asphalt, concrete, or other hard surface acceptable to the Director.	One-half percent (½%) for each one-half court not to exceed one percent (1%) or one dwelling unit.
(f) Standard size volleyball or badminton court.	One-half percent (½%) for each one-half court not to exceed one percent (1%) or one dwelling unit.

(g) Tot lot or children's play area of at least two thousand five hundred square feet fenced and equipped with play equipment, such as swings, slides, seesaws, and jungle gyms.	Two and one-half percent (2½%) for each one thousand square feet up to a maximum increase of five percent (5%) or six dwelling units.
(h) Preservation of natural features of the site such as lakes and woods as common open spaces.	One percent (1%) for each ten thousand square feet of amenity preserved or provided, up to a maximum increase of ten percent (10%) or ten units.
(i) Clubhouse available for the exclusive use of the occupants of the development. Such clubhouse may include meeting rooms, weight rooms, game rooms, kitchen facilities, exercise equipment, etc. Areas used for office space or storage by the owner, developer, or manager shall not qualify for a density bonus under this subsection.	One percent (1%) for each one thousand square feet of clubhouse up to a maximum increase of five percent (5%) or six dwelling units.
(j) Preservation of a structure listed on the National Register of Historic Places in such a manner as to retain such designation.	One percent (1%) for each one thousand square feet of floor area preserved for a maximum increase of five percent (5%) or six dwelling units.
(k) Construction of walking, jogging, or bicycle trials constructed with a minimum width of four feet and with a permanent hard surface.	One percent (1%) for each one thousand square feet of floor area preserved for a maximum increase of five percent (5%) or six dwelling units.

(l) Construction of bicycle racks with a design shown on the plan and acceptable to the Director.	One-half percent (½%) for each fifty spaces not to exceed three percent (3%) or three dwelling units.

(F) *Amenity alteration or exchange.* The owner of property for which a density bonus has been granted shall be permitted to alter, relocate or exchange an amenity(s) provided that any proposed replacement amenity(s) is permitted and equivalent or greater density in this section. The procedure for an amenity relocation or exchange shall be as provided in subsection (D) above.

(G) *Maintenance.* Amenities for which a density bonus has been granted shall be maintained by the owner of the development. Failure to maintain the amenities in a condition suitable for the use for which the amenity was originally provided shall be considered a violation of this article.

[Ord. No. 91-53 §§1, 2, 11-07-91; Ord. No. 92-3 §§1–4, 01-15-92; Ord. No. 96-O-15 §1, 03-14-96; Ord. No. 05-O-79 §6, 12-15-05; Ord. No. 12-O-34 §2, 12-20-12]

SECTION 15. RESERVED.

[Ord. No. 14-O-62 §3, 01-15-15; Ord. No. 17-O-10 §6, 05-04-17]

SECTION 16. ZONING DISTRICT MAP.

(A) *Map incorporated.* The boundaries of the zoning district hereby established are shown on maps entitled “City of Murfreesboro.” The zoning district maps and all notations, references and other information shown thereon shall have the same force and effect as if fully set forth or described in this article and such maps are hereby made a part of this article. The zoning district maps shall be properly attested and kept on file in the Planning Department.

(B) *Omitted land.* It is the intent of this article that the entire area of the City, including all land and water areas, rivers, streets, alleys, railroads and other rights of way, be included in the districts established by this article. Any area not shown on the zoning district maps as being included in any such district shall be deemed to be and is hereby classified in the RS-15 Single-Family Residential District.

(C) *District boundaries.* In the event that any uncertainty exists with respect to the intended boundaries of the various districts as shown on the zoning district map, the following rules shall apply:

(1) The district boundaries are the centerlines of the streets, alleys, waterways and rights-of-way, unless otherwise indicated. Where designation of a boundary line on the zoning district map coincides with the location of a street, alley, waterway or right-of-way, the centerline of the street, alley, waterway, or right-of-way shall be construed to be the boundary of such district.

(2) Where the district boundaries do not coincide with the location of streets, alleys,

waterways and rights-of-way but do coincide with lot lines, such lot lines shall be construed to be the boundaries of such district.

(3) Where the district boundaries do not coincide with the location of streets, alleys, waterways and rights-of-way or lot lines, the district boundary shall be determined by the use of the scale shown on the zoning district map.

(4) Where the district boundaries are not otherwise shown, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the district designation on the map made a part of this article are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the district unless the boundaries are otherwise indicated on the map.

Section 17. Annexed Land.

All land annexed to the City shall for an interim period, between the time it is annexed until it proceeds through the zoning process and is otherwise zoned, be zoned in the following manner:

(1) areas zoned agricultural or residential shall be zoned RS-15;

(2) areas zoned commercial shall be zoned C-L; and,

(3) areas zoned industrial or manufacturing shall be zoned L-I.

Notwithstanding the foregoing, when the petition for annexation also has a zoning plan request for the subject property, the Planning Commission and City Council may consider a proposed zoning ordinance simultaneously with the annexation request. In which event, the Commission may hold a public hearing for the zoning plan immediately after the public hearing for annexation. In like manner, Council may hold a public hearing for the zoning plan immediately after the public hearing for annexation. The zoning ordinance may be voted on separately but at the same meeting as the annexation ordinance. The procedure and fee for considering a zoning plan for land in the process of annexation shall be the same as for considering amendments to the zoning map provided in Section 6 of this article.

[Ord. No. 89-8 §1, 03-02-89; Ord. No. 90-20 §2, 04-26-90; Ord. No. 96-O-51 §1, 10-10-96]

Section 18. Regulations of General Applicability.

(A) *Maintenance of established open space.* No existing yard or open spaces shall be reduced below the minimum bulk regulations of this article; except that no existing yards or open spaces shall be used to satisfy the minimum bulk regulations of this article for any other use or building unless the existing yards and open spaces are not reduced below the minimum bulk regulations.

(B) *One building per lot.* Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot unless otherwise provided in this article. The provisions of this

paragraph shall not apply to property owned by the City of Murfreesboro, Rutherford County, State of Tennessee, federal government, or to buildings containing multiple family dwellings.

(C) *Building orientation and screening* of service areas.

(1) Building Orientation. Except as may otherwise be provided in this article, no principal structure shall be constructed or placed upon any lot unless the front of such structure is oriented to face the front lot line. Upon corner lots, the structure shall be oriented with the front facing toward the street with the higher functional classification as determined by the Major Thoroughfare Plan and any amendments thereto. The front of a structure shall be that elevation of the structure containing the formal or main entryway or containing such other architectural elements as would lead a reasonable person to perceive it as the front of the structure.

(2) Screening of service areas. Service areas, loading docks and storage areas shall be incorporated into the building design and oriented so that they are screened from adjacent right-of-ways by use of vegetation, earth berms, masonry walls or a combination of such. The rear of buildings shall not face onto any street unless the rear of the building is screened with a minimum of a type C buffer as described in Section 27 of this article. Mechanical, utilities, or other building elements that must be roof mounted shall be located and screened so that are not visible from any point six feet above ground level or from any public right-of-way.

(3)To confirm compliance with the requirements of this section architectural elevations shall be submitted along with the site plan required in Section 7. SITE PLAN REVIEW of this article (Appendix A – Zoning).

(D) *Solid Waste Management*.

(1) All developments shall make adequate provision for effective solid waste management. Adequacy of solid waste management systems proposed shall be measured by the following standards:

(a) Each single family attached or detached residential owner or occupant shall utilize an automated garbage system refuse container approved by the Solid Waste Department unless otherwise indicated in Chapter 14 of the City Code. A location shall be provided on-site for the refuse container so as to be readily accessible for removal by the City through the automated garbage collection system on the day of collection. A location not visible from the public right-of-way shall also be provided for storage of the container.

(b) Each unit in two, three, and four family residential units shall utilize an automated garbage system refuse container approved by the Solid Waste Department unless otherwise indicated in Chapter 14 of the City Code. A location shall be provided on-site for the refuse container so as to be readily accessible for removal by the City through the automated garbage collection system on the day of collection. A location not visible from the public right-of-way shall also be provided for storage of the container.

(c) Multiple-family developments with more than 15 dwelling units shall make provision for solid waste collection through a commercial collection service and to facilitate such service shall: use multiple garbage containers placed in unobstructed enclosures, or on-site dumpsters placed at strategic locations,

or on-site garbage compacters placed at strategic locations. A multiple-family development with more than 15 units may be approved for City provided solid waste collection services by the City's Planning Director as part of the site review process if:

[1] The development is in a townhome or condominium format with each dwelling unit having an entrance on the ground floor;

[2] Each dwelling unit has a location not visible from the public right-of-way for storage of the container;

[3] The width of the public streets in the development and the turn radiuses of all corners and cul-de-sacs on the public roads are sufficient for use of the City's automated side loader collection vehicles;

[4] The public street network of the development allows for the automated side loader collection vehicles to service all dwelling units without having to back up.

If the development is approved for City provided solid waste collection services, no provisions for multiple container locations, dumpsters or compactors shall be required.

(2) In all commercial, multiple family, industrial, or institutional developments, dumpsters, compactors and major elements for solid waste management: shall be screened and buffered from view from the public right-of-way or adjoining properties; shall be enclosed within a fence or wall; shall be constructed with a concrete pad and apron to support service vehicles; and, shall be accessible to the intended users.

(E) *Conversion to condominium ownership.* Properties being converted to condominium ownership shall be inspected by the fire and building inspector and shall be brought up to applicable standards or agreed to prior to the Planning Commission approving any plat of a conversion. A copy of the homeowner's association, by-laws of agreement shall be provided to the Planning Director for the purpose of ensuring its compliance with Horizontal Property Act of the State of Tennessee.

(F) *Mobile home or house trailer in mobile home district only.* No mobile home or house trailer may be parked on any lot that fails to comply with the provisions established for mobile home parks in this article.

(G) *Site lighting*. Exterior lighting is an essential part of the total design of all projects. Well conceived lighting can extend the use of outdoor areas, create a sense of well-being and add interest to the nighttime landscape.

Lighting should satisfy the objectives of security while creating a pleasing visual environment. In an effort to reduce glare in the landscape, down lighting should be emphasized while limiting the use of spotlights. Selective site and building accent lighting is encouraged. For public protection and security, walkways and parking areas, as well as non-defensible public space (i.e., hidden nooks, exterior stairwells, dead end spaces) should be adequately lighted.

Lighting plans and schedules shall be provided along with submittal of site plans in accordance with the requirements of Section 7. SITE PLAN REVIEW of this article.

Provided, however, that only a preliminary lighting plan depicting the location of proposed lighting fixtures shall be required at the time of Planning Commission site plan review with the complete lighting plan and schedules required at the time of building permit application. The following considerations should be addressed during the review process:

(1) Lighting levels shall meet applicable standards for safety and security for parking, pedestrian and service areas.

(2) All light sources for a project shall be coordinated, including consideration of adjacent light sources.

(3) All lighting fixtures shall be shielded to prevent glare. Light shall not be distributed beyond an angle of thirty-five (35°) degrees from a vertical plane onto surrounding properties.

(d) Lighting shall be designed so that illumination does not exceed one-half (1/2) foot candle beyond the property line. All lighting shall have the intensities and uniformity ratio consistent with the Lighting Handbook of the Illuminations Engineering Society of North America (IESNA).

(4) On-site lighting fixtures in residential developments shall not exceed sixteen feet in height. For nonresidential developments with structures thirty-five feet or less in height, fixtures shall not exceed twenty feet in height. For nonresidential developments with structures greater than thirty-five feet in height, fixtures shall not exceed a height of thirty feet. Shoebox-style lighting fixtures shall not be used for poles of sixteen feet or less in height. In areas zoned H-I (Heavy Industrial) or L-I (Light Industrial) to be developed with large parking lots that will occasion maneuvering areas for large trucks, lighting poles and fixtures may be a maximum height of 75 feet.

(5) Poles may be located within landscaped areas or islands; however, to avoid conflicts with required landscaping, poles shall not displace or conflict with required parking lot landscaping.

(6) Attached building or wall pack lighting shall be screened by the building's architectural features or contain a thirty-five (35°) degree cutoff shield.

(7) Ground-oriented, pedestrian-scale lighting shall be considered as an alternative to pole-mounted fixtures along pedestrian walkways.

(8) No lighting fixtures shall have blinking, flashing or fluttering lights or other illuminating devices which have changing light intensity, brightness or color, nor shall any beacon light be permitted, except those required for fire alarm and/or emergency systems.

(9) White light shall be required. Low-pressure sodium lighting is prohibited.

(10) Fixtures used for architectural lighting, such as facade, feature, and landscape lighting, shall be aimed or directed to preclude light projection beyond immediate objects intended to be illuminated.

(11) Internally illuminated canopies shall have flush or recessed lenses.

(12) No glare shall project into public right-of-way.

(13) Lighting shall be sensitive to the Stones River National Battlefield to avoid intrusions of lighting onto the land within its authorized boundary.

[Ord. No. 97-O-30 §10, 07-17-97; Ord. No. 99-O-66 §2, 08-24-00; Ord. No. 04-O-46 §1, 09-09-04; Ord. No. 04-O-68 §2, 12-16-04; Ord. No. 09-O-16 §24, 06-04-09; Ord. No. 10-O-07 §§2-3, 03-25-10; Ord. No. 15-O-11 §2, 03-12-15]

SECTION 19. RESIDENTIAL DISTRICTS.

RS-15, SINGLE-FAMILY RESIDENTIAL DISTRICTS.

This district is intended to permit the development and continued maintenance of single-family residential areas characterized by relatively low overall density with lots of at least fifteen thousand square feet per dwelling unit. Other uses such as schools, churches, and specified services associated with or compatible with the residential uses allowed in this district are also permitted subject to site plan review and approval or the issuance of a special permit therefor. It is also intended that the relatively low density of this district will permit, to the extent possible, the preservation of open space and natural amenities. The uses permitted in this district, the special uses that may be allowed in this district, and the uses for which administrative site plan review and approval are required are listed in Chart 1 unless otherwise regulated in this article. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2 unless otherwise regulated in this article.

RS-12, SINGLE-FAMILY RESIDENTIAL DISTRICTS.

This district is intended to permit the development and continued maintenance of single-family residential areas characterized by relatively low overall density with lots of at least twelve thousand square feet per dwelling unit. Other uses such as schools, churches, and specified services associated with or compatible with the residential uses allowed in this district are also permitted subject to site plan review and approval or the issuance of a special permit therefor. It is also intended that the relatively low density of this district will permit, to the extent possible, the preservation of open space and natural amenities. The uses permitted in this district, the special uses that may be allowed in this district, and the uses for which administrative site plan review and approval are required are listed in Chart 1 unless otherwise regulated in this article. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2 unless otherwise regulated in this article.

RS-10, SINGLE-FAMILY RESIDENTIAL DISTRICTS.

This district is intended to permit the development and continued maintenance of single-family residential areas characterized by relatively low overall density with lots of at least ten thousand square feet per dwelling unit. Other uses such as schools, churches, and specified services associated with or compatible with the residential uses allowed in this

district are also permitted subject to site plan review and approval or the issuance of a special permit therefor. It is also intended that the relatively low density of this district will permit, to the extent possible, the preservation of open space and natural amenities. The uses permitted in this district, the special uses that may be allowed in this district, and the uses for which administrative site plan review and approval are required are listed in Chart 1 unless otherwise regulated in this article. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2 unless otherwise regulated in this article.

RS-8, SINGLE-FAMILY RESIDENTIAL DISTRICTS.

This district is intended to permit the development and continued maintenance of single-family residential areas characterized by relatively low overall density with lots of at least eight thousand square feet per dwelling unit. Other uses such as schools, churches, and specified services associated with or compatible with the residential uses allowed in this district are also permitted subject to site plan review and approval or the issuance of a special permit therefor. It is also intended that the relatively low density of this district will permit, to the extent possible, the preservation of open space and natural amenities. The uses permitted in this district, the special uses that may be allowed in this district, and the uses for which administrative site plan review and approval are required are listed in Chart 1 unless otherwise regulated in this article. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2 unless otherwise regulated in this article.

RS-4, SINGLE-FAMILY DISTRICT

This district is primarily intended to provide continued maintenance of single-family lots of four thousand square feet in area in the existing older parts of the City. It is not intended for use in the creation of new subdivisions in undeveloped areas. The uses permitted in this district, the special uses that may be allowed in this district, and the uses for which administrative site plan review and approval are required are listed in Chart 1 unless otherwise regulated in this article. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2 unless otherwise regulated in this article.

R-D, DUPLEX RESIDENTIAL DISTRICT.

This district is intended to permit the development and maintenance of residential areas characterized by single and two-family dwellings on lots of at least eight thousand square feet. Other uses such as schools, churches, and specified services associated with or compatible with the residential uses allowed in this district are also permitted subject to site plan review and approval or the issuance of a special permit therefor. The uses permitted in this district, the special uses that may be allowed in this district and the uses for which

site plan review and approval are required are listed in Chart 1 unless otherwise regulated in this article. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2 unless otherwise regulated in this article.

RM-12, RESIDENTIAL MULTIFAMILY DISTRICT.

This district is intended to permit the development and maintenance of residential areas characterized by a broad range of residential housing types including single-family, two-family, three-family, four-family and multiple-family dwellings up to three stories in height. Other uses such as churches, schools, and specified services associated with or compatible with the residential uses allowed in this district are also permitted subject to site plan review and approval or the issuance of a special permit therefor. The uses permitted in this district, the special uses that may be allowed in this district and the uses for which site plan review and approval are required are listed in Chart 1 unless otherwise regulated in this article. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2 unless otherwise regulated in this article.

RM-16, RESIDENTIAL MULTIFAMILY DISTRICT.

This district is intended to permit the development and maintenance of residential areas characterized by a broad range of residential housing types including single and two-family dwellings and multiple-family dwellings up to three stories in height. Other uses such as churches, schools, institutional uses and specified services associated with or compatible with the residential uses allowed in this district are also permitted subject to site plan review and approval or the issuance of a special permit therefor. The uses permitted in this district, the special uses that may be allowed in this district and the uses for which site plan review and approval are required are listed in Chart 1 unless otherwise regulated in this article. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2 unless otherwise regulated in this article.

RM-22, RESIDENTIAL MULTIFAMILY DISTRICT.

This district is intended to permit the development and maintenance of residential areas characterized by a broad range of residential housing types including single and two-family dwellings and multiple-family dwellings up to five stories in height. Other uses such as churches, schools, institutional uses and specified services associated with or compatible with the residential uses allowed in this district are also permitted subject to site plan review and approval or the issuance of a special permit therefor. The uses permitted in this district, the special uses that may be allowed in this district and the uses for which site plan review and approval are required are listed in Chart 1 unless otherwise regulated in this article. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district

are listed on Chart 2 unless otherwise regulated in this article.

R-MO, MOBILE HOME DISTRICT.

(A) *Purpose.* The purpose of this district and the regulations and standards contained herein are to establish a zoning category which will permit mobile homes to be located in mobile home parks and subdivisions specifically designed and set aside therefor and to ensure that mobile home parks and subdivisions develop in locations and in accordance with specified design criteria to assure harmonious development both within the mobile home park and subdivision and with other zoning districts.

No mobile home may be located except in a mobile home park or subdivision approved for mobile homes.

The uses permitted in this district, the special uses that may be allowed in this district, and the uses for which site plan review and approval are required are listed in Chart 1 unless otherwise regulated in this article. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2 unless otherwise regulated in this article.

(B) *Approvals required.* Prior to the development of any property classified in the R-MO district with a mobile home subdivision or mobile home park, the following approvals shall be required:

(1) *Mobile home subdivisions*. A subdivision plan submitted and approved in accordance with the provisions of the Subdivision Regulations shall be required prior to the issuance of any building permits for the development of a mobile home subdivision.

(2) *Mobile home park*. A site plan submitted and approved in accordance with the provisions of Section 7 of this article shall be required prior to the issuance of any building permits for the development of a mobile home park.

(C) *Standards for mobile home park and subdivision sites.* Mobile home parks and subdivisions shall be located on sites which satisfy the following standards:

(1) the site for a mobile home park or subdivision shall be a minimum of five acres;

(2) the site must provide direct access to major or minor thoroughfares or collector streets as designated in the Murfreesboro Major Thoroughfare Plan as adopted and as may be amended from time to time;

(3) the site must be served by public sanitary sewer and water facilities; and,

(4) a twenty-five foot landscaped area shall be provided around the entire perimeter of a mobile home park or subdivision.

(D) *Requirements for mobiles home and mobile home lots.* Each mobile home lot and mobile home shall comply with the following requirements:

(1) each mobile home lot or site shall have a concrete porch or patio of two hundred square feet;

(2) each mobile home shall be provided with anchors and tie-downs such as cast-in place concrete “deadman” eyelets imbedded in concrete slabs, screw augers,

arrowhead anchors or other devices to be used to stabilize the mobile home; and,

(3) skirting shall be provided around the perimeter of each mobile home.

(E) *Setback requirements.*

(1) Individual mobile homes in mobile home subdivisions shall comply with the setbacks specified in Chart 2 for R-MO.

(2) Individual mobile homes in mobile home parks:

Distance between mobile homes ..... 20 ft.
Setback from park property lines ..... 25 ft.
Setback from internal streets ..... 10 ft.

RZ, RESIDENTIAL ZERO-LOT LINE DISTRICT.

This district is intended to permit the development and maintenance of residential areas characterized by attached, detached and zero lot line single-family dwellings and by condominium developments characterized by two unit structures with lots of at least three thousand square feet per dwelling unit. Other uses such as schools, churches, and specified services associated with or compatible with the residential uses allowed in this district are also permitted, subject to site plan review and approval or the issuance of a special permit therefor. The uses permitted in this district, the special uses that may be allowed in this district, and the uses for which administrative site plan review and approval are required are listed in Chart 1, unless otherwise regulated in this article. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2 unless otherwise regulated in this article.

[Ord. No. 85-4 §1, 01-03-85; Ord. No. 85-16A §1, 06-20-85; Ord. No. 87-25 §2, 05-14-87; Ord. No. 91-53 §3, 11-07-91; Ord. No. 92-3 §§1–4, 01-15-92; Ord. No. 95-O-59 §4, 11-09-95; Ord. No. 00-O-80 §§1, 4, 01-25-01; Ord. No. 09-O-16 §25, 06-04-09; Ord. No. 10-O-04 §10, 03-04-10]

SECTION 20. OFFICE DISTRICTS.

OG, GENERAL OFFICE DISTRICT.

(A) *Purpose.* This district is intended to permit offices and associated administrative, executive, professional uses in new and existing structures and specified institutional and limited retail commercial uses. Such offices may be located along highways, as identified in the Murfreesboro Major Thoroughfare Plan as adopted and as may be amended from time to time, and adjacent to commercial uses to act as a buffer between such routes and uses and residential uses. The provisions of this category contain regulations, standards and procedures which are necessary and reasonable to preserve the character of the district, to guide growth and development, and to ensure harmonious development with other zoning districts. The uses permitted in this district, the special uses that may be allowed in this district, and the uses for which administrative site plan review and approval are required are listed in Chart 1 unless otherwise regulated in this article. The minimum lot and yard requirements, maximum

height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2 unless otherwise regulated in this article.

(B) *Use regulations.* The following limitations and conditions shall apply to any use allowed in this district:

(1) all operations and activities, except loading and unloading in connection with office building uses, shall be conducted within a completely enclosed building; and,

(2) storage shall be contained within the principal building on a lot.

OG-R, GENERAL OFFICE DISTRICT - RESIDENTIAL.

(A) *Purpose.* This district is intended to permit offices and associated administrative, executive, and professional uses, and residential uses and specified institutional and limited retail commercial uses. Permitted offices may be located along highways, as identified in the Murfreesboro Major Thoroughfare Plan as adopted and as may be amended from time to time, and adjacent to commercial uses to act as a buffer between such routes and uses and residential uses. The provisions of this category contain regulations, standards and procedures which are necessary and reasonable to preserve the character of the district, to guide growth and development, and to ensure harmonious development with other zoning districts. The uses permitted in this district, the special uses that may be allowed in this district, and the uses for which administrative site plan review and approval are required are listed in Chart 1 unless otherwise regulated in this article. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2 unless otherwise regulated in this article.

(B) *Use regulations.* The following limitations and conditions shall apply to any use allowed in this district:

(1) all operations and activities, except loading and unloading in connection with office building uses, shall be conducted within a completely enclosed building; and,

(2) storage shall be contained within the principal building on a lot.

[Ord. No. 96-O-07 §2, 03-07-96; Ord. No. 99-O-66 §12, 08-24-00; Ord. No. 09-O-16 §§26, 27, 06-04-09]

SECTION 21. COMMERCIAL DISTRICTS.

CL, LOCAL COMMERCIAL DISTRICT.

This district is intended to permit the development and continued maintenance of commercial retail uses and personal services serving the needs of a relatively small area and developed either as a unit or on individual parcels. The uses permitted in this district, the special uses that may be allowed in this district and the uses for which site plan review and approval are required are listed in Chart 1 unless otherwise regulated in this article. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit

density and the land use intensity ratios which govern any use in this district are listed on Chart 2 unless otherwise regulated in this article.

CH, HIGHWAY COMMERCIAL DISTRICT.

This district is intended to permit the development and continued maintenance of general commercial uses located in a linear fashion along highways and near transportation facilities and industrial areas. The uses permitted in this district, the special uses that may be allowed in this district and the uses for which site plan review and approval are required are listed in Chart 1 unless otherwise regulated in this article. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2 unless otherwise regulated in this article.

CBD, CENTRAL BUSINESS DISTRICT.

The purpose of this district is to provide a zoning category which allows the maintenance and development of use which will reinforce the vitality of the central business district as a residential and employment center and as the commercial, governmental, and cultural center of Murfreesboro. The uses permitted in this district, the special uses that may be allowed in this district and the uses for which site plan review and approval are required are listed in Chart 1 unless otherwise regulated in this article. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2 unless otherwise regulated in this article.

CM-R, MEDICAL DISTRICT RESIDENTIAL.

The purpose of this district is provide a zoning category devoted primarily to health-related uses. This district is designed to permit the development, expansion and modernization of hospitals, clinics, medical laboratories, and medical offices. The uses permitted in this district, the special uses that may be allowed in this district and the uses for which site plan review and approval are required are listed in Chart 1 unless otherwise regulated in this article. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2 unless otherwise regulated in this article.

CM, MEDICAL DISTRICT COMMERCIAL.

The purpose of this district is to provide a zoning category devoted primarily to health-related uses. This district is designed to permit the development, expansion and modernization of hospitals, clinics, medical laboratories, and medical offices. The uses permitted in this district, the special uses that may be allowed in this district and the uses for which site plan review and approval are required are listed in Chart 1 unless otherwise regulated in this article. The minimum lot and yard requirements, maximum height and the land use

intensity ratios which govern any use in this district are listed on Chart 2 unless otherwise regulated in this article.

CM-RS-8, MEDICAL DISTRICT RESIDENTIAL SINGLE FAMILY.

The purpose of this district is to provide a zoning category devoted primarily to health-related uses. This district is designed to permit the development, expansion and modernization of hospitals, clinics, medical laboratories, and medical offices. The uses permitted in this district, the special uses that may be allowed in this district, and the uses for which administrative site plan review and approval are required are listed in Chart 1 unless otherwise regulated in this article. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2 unless otherwise regulated in this article.

CF, COMMERCIAL FRINGE DISTRICT.

(A) *Purpose.* This district is intended to permit the development and continued maintenance of general commercial uses along highways and major arterial streets which tend not to be a nuisance to immediately surrounding residential development. The uses permitted in this district, the special uses that may be allowed in this district, and the uses for which site plan review and approval are required are listed in Chart 1 unless otherwise regulated in this article. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2 unless otherwise regulated in this article.

(B) *Use regulations.* The following limitations and conditions shall apply to any use allowed in this district.

(1) Reserved.

(2) Drive-up windows shall be permitted only when developments with such are located a minimum distance of two hundred feet from any property line of land zoned in the RS, RD, RZ, or PRD classification or the residential portion of land zoned in the PUD classification. The required distance shall be measured from the closest part of the drive-up window use including the queuing lanes to the land zoned in the RS, RD, RZ, PRD or PUD (if applicable) classification. Upon application in the manner described in Section 8 of this article, the Board of Zoning Appeals may approve separations less than those required by subsection (B)(2) as a special use for developments having drive-up windows. In making application to the BZA, the applicant must demonstrate that the drive-up window and associated queuing lane, menu boards, on-site circulation, and ordering system will not have an adverse impact on the property zoned RS, RD, RZ, or PRD or the residential portion of land zoned in the PUD classification. The BZA may consider any factor having a bearing on the impact of such use on the residential uses including, but not limited to, the actual distance of separation, the site design and arrangement, proposed screening and buffering, the intended use, orientation of the structures

and site elements, traffic conditions, hours of operation, and sounds and smells associated with the intended use, if any. As with any special use, the BZA may place appropriate conditions upon its approval to assure compatibility of the proposed use with the property in the RS, RD, RZ, or PRD classifications or the residential portion of land zoned in the PUD classification.

(3) Where developments have a common side or rear lot line with properties in the RS, RD, RZ, or PRD classification or the residential portion of land zoned in the PUD classification, dumpster and garbage collection areas shall be located on-site the maximum distance feasible from the residential properties. In some cases dumpsters may be prohibited by the Planning Commission or staff during Commission or administrative site plan review if the Commission or staff should find that the dumpster would be detrimental to the residential property.

(4) The sale or distribution of gasoline, diesel, and other fuels for motor vehicles will be permitted in this district only when developments for such are setback a minimum of two hundred feet from any property zoned in the RS, RD, RZ, or PRD classifications or the residential portion of land zoned in the PUD classification. The required distance shall be measured from property line to property line.

(5) On-site lighting for parking areas and loading areas shall be arranged in such a manner as to minimize intrusion of the lighting into areas zoned for residential purposes. To this end, a plan depicting the proposed location of on-site exterior lighting fixtures shall be submitted for all developments at the time of Commission and/or administrative site plan review. Such plan shall depict the arrangement of the lighting fixtures, their height, and the direction in which the lighting will be oriented. Additional information may be required by the Commission in order to verify whether the lighting will be intrusive into an area zoned for residential purposes.

MU, MIXED USE DISTRICT.

The purpose of the MU, Mixed Use district, is to provide a zoning category that allows a mixture of land uses both vertical and horizontal including multiple family dwellings, other housing, institutions, and commercial uses. It is intended that the MU district be allowed only for lands located within a GDO overlay district or within other overlay districts with a similar purpose and intent. The uses permitted in this district, the special uses that may be allowed in this district and the uses for which site plan review and approval are required are listed in Chart 1 unless otherwise regulated in this article. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density, land use intensity ratios, and maximum lot coverages which govern any use in this district are listed on Chart 2 unless otherwise regulated in this article

[Ord. No. 92-5 §§3, 4, 01-23-92; Ord. No. 92-10 §2, 01-30-92; Ord. No. 95-O-48 §9, 09-14-95; Ord. No. 98-O-48 §1, 11-19-98; Ord. No. 99-O-37 §1, 08-12-99; Ord. No. 99-O-66 §13, 08-24-00; Ord. No. 13-O-50 §2, 01-09-14; Ord. No. 14-O-61 §3, 01-15-15]

SECTION 22. INDUSTRIAL DISTRICTS.

H-I, HEAVY INDUSTRIAL DISTRICT.

This industrial district is intended to provide areas in which the principal uses permitted are manufacturing, wholesaling, or warehousing and which are accessible to major transportation routes. The regulations of this district are designed to minimize the adverse impact such uses may have on nearby districts. The uses permitted in this district, the special uses that may be allowed in this district, and the uses for which site plan review and approval are required are listed in Chart 1 unless otherwise regulated in this article. The minimum lot and yard requirements, maximum height, and the land use intensity ratios which govern any use in this district are listed on Chart 2 unless otherwise regulated in this article.

L-I, LIGHT INDUSTRIAL DISTRICT.

This industrial district is intended to provide areas in which the principal uses permitted are warehousing, wholesaling and light assembly plants which have little impact on the surrounding neighborhood other than truck traffic, and which are accessible to major transportation routes. The regulations of this district are designed to minimize the adverse impact such uses may have on nearby districts. Heavy industrial uses, such as steel mill and manufacturing facilities, likely to create noise, odor, vibration or smoke that can affect surrounding areas will not be permitted in the light industrial district. The uses permitted in this district, the special uses that may be allowed in this district, and the uses for which site plan review and approval are required are listed in Chart 1 unless otherwise regulated in this article. The minimum lot and yard requirements, maximum height, and the land use intensity ratios which govern any use in this district are listed on Chart 2 unless otherwise regulated in this article.

[Ord. No. 90-20 §3, 04-26-90]

SECTION 23. SPECIAL PURPOSE DISTRICTS.

CU, COLLEGE AND UNIVERSITY DISTRICT.

The purpose of this district is to provide a zoning category for the location of colleges and universities and uses attracted thereto and compatible therewith. Segregation of such college and university facilities is appropriate given the unique characteristics of the college and university areas, the variety of uses needed to serve the college and university community and the intensity of land use in such a community. The uses permitted in this district, the special uses that may be allowed in this district and the uses for which site plan review and approval are required are listed in Chart 1 unless otherwise regulated in this article. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district

are listed on Chart 2 unless otherwise regulated in this article.

P, PARK DISTRICT

The purpose of this district is to provide a zoning category for the location of park, recreational and open space areas within the City. It is intended this zoning classification have application to both public and private owned areas. The uses and special uses that may be allowed in this district, and the uses for which administrative site plan review and approval are required are listed in Chart 1 unless otherwise regulated in this article. The minimum lot and yard requirements, maximum height, maximum gross dwelling unit density and the land use intensity ratios which govern any use in this district are listed on Chart 2 unless otherwise regulated in this article.

[Ord. No. 87-20 §1, 04-09-87; Ord. No. 92-31 §§1–5, 07-09-92; Ord. No. 98-O-24 §1, 06-04-98; Ord. No. 06-O-63 §1, 12-14-06]

SECTION 24. OVERLAY DISTRICT REGULATIONS.

ARTICLE I. AOD, AIRPORT OVERLAY DISTRICT.

Editors Note: Airport Height Regulations were first added to the Murfreesboro Zoning Ordinance by Ord. No. 84-6, adopted January 19, 1984 and amended by Ord. No. 01-O-12 §2-5, adopted on April 5, 2001 (the " effective date"). By an amendment to the Zoning Ordinance effective September 5, 2008, the name of this subsection was changed to be consistent with other overlay districts in the Zoning Ordinance, and the regulations were updated to be consistent with changes in FAA and TDOT regulations applicable to this Airport.

(A) *Purpose*. The purpose of this Airport Overlay District is to establish regulations which will reduce or eliminate hazards to air navigation to minimize or prevent the loss of life, property damage, health and safety hazards, and government expenditures which result from air traffic accidents. The Airport Overlay District includes the airspace within and the land underneath all of the Zones described below.

(B) *Definitions*. For the purposes of this District the following words and terms shall have the following meanings:

(1) *Airport*: The Municipal Airport, Murfreesboro, Tennessee.

(2) *Airport elevation*: The Airport elevation is six hundred fifteen feet MSL.

(3) *Airport hazard*: Any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing, taking-off or maneuvering of aircraft at the Airport or is otherwise hazardous to such landing, taking-off or maneuvering of aircraft. Any structure or tree which projects beyond the horizontal and vertical limits of the various zones herein established shall be deemed to constitute an airport hazard.

(4) *Airport Layout Plan*: An Airport Layout Plan was adopted as a part of the Airport

Master Plan on June 11, 1996. An amended Airport Layout Plan was prepared on October 7, 2003 and conditionally approved by the Tennessee Department of Transportation on June 17, 2005. The Airport Layout Plan may be further amended from time to time to reflect actual changes or additions in land use and structures on and surrounding the Airport, which amendments may be independent of any amendments to the Airport Master Plan.

(5) *Airport Master Plan*: An Airport Master Plan for the Airport was adopted on June 11, 1996.

(6) *Airport Zone Map*: An Airport Zone Map was proposed on June 11, 1996 in conjunction with the Airport Master Plan, and was adopted by the City Council on April 5, 2001, effective April 20 2001. An amended Airport Zone Map, based on the amended Airport Layout Plan conditionally approved on June 17, 2005 is attached to this subsection and adopted herewith as the Amended Airport Zone Map.

(7) *Airport reference point*: The Airport reference point is the exact center of the runway.

(8) *Nonconforming use*: Any structure, tree, or use of land which does not conform to a regulation prescribed in this subsection of this ordinance [Appendix A-Zoning], which structure, tree or use of land was in existence at the effective date of the regulation with which such structure, tree or use of land is not in conformance.

(9) *Person*: Any individual, firm, co-partnership, corporation, company, association, joint stock association or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.

(10) *Structure*: Any object constructed or installed by man, including but without limitation, buildings, towers, smokestacks, or overhead transmission lines.

(11) *Tree*: Any object of natural growth.

(C) *Zones*. In order to carry out the purpose of this Airport Overlay District, Approach Surface Zones, Horizontal Surface Zone, Conical Surface Zones, Transitional Surface Zones and Runway Protection Zones are hereby established as hereinafter defined. Such zones are illustrated in the Airport Layout Plan as from time to time amended. Such zones are hereby incorporated into the Zoning Map of the City and such Zoning Map shall be amended from time to time if these zones are modified.

(1) *Approach Surface Zones*. The Approach Surface Zones are inclined planes with a slope of 34:1. The dimensions of the Approach Surface Zones are measured horizontally. The Approach Surface Zones are symmetrically located with respect to the extended runway centerline and are trapezoids beginning 200 ft. off the end (as shown in the Airport Layout Plan) of each runway, with an inner width of 500 ft., a length of 10,000 ft., and an outer width of 3,500 ft. as shown in the Airport Layout Plan.

(2) *Horizontal Surface Zone*. The Horizontal Surface Zone is a level plane 150 feet above the established airport elevation. The Horizontal Surface Zone's perimeter is established by swinging arcs away from the runway for a distance of 10,000 feet from a point located on the extended centerline 200 feet from the end of each runway and connecting each arc with lines tangent to those arcs.

(3) *Conical Surface Zone*. The Conical Surface Zone extends upward and outward from the periphery of the Horizontal Surface Zone with a slope of 20:1 measured

in a vertical plane passing through the airport reference point. Measuring radially outward, from the periphery of the Horizontal Surface Zone, the Conical Surface Zone extends for a horizontal distance shown in the Airport Layout Plan. Notwithstanding the foregoing, the slope ratio of the Approach Surface Zone at the north end (Runway 18) and south end (Runway 36) of the Airport is 34:1.

(4) *Transitional Surface Zones*. The Transitional Surface Zones are inclined planes with a slope of 7:1 measured upward and outward in a vertical plane at right angles to the centerline of the runway. The Transitional Surface Zones, symmetrically located on either side of the runway, extend upward and outward from a line on either side of the runway which is parallel to and level with the runway centerline. These parallel lines are at a horizontal distance from the runway centerline equal to one-half (1/2) of the minimum width of each Approach Surface Zone as shown in the Airport Layout Plan.

(5) *Runway Protection Zones*. The Runway Protection Zones are horizontal areas within the Approach Surface Zones. The Runway Protection Zones are symmetrically located with respect to the extended runway centerlines and are trapezoids beginning 200 ft. off the end (as shown in the Airport Layout Plan) of each runway, with an inner width of 500 ft., a length of 1,000 ft. and an outer width of 700 ft.

(D) *Height limits*. Except as otherwise provided in this subsection, no structure or tree shall be erected, altered, allowed to grow, or maintained in any Approach Surface Zone, Horizontal Surface Zone, Conical Surface Zone or Transitional Surface Zone to a height in excess of the height limit herein established and as shown in the Airport Layout Plan for such zone. Notwithstanding any other provisions of law or ordinance to the contrary, the height limits prescribed by this subsection shall not establish for any particular parcel of land at any particular point within such parcel, a height limit of less than 60 feet above the surface elevation of the land at that point.

(E) *Use restrictions*. Notwithstanding any other provisions of this ordinance [Appendix A – Zoning], and subject to the provisions of paragraphs (F), (G) and (H) of this subsection:

(1) It shall be unlawful to put land within any Approach Surface Zone, Horizontal Surface Zone, Conical Surface Zone, Transitional Surface Zone or Runway Protection Zone, to use in such manner as to create electrical interference with radio communication between the airport and aircraft, to make it difficult for flyers to distinguish between airport lights and others, to result in glare in the eyes of flyers using the airports, to impair visibility in the vicinity of the airport, or otherwise to endanger the landing, taking-off, or maneuvering of aircraft.

(2) (a) No structure or tree shall be erected, altered, allowed to grow or maintained in a Runway Protection Zone; and

(b) It shall be unlawful to put land within the Runway Protection Zones to the following uses: residences and places of assembly including but not limited to churches and other places of worship, club houses and other meeting places; schools, colleges, hospitals, sanitariums or other public, semipublic or private educational, health or welfare institutions or facilities; shopping centers; fuel storage facilities; any governmental office or building, the facilities of which involve a concentration of people; any use which may deemed to attract wildlife;

and, any use which may be deemed to interfere with navigational aids.

(F) *Nonconforming uses*. The prohibitions in paragraphs (D) and (E) of this subsection shall not be construed to require the removal, lowering, or other change or alteration of any pre-existing structure or tree not conforming to these regulations as of the effective date of the regulation with which such structure or, tree is not in conformance. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was actually begun prior to the effective date of the regulation with which such structure or tree is not in conformance and is diligently prosecuted and completed within two years thereof.

(G) *Variances*. Any person desiring to erect any structure or increase the height of any structure, or permit the growth of any tree, or use the property, not in accordance with the regulations prescribed in this subsection, may apply for a variance there in accordance with the provisions of Section 10 of this ordinance [Appendix A – Zoning].

(H) *Permits.*

(1) *Future uses*. No material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established, in any Approach Surface Zone, Horizontal Surface Zone, Conical Surface Zone, Transitional Surface Zone or Runway Protection Zone, unless a permit therefore shall have been applied for and granted. Each such application shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit applied for shall be granted.

(2) *Existing uses*. Before any existing use, structure, or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, within any Approach Surface Zone, Horizontal Surface Zone, Conical Surface Zone or Transitional Surface Zone, a permit must be secured authorizing such replacement, change or repair. No such permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the original effective date of this subsection, or than it is when the application for a permit for replacement, change or repair of existing use, structure, or tree shall be granted.

(I) *Hazard marking and lighting*. Any permit or variance granted under paragraphs (G) or (H) of this subsection may, if such action is deemed advisable to effectuate the purposes of this subsection and reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the City, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

(J) *Enforcement*. The Zoning Administrator of the City is hereby designated the administrative agency charged with the duty of administering and enforcing the regulations prescribed in this subsection. The duties of the Zoning Administrator shall include that of hearing and deciding all permits under section (H) (except to the extent that other provisions of this ordinance [Appendix A – Zoning] provide that

such hearing or decision requires approval by the Planning Commission or the City Council), provided that the Zoning Administrator shall not have or exercise any of the powers or duties herein delegated to the Board of Zoning Appeals.

(K) *Appeals*. Any person aggrieved, or taxpayer affected, by any decision of the Zoning Administrator made in the administration of this section may appeal to the Board of Zoning Appeals in accordance with the provisions of Section 12 of this ordinance [Appendix A – Zoning].

(L) *Judicial review.* Any person aggrieved, or taxpayer affected, by any decision of the Board of Zoning Appeals shall be entitled to a judicial review of such decision within the time and in the manner, form and court or other forum permitted or authorized by law, and whether by original suit or proceedings, appeal, certiorari or by other authorized remedy or procedure.

(M) *Penalties*. Each violation of this subsection or of any order or permit promulgated hereunder shall be punishable by a fine of not more than Fifty Dollars ($50.00), and each day a violation continues shall be a separate offense.

(N) *Conflicting regulations.* Where this subsection imposes a greater or more stringent restriction upon the use of land than is imposed or required by any other ordinance or regulation, the provisions of this subsection shall govern. In the event of a conflict between the illustrations in the Airport Layout Plan and the provisions of this subsection, the provisions of this subsection shall govern.

(O) *Readoption*. Except to the extent modified or added to by the adoption of this subsection, the Airport zones as previously established for this Airport are readopted and reaffirmed.

(P) *FAA Notice*. Nothing in this subdivision or in the Airport Master Plan or the Airport Layout Plan shall be deemed to in any manner waive or modify the provisions of 14 CFR § 77.13 which require notice to the FAA of any proposed construction to a height of more than 200 ft. above ground level and of certain other construction within 20,000 of any point on a runway.

ARTICLE II. RESERVED

ARTICLE III. GDO, GATEWAY DESIGN OVERLAY DISTRICT

(A) *Purpose and intent.* The purpose of the GDO, Gateway Design Overlay District regulations is to establish a framework for site planning and design to ensure development of a high quality. These regulations set standards for all development within the Gateway Design Overlay Districts including commercial, residential, institutional, industrial, and office uses. It is the intent of these regulations to establish standards that will be reflective and protective of the community amenities and historic sites along the Medical Center Parkway, Fortress Blvd., Thompson Lane, Robert Rose Drive, Wilkinson Pike, Manson Pike, and other streets in the Gateway Design Overlay District and to enhance the quality of life for the citizens of Murfreesboro and

Rutherford County. It is the intent of the Gateway Design Overlay District regulations to protect and enhance the character of the land throughout the district.

The purposes of the GDO, Gateway Design Overlay District regulations shall include the following:

(1) encourage high quality development as a strategy for investing in the City's future;
(2) emphasize the interstate access at Medical Center Parkway/Fortress Blvd. and Interstate 24 as a major entryway into the City;
(3) recognize and support the historic significance of the Stones River National Battlefield and the other related areas with historic significance and to minimize the negative impacts of development in their vicinity;
(4) maintain and enhance the quality of life for Murfreesboro's citizens;
(5) shape the District's appearance, aesthetic quality, and spatial form;
(6) reinforce the civic pride of citizens through appropriate development;
(7) increase awareness of aesthetic, social, and economic values;
(8) protect and enhance property values;
(9) minimize negative impacts of development on the natural environment;
(10) provide property owners, developers, architects, engineers, builders, business owners, and others with a clear and equitable set of regulations for developing land;
(11) enhance the City's sense of place and contribute to the sustainability and lasting value of the City; and,
(12) shape and develop the District in a manner that is beneficial to the district and to the entire City.

(B) *Application of regulations.*

(1) The GDO, Gateway Design Overlay District, shall overlay land located as shown on the official zoning map of the City. In order to carry out the purposes of this article the GDO, Gateway Design Overlay District is divided into sub-districts: GDO-1, GDO-2, GDO-3, and GDO-4. The general regulations applicable in the GDO and which are applicable in the various sub-districts are described in this section.
(2) Any use and/or structure permitted by right or by special permit in the underlying zoning classifications shall also be permitted by the GDO and the various subsections in like manner unless specifically listed as excluded or otherwise limited by this subsection. 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 another overlay district the more restrictive regulations shall apply.

(C) *Use, setback, and height regulations.*

(1) Temporary outdoor uses of land:
(a) The following temporary outdoor uses of land shall be prohibited:
[1] carnivals
[2] circuses
[3] fireworks sales
[4] Christmas tree sales

(b) Tents shall be permitted within the GDO District provided that a tent shall not be used for retail sales of merchandise. Permits issued for tents shall be valid for a period not in excess of fourteen consecutive days.

(2) Itinerant and/or temporary outdoor sales of retail merchandise shall be prohibited, including but not limited to the following:
(a) sale of vacuum cleaners, fans and other appliances;
(b) sale of rugs, carpets, toys, T-shirts, license plates, velvet paintings and artwork;
(c) sale of landscaping materials not grown on-site;
(d) sale of vegetables and produce not grown on-site;
(e) sale of souvenirs and mementos;
(f) sale of tropical plants, potted plants, and bouquets of flowers;
(g) sale of stone, clay, glass, or concrete figurines;
(h) sale of chairs, sofas, tables, or other furniture; and,
(i) sale of food and beverages.

(3) Outdoor display or sale of merchandise, other than motor vehicles, is prohibited. Provided, however, an outdoor display of items regularly offered for sale indoors will be permitted on an infrequent and incidental basis. No such items may be displayed within any required landscape area.

(4) Chain link, woven wire, or barbwire fencing shall be prohibited in any required front yard or in any area visible from the public right-of-way. Provided that woven wire fence or barbwire fence shall be permitted on land used for agricultural uses when such fencing is used for the keeping of livestock on the property and that chain link fencing necessary for safety or security during a construction project shall be allowed but it must be removed prior to issuance of a certificate of occupancy.

(5) The following uses listed on Chart 1 and which may be otherwise permitted by right or by special permit in the underlying zones shall not be permitted as principal uses anywhere in any of the GDO Districts:

<u>OTHER HOUSING</u>
Fraternity/Sorority
Mobile Homes
Family Crisis Shelter
Family Violence Shelter
Mission
Student Dormitory
Transitional Home

<u>INSTITUTIONS</u>
Airport/Heliport
Cemetery
Pet Cemetery

<u>COMMERCIAL</u>
Adult Cabaret
Adult Entertainment Center

Adult Motel
Adults-only Book Store
Adults-only Motion Picture Theater
Amusements, Commercial Outdoor Motorized
Amusements, Commercial Outdoor Motorized Except Carnivals
Beer, Packaged
Carnivals
Communications Tower
Contractor's Storage Yard
Contractor's Yard or Storage Outdoors
Crematory
Drive-in Theater
Ice Retail
Kennels
Laundries, Self Service
Livestock Auction
Lumber, Building Material
Manufactured Home Sales
Massage Parlor
Mobile Home Sales
Pawn Shop
Pet Crematory
Pet Funeral Home
Rap Parlor
Salvage and Surplus Merchandise
Sauna
Tattoo Parlor
Tavern
Taxidermy Studio
Wrecker Service
Wrecker Service Storage Yard

INDUSTRIAL
Animal or Poultry Slaughter, Stockyards, Rendering
Automobile Dismantlers and Recyclers
Mobile Home Construction
Paper Mills
Petroleum and Coal Products Refining
Primary Metals Distribution and Storage
Saw Mills
Scrap Processing Yard
Scrap Metal Processors
Scrap Metal Distribution and Storage
Secondary Material Dealers
Stone, Clay, Glass, and Concrete Products

TRANSPORTATION AND PUBLIC UTILITIES
Garbage or Refuse Collection Service
Refuse Processing Treatment and Storage
Landfill
Railroad Switching Yard, Terminal, Piggyback Yard
Taxicab Dispatching Station
Truck or Motor Freight Terminal, Service Facility

OTHER
Metal, Sand, Stone, Gravel, Clay, Mining and Related Processing
Temporary Mobile Recycling Center

(6) The following uses listed on Chart 1 and which may be otherwise permitted by right or by special permit in the underlying zones shall not be permitted as principal uses anywhere in the GDO-3 District:

INSTITUTIONS
Nursery School

COMMERCIAL
Amusements, Commercial Indoor
Amusements, Commercial Outdoor Excluding Motorized
Animal Grooming Facility
Automotive Repair
Barber or Beauty Shop
Beer, Packaged
Convenience Sales and Service, Maximum 5,000 Sq.Ft. Floor Area
Funeral Home
Garden and Lawn Supplies
Gas—Liquified Petroleum, Bottled and Bulk
Gas Station
General Service and Repair Shop
Glass—Auto, Plate, and Window
Glass—Stained and Leaded
Greenhouse or Nursery
Ice Retail
Janitorial Service
Karate, Instruction
Keys, Locksmith
Laundries, Self Service
Liquor Store
Motor Vehicle Sales
Motor Vehicle Service
Music or Dance Academy

Optical Dispensaries
Veterinary Clinic
Veterinary Hospital
Vehicle Sales
Vehicle Wash
Video Rental

INDUSTRIAL
Contractors Storage, Indoor
Printing and Publishing.

(7) *Setbacks and buffer zones.*

(a) *Additional required setbacks.* In addition to the buffer zone requirements established in Section 27 of this article for every one foot that any proposed building exceeds thirty-five feet in height the required building setback on the side of the property where the buffer zone is required shall be increased an additional one foot of width.

(b) *Wilkinson Pike Buffer.*

[1] A one hundred foot wide buffer area shall be required along the south side of Wilkinson Pike extending from the intersection of Wilkinson Pike and Medical Center Parkway eastward to Van Cleave Lane.

[2] Single family residential dwellings shall be permitted within the Wilkinson Pike Buffer and shall be allowed to have driveway access to Wilkinson Pike provided the underlying zoning allows single family dwellings as a permitted use and the following requirements are met:

Minimum lot area of 43,560 square feet (1 acre)
Minimum front setback of 80 feet from the Wilkinson Pike right-of-way
Minimum lot width of 125 feet
Minimum side setback of 12.5 feet
Minimum rear setback of 30 feet
Maximum height of 35 feet

[3] The buffer zone shall not be utilized as a storage area.

[4] Parking lots, parking structures, accessory structures, dumpsters, temporary structures, storage facilities, or maintenance structures shall not be located within this buffer zone.

[5] The following building setbacks will be required along this buffer zone:

Multi-family Residential 100 feet
Office 100 feet
Commercial 100 feet

[6] If any buffer requirements are required in accordance with the requirements of Section 27 of this article they shall be placed in addition to the one hundred foot requirement of this buffer area.

(c) *I-24 Buffer Yard*. There shall be a fifty foot wide buffer yard extending along the eastern right-of-way line of I-24 along the entire boundary of the GDO District from Medical Center Parkway southward. In this buffer yard the following shall

apply:

[1] the buffer yard shall not be utilized as a storage area;

[2] no automotive access, parking, storage facilities, maintenance structures, place of business, or dwelling units shall be placed within this buffer yard;

[3] all parking areas, service areas, and rear of buildings shall be screened from this buffer yard and I-24; and,

[4] a survey prepared by a qualified arborist shall be submitted for review by the City Horticulturist and Planning Staff. All existing trees located within this buffer with a 6" D.B.H. (diameter at breast height) and greater shall be field located and shown on proposed landscape plans including their size and species. Said trees shall not be removed and shall be preserved. Selected tree removal may be permitted with the review and written approval of the Urban Environmental and Planning Departments. Clear cutting of these trees shall not be permitted.

(8) *Floor area ratio (F.A.R.) requirements*. The maximum F.A.R. permitted in areas with the underlying zoning being Office General (OG) district shall be 0.5.

(9) Height regulations

(a) *GDO-1 Height regulations*. The following height regulations shall apply in the GDO-1 district.

The maximum building height permitted shall be as allowed in the underlying zoning district. Provided, however, that buildings for the following uses may be constructed to a maximum height as listed below:

Office.....150'
Other commercial.....75'
Hotel.....150'
Hospital.....150'
Multiple family residential.....75'

(b) *GDO-2 Height regulations*. The following height regulations shall apply in the GDO-2 district.

The maximum building height permitted shall be as allowed in the underlying zoning district. Provided, however, that buildings for the following uses may be constructed to a maximum height as listed below:

Office.....75'
Other commercial.....45'
Hotel.....75'
Hospital.....75'
Multiple family residential.....45'

(c) *GDO-3 Height regulations*. The following height regulations shall apply in the GDO-3 district.

The maximum building height permitted shall be as allowed in the underlying zoning district. Provided, however, buildings for the following uses may be constructed to a maximum height as listed below:

Office.....150'
Other commercial.....75'
Hotel.....150'
Hospital.....150'
Multiple family residential.....75'

(d) *GDO-4 Height regulations*. The maximum building height for all uses in the GDO-4 district shall be 35 feet.

(10) Existing single family structures exempted. Existing single family dwellings used for single family residences shall be exempt from all requirements of this ARTICLE III. GDO, GATEWAY DESIGN OVERLAY DISTRICT.

(D) *Design review process.*

(1) *Design development and review procedure*. The design review process applies to site plan development and building design and consists of four phases that are to be conducted and coordinated with the Planning Department and Planning Commission; and in GDO-3 the Administration Department. They are:

- Pre-Design Conference (to include Planning Staff and other staff as needed)
- Master Plan Review (to include Planning Staff, other staff as needed, and Planning Commission)
- Initial Design Review (to include Planning Staff, other staff as needed, and Planning Commission)
- Final Design Review (to include Planning Staff, other staff as needed, and Planning Commission)

This process is intended to provide a basis for communication and to ensure that the purposes and intents of this section are achieved throughout the entire design and development process. Not all developments, particularly for site plans on existing lots will require submittal of plans for all phases as outlined in this section and this determination shall be made by the Planning Director during the pre-design conference. An applicant may submit master plan review and initial design review materials simultaneously and request that they be reviewed concurrently. All building construction and site improvements must be reviewed in accordance with Section 7 of this article, the City's Subdivision Regulations and other development regulations of the City before any on-site construction commences. Prior to the Planning Commission taking action when such action is required, plans must be formally submitted to and reviewed by the Planning staff.

(a) *New development.* Any proposed improvement to any property within any Gateway Design Overlay District requires submission to and approval in accordance with the provisions of this article. Each phase of the process has specific materials and information to be submitted by the applicant or designated agent. These materials will be necessary to adequately describe the intent, extent and character of the proposed project. At each stage of review, the reviewing body may approve a submission with or without conditions, disapprove based on identified failure to conform to these GDO requirements, defer pending additional information and/or on-site review, and/or require a re-

submission with changes.

(b) *Modifications to existing buildings, structures and developments.* The GDO requirements shall be applicable to existing buildings, structures and developments under the following circumstances:

[1] If an existing building or structure is expanded by fifty percent (50%) or more in size, then the entire building or structure and site shall comply with the requirements of this section.

[2] If the estimated cost of a renovation of an existing building, structure, or development equals fifty percent (50%) or more of the total appraised value of the existing building, structure, or development, then the entire building, structure or development including the entire parking lot shall comply with the requirements of this section.

[3] If there is a change in use of an existing building, structure or development, which requires issuance of a special use permit, then the entire building, structure, or development and site including parking area shall comply with the requirements of this section.

[4] If there is change in use of an existing building, structure or development, which requires rezoning of the property from one zoning district to another zoning district, other than to or from a planned development district, to allow the new use, then the entire building, structure, or development and site including parking area shall comply with the requirements of this section.

[5] If the number of existing parking spaces for an existing building, structure or development is expanded by twenty-five percent (25%) to forty nine percent (49%), then the area of expansion shall comply with the requirements of this section.

[6] If the number of existing parking spaces for an existing building, structure or development is expanded by fifty percent (50%) or more, then the entire parking lot shall comply with the requirements of this section.

[7] If a new and separate building, structure or development is constructed on the same lot of record as an existing building, structure or development, only the separate and new building, structure or development must meet the requirements of this section. However, if the new building, structure or development is connected physically to the existing building or structure so as to make it appear the existing and new building or structure are part of the same business or establishment, this exception shall not apply.

(c) *Modifications or Alteration During Construction*. Any modifications to or deviations from approved plans, including landscape plans shall be submitted for review by the Planning staff and the Urban Environmental Department staff which shall evaluate the deviations to determine whether they are substantial or minor deviations. If the deviations provide for less density than the approved plan; if it provides for greater open space by the elimination or reduction in the size of buildings on the site; or if it modifies the orientation of buildings or their location provided such changes do not significantly alter or adversely affect the relationship of such buildings to the total development, any of its elements and screening, or its relationship to adjacent rights of way then the deviations shall

be determined to be minor deviations.

[1] Minor deviations. If the Planning staff determines the modification or alteration is a minor deviation from the approved plan, the Planning Staff shall approve the revised plan and no application to the Planning Commission shall be required.

[2] Substantial deviations. If the Planning staff determines the development plan deviates substantially from the approved development plan, the applicant shall apply for an amendment of the development plan as provided in this section.

[3] Amendments. A development plan may be amended in accordance with the procedure that governs its original approval as provided in this section.

[4] Landscape deviations. Any modifications to or deviations from approved landscape plans shall be submitted for review by the City Horticulturist or designee who shall evaluate the deviations to determine whether the deviations require re-submittal and re-approval in accordance with the requirements of Section 27(G) of this article.

(d) *Variances*. Variances from the provisions of this article shall be made in accordance with Section 10 of this article.

Any submittal for which a variance from the GDO regulations may be requested must include specific identification of the variance request and the reasons therefore. It is the applicant's responsibility to identify any item for such proposed variances. Approval of an applicant's final construction documents does not constitute approval of a variance unless that variance has been specifically requested in writing by the applicant, identified on the plans submitted for the initial design review as described in this subsection, and specifically approved in writing by the Board of Zoning Appeals.

Each applicant for a variance shall have the burden of proving that compliance with these GDO standards would be extraordinarily difficult because of one or more unusual characteristics of the property or because of characteristics of the use that cause an unusual conflict with these regulations (e.g., vehicular access into a building or drive-up windows for a bank). Generally such characteristic may not have been created by deliberate action of the owner or the owner's representative. Each applicant for a variance must prove that an alternative and equivalent means of compliance is not viable. In considering a variance request, cost alone is not an extraordinary difficulty and it does not justify granting a variance. Applicants not able to demonstrate an extraordinary difficulty but whose plans are consistent with the intent and purposes of this section are encouraged to pursue application for zoning as a planned development in accordance with the requirements and limitations of Section 13 of this article.

(2) *Procedures for gateway design overlay review.*

(a) *Pre-design conference*. Not more than six months prior to submitting plans for development within the GDO, Gateway Design Overlay District, the applicant

shall request a pre-design conference with the Planning Director to evaluate whether the applicant is proceeding under the proper section of this article; to advise the Planning Director of the location, scope, and nature of the proposed development; to clarify issues; to determine whether a master plan will be required; and to discuss other matters as may be relevant to the design review and approval process. This pre-application conference shall be attended by the Planning Director; applicable City staff the Planning Director may determine are needed to assist in the pre-design conference; and the applicant and/or the applicant's design team which may include professional engineers, architects, landscape architects, or land planners retained by the applicant to assist in the preparation of the development plans. In the event more than six months elapse before plans are submitted for review in accordance with the requirements of this section, the applicant shall request an additional pre-design conference.

The pre-design conference is an opportunity for an exchange of information and ideas between the applicant, the design team, and the City Staff. The applicant, along with applicant's other appropriate consultants, may review and clarify planning, engineering, master planning, design and development criteria with the Planning staff. The conference is intended to establish the compatibility of the proposed development with the Gateway Design Overlay District regulations and whether the proposed development requires a change in the underlying zoning or a variance from the GDO regulations. During the conference, the applicant and design team are encouraged to discuss major ideas, site elements, architectural design, and site development program requirements with the Planning staff. Other topics for discussion should include the characteristics of the particular site, technical issues related to review procedures, stormwater management, ingress and egress, and proposed on-site signage. Applicants are encouraged to discuss architectural design, style, concept, and materials. The design team should bring to the pre-design conference property surveys, conceptual site plans, conceptual subdivision plats, preliminary elevations, and photographs or sketches of similar projects done elsewhere.

The applicant must complete the following Project Information Form prior to the pre-design conference and submit it along with a location map or aerial photograph of the area under consideration to the Planning Director a minimum of forty-eight hours in advance of the scheduled pre-design conference. The pre-design conference will proceed generally as described on the Project Information Form in the Outline For Pre-Design Conference.

GATEWAY DESIGN OVERLAY DISTRICT
PROJECT INFORMATION FORM PRE-
DESIGN CONFERENCE

Date:_____ Type of Review (Check one):
Master Plan: _____Initial Design Review: _____ Final Design Review: _____

APPLICANT INFORMATION

Name: _____Telephone No.: _____

Address: _____ City:_____

State: _____ Zip: _____ Email:_____

DESIGN TEAM INFORMATION

Architect's Name: _____Email:_____

Architects Company Name:_____

Engineer's Name: _____Email: _____

Engineer's Company Name: _____

Landscape Architect's Name: _____Email: _____

Landscape Architect's Company Name:_____

SITE INFORMATION

Land Parcel Location: (Attach Map or Aerial Photo)

Tax Map: _____ Group: _____ Parcel No. _____

Site Acreage: _____

Proposed Use (Attach additional pages as necessary):

_____

_____

OUTLINE FOR PRE-DESIGN CONFERENCE MEETING

The Planning Director or Staff Planner will serve as meeting facilitator.

1. Introduction of City Staff and Project Team
2. Description of Site Location and Proposed Use by Applicant
3. Discussion of Traffic/Access, On-site Circulation, Public Roadway Improvements, and Parking
4. Discussion of Stormwater Management and Site Grading
5. Discussion of Utility Service (Water, Sewer, Electric)
6. Discussion of Building Appearance, Architectural Themes, and Signage
7. Discussion of Landscaping, Buffering, Streetscape Elements, and Site Lighting
8. Discussion of Solid Waste Management
9. Discussion of Zoning Changes and/or Variances
10. Discussion of Owners Associations
11. Discussion of Project Timing, Critical Dates, and Phasing
12. Discussion of Other Matters

(b) *Master plan review*. Based on the information discussed during the pre-design conference the applicant shall submit a master plan of the development tract for review by the Planning staff and the Planning Commission. If it is determined by the Planning Director during the pre-design conference that a master plan is not required because it is not necessary, then the applicant shall not be required to submit a master plan as described in this sub-section.

The purpose of the master plan review is to assure the coordination of the individual developments within the Gateway Design Overlay District particularly in those instances when a development will involve multiple phases to be developed over a period of time. Master plan review shall not constitute site plan review or administrative site plan review as described in Section 7 of this article nor shall it constitute preliminary or final plat submittal as described in the Subdivision Regulations.

The master plan shall be drawn at a scale of no smaller than 1” = 200’ on sheets measuring no greater than 24” x 36”. Use of plan sheets greater than 24” x 36” requires advance approval of the Planning Director. Ten copies of the master plan shall be submitted to the Planning Department on or before the submittal deadline as identified on the Planning Department’s calendar for submittals and shall include the information contained in the following checklist:

CITY OF MURFREESBORO
GATEWAY DESIGN OVERLAY
MASTER PLAN REVIEW
CHECKLIST

A. FORMAT:

_____(1) Sheet sizes measuring no greater in size than 24" X 36" unless a larger sheet size is approved in advance by the Planning Director;
_____(2) Engineering scale no smaller than 1" = 200';
_____(3) A title block which shall be located in the lower right corner that includes:
a. Designation as **GDO Master Plan**;
b. The proposed development name and the name and lot number of any former subdivision of the property;
c. The sheet number(s);
d. The date of preparation;
_____(4) A true north indicator;
_____(5) A graphic or bar scale;
_____(6) A legend of symbols and line types used on the plan;
_____(7) A brief description and the date of all revisions with post-submittal revisions noted and/or identified on the plan;
_____(8) A location sketch map with its own true north indicator depicting the relationship of the site to the surrounding area including the adjoining streets;

B. GENERAL INFORMATION:

_____(1) The owner's name and address and, if different, the developer's name and address;
_____(2) The names, contact information, and business names of the design professionals who participated in preparing the submitted plans;
_____(3) The area of the land to be developed in acres and square feet;
_____(4) The map, group, and parcel numbers for the property as recorded on the land tax maps of Rutherford County;
_____(5) The location of existing and proposed property lines;
_____(6) The names of adjoining property owners and/or subdivisions;
_____(7) All public utility easements;
_____(8) Denotation of all easements upon the land;
_____(9) The existing and proposed elevation contours at a vertical interval of no more than two feet based on sea level with existing contours shown as dashed lines and proposed grading contours shown in solid lines and with high points, depressions, and significant spot elevations noted (for GDO Master Plan submittal the City's GIS contour mapping will be acceptable);
_____(10) The location and arrangement of proposed and existing structures;
_____(11) The location of railroads upon or adjoining the site;
_____(12) The location of cemeteries upon the development tract and the name of those responsible for their upkeep and maintenance;
_____(13) The location of any existing buildings/structures and significant natural/historic features upon or adjacent to the proposed development;
_____(14) The location of rock outcroppings, marshes, springs, sinkholes, natural storm drains, tree groups, and other outstanding topographic features;

_____(15) Anticipated phase lines;
_____(16) Existing and proposed fences with type of construction materials noted (i.e., chain link, wood, masonry);
_____(17) A notation of any variances that the Board of Zoning Appeals may have granted relevant to the property with the date of the Board's action noted;
_____(18) The jurisdiction of the water provider;

C. ZONING:

_____(1) The present and proposed zoning classification(s) of the land proposed for development;
_____(2) A table of the required minimum setbacks as per Chart 2 of this article including the footnotes contained therein;
_____(3) The minimum building setback lines as per Chart 2 of this article including the footnotes contained therein;
_____(4) The zoning classification(s) of adjoining land;
_____(5) A notation of any overlay districts such as airport zones, flood zones, battlefield protection districts, gateway design overlay districts, and historic districts;
_____(6) A notation of the existence of any applicable streetscape master plans affecting adjoining streets and an identification of the property owners responsible for its implementation;
_____(7) The proposed use for the subject property;

D. ACCESS, CIRCULATION, AND PARKING:

_____(1) Adjoining public right(s)-of-way(s) with centerlines, medians, median openings and traffic lanes noted;
_____(2) The location of streets and driveways that intersect the adjoining public right(s)-of-way(s) adjacent to or across from the development tract;
_____(3) The names and functional classifications of all public ways both existing and proposed on or within close proximity of the property and designation as a state highway or local city street;
_____(4) The relationship of the property to the Major Thoroughfare Plan and Greenways, Blueways, and Bikeways Master Plan and the classification of proposed and existing streets according to the Murfreesboro Major Thoroughfare Plan as adopted and as it may be amended from time to time;
_____(5) The location of proposed access connections within the development and onto public streets;

E. FLOODING, DRAINAGE, AND WATER QUALITY:

_____(1) The limits of special flood hazard areas including the floodway, the Base Flood Elevation (BFE), and 100 year flood line as noted on the Flood Insurance Rate Maps (FIRM), special flood studies, or best available

information;

_____(2) The minimum floor elevation(s) (MFE) and the minimum pad elevation(s) (MPE);

_____(3) The regulatory flood protection elevation according to the Flood Insurance Rate Maps (FIRM) or flood studies as required and in accordance with Section 34 Floodplain Zoning of this article;

_____(4) The Flood Insurance Rate Map (FIRM) community and panel numbers, effective date, and flood zones of the subject property;

_____(5) The location of water courses, including stormwater conveyances, intermittent streams, and blue line streams, upon or adjoining the development tract and any associated WQPAs (Water Quality Protection Areas) in accordance with Section 27 ½ of the Murfreesboro City Code;

_____(6) The proposed drainage system and stormwater concept plan with major off-site stormwater elements included;

_____(7) The location of all stormwater outfalls and discharge locations;

F. UTILITIES:

_____(1) The location, size, and direction of flow of existing and proposed sanitary sewers;

_____(2) The location and size of existing water mains and fire hydrants;

_____(3) The location of gas lines;

_____(4) The location of overhead and underground utility lines, including electric, telephone, cable television lines, City of Murfreesboro traffic signal lines, fiber optic communications cables, and cable television lines;

_____(5) The location and size of existing repurified or re-use water lines and systems;

_____(6) Where sanitary sewer is not available, the areas to be used for sewage disposal and their percolation results, or any other data acceptable to the Water and Sewer Department Director to show that the site can be served effectively by septic tanks or other sanitary waste disposal system;

G. MULTI-FAMILY AND ZERO-LOT LINE DEVELOPMENTS:

_____(1) A tabulation of the number of units and a density calculation indicating the number of units per acre proposed;

_____(2) The number of proposed stories;

_____(3) Any additional required setbacks along buffer yards required by the GDO regulations;

H. LANDSCAPING AND SCREENING:

_____(1) The location of individual trees and/or groups of trees six inch caliper or larger;

_____(2) A landscape treatment plan for areas along streets identified in the Gateway Streetscape Master Plan;

_____(3) Identification of existing vegetation to be saved or removed;
_____(4) The location and type of buffers required by Section 27 of this article;
_____(5) The location of the I-24 and/or Wilkinson Pike buffer yard if applicable.

(c) *Initial design review.* Based on the pre-design conference and the master plan approved by the Planning Commission, the applicant shall submit plans of the proposed development to the Planning Department for inclusion on the Planning Commission agenda in sufficient detail to clearly communicate major elements of the project design, including structure elevations, finish materials, circulation, and site development. This initial design review shall not constitute site plan submittal for Planning Commission site plan review or administrative site plan review as described in Section 7 of this article necessary to obtain building and development permits nor shall it constitute subdivision plat approval as described in the Subdivision Regulations. If during the Pre-Design Conference it is determined that there will be an application for rezoning to a Planned Development zone under the authority of Section 13 of this article in order to allow the development as proposed, the application for initial design review may proceed coterminously with the application for zoning. However, final design review shall not proceed until the application for zoning has been acted upon by the City Council and become effective. The Planning staff shall review the plans to confirm conformance with the requirements of the GDO regulations.

The initial design plans shall be drawn and submitted at a scale of no smaller than 1" = 50' on sheets measuring no greater than 24" x 36". Use of plan sheets greater than 24" x 36" requires advance approval of the Planning Director. The initial design shall be submitted to the Planning Department on or before the submittal deadline as identified on the Department's calendar for submittals for inclusion on the Planning Commission agenda and shall contain the following:

- Revised project information form,
- The approved master plan for the total development tract; and,
- Ten sets of drawings of the proposed project providing the information contained in the following checklist:

CITY OF MURFREESBORO
GATEWAY DESIGN OVERLAY
INITIAL DESIGN REVIEW
CHECKLIST

A. FORMAT:

_____(1) Sheet size measuring no greater in size than 24" X 36" unless approved in advance by the Planning Director for a larger sheet size;
_____(2) Engineering scale no smaller than 1" = 50';
_____(3) A title block which shall be located in the lower right corner that includes:

e. Designation as GDO Initial Design Review;
f. The proposed development name and the name and lot number of any former subdivision of the property;
g. The sheet number(s);
h. The date of preparation;

_____(4) A true north indicator;
_____(5) A graphic or bar scale;
_____(6) A legend of symbols and line types used on the plan;
_____(7) A brief description and the date of all revisions with post-submittal revisions noted and/or identified on the plan;
_____(8) A location sketch map with its own true north indicator depicting the relationship of the site to the surrounding area including the adjoining streets;

B. GENERAL INFORMATION:

_____(1) The owner's name and address and, if different the developer's name and address;
_____(2) The names, contact information, and business names of the design professionals who participated in preparing the submitted plans;
_____(3) The area of the land to be developed in acres and square feet;
_____(4) The map, group, and parcel numbers for the property as recorded on the land tax maps of Rutherford County;
_____(5) The location of existing and proposed property lines with dimensions noted;
_____(6) The names of adjoining property owners and/or subdivisions;
_____(7) All public utility easements;
_____(8) Denotation of all easements upon the land;
_____(9) The existing and proposed elevation contours at a vertical interval of no more than two feet based on sea level with existing contours shown as dashed lines and proposed grading contours shown in solid lines and with high points, depressions, and significant spot elevations noted;
_____(10) The location and arrangement of proposed structures;
_____(11) The height of proposed structures noted in stories and feet;
_____(12) The square footage of all proposed structures;
_____(13) The location of railroads upon or adjoining the site;
_____(14) The location of cemeteries upon the development tract and the name of those responsible for their upkeep and maintenance;
_____(15) The location of any existing buildings/structures and significant natural/historic features upon or adjacent to the proposed development;
_____(16) The location of rock outcroppings, marshes, springs, sinkholes, natural storm drains, tree groups, and other outstanding topographic features;
_____(17) Anticipated phase lines;
_____(18) Existing and proposed fences with type of construction materials noted (i.e., chain link, wood, masonry);
_____(19) The proposed location for elements of solid waste management including the

locations of enclosures for garbage containers, dumpsters, or compactors and the location of screening for these site elements;

_____(20) A notation of any variances that the Board of Zoning Appeals may have granted relevant to the property with the date of the Board's action noted;

_____(21) The jurisdiction of the water provider;

C. ZONING:

_____(1) The present and proposed zoning classification(s) of the land proposed for development;

_____(2) A table of the required minimum setbacks as per Chart 2 of this article including the footnotes contained therein;

_____(3) The minimum building setback lines as per Chart 2 of this article including the footnotes contained therein;

_____(4) The zoning classification(s) of adjoining land on both the site plan and landscape plan;

_____(5) A notation of any overlay districts such as airport zones, flood zones, battlefield protection districts, gateway design overlay districts, and historic districts;

_____(6) A notation of the existence of any applicable streetscape master plan elements that affect adjoining streets;

_____(7) The proposed use for the subject property;

_____(8) A specific identification and description of any proposed variances from the requirements of these regulations;

D. ACCESS, CIRCULATION, AND PARKING:

_____(1) Adjoining public right(s)-of-way(s) with centerlines, medians, median openings and traffic lanes noted;

_____(2) The location of streets and driveways that intersect the adjoining public right(s)-of-way(s) adjacent to or across from the development tract;

_____(3) The names and functional classifications of all public ways both existing and proposed on or within close proximity of the property and designation as a state highway or local city street;

_____(4) The relationship of the property to the Major Thoroughfare Plan and Greenways, Blueways, and Bikeways Master Plan and the classification of proposed and existing streets according to the Murfreesboro Major Thoroughfare Plan as adopted and as it may be amended from time to time;

_____(5) The location and dimensions of existing and proposed driveways and curb cuts with directional arrows shown;

_____(6) Existing and proposed traffic control devices on or adjacent to the site;

_____(7) Existing and proposed curbs;

_____(8) Proposed median openings;

_____(9) Proposed and existing sidewalks and other pedestrian connections both on-site and within the adjoining public right(s)-of-way(s);

_____(10) The location of all existing or proposed parking spaces, loading areas, and access aisles with dimensions noted in accordance with Section 26 of this article;

_____(11) Parking calculations indicating the number of required spaces in accordance with the requirements of Section 26 of this article, the number of provided spaces, and the number of proposed handicapped spaces;

E. FLOODING, DRAINAGE, AND WATER QUALITY:

_____(1) The limits of special flood hazard areas including the floodway, the Base Flood Elevation (BFE), and 100 year flood line as noted on the Flood Insurance Rate Maps (FIRM), special flood studies, or best available information;

_____(2) The minimum floor elevation(s) (MFE) and the minimum pad elevation(s) (MPE);

_____(3) The regulatory flood protection elevation according to the Flood Insurance Rate Maps (FIRM) or flood studies as required and in accordance with Section 34 Floodplain Zoning of this article;

_____(4) The Flood Insurance Rate Map (FIRM) community and panel numbers, effective date, and flood zones of the subject property;

_____(5) The location of water courses, including stormwater conveyances, intermittent streams, and blue line streams, upon or adjoining the development tract and any associated WQPAs (Water Quality Protection Areas) in accordance with Section 27 ½ of the Murfreesboro City Code;

_____(6) The proposed drainage system and stormwater concept plan with major off-site stormwater elements included;

_____(7) Proposed drainage retention or detention areas;

_____(8) The location and invert elevations of proposed and existing bridges, culverts, drainage ditches, drainage swales, drain pipes and other drainage structures and storm drainage flow arrows;

_____(9) The location and limits of all stormwater quality elements, areas, or structures;

_____(10) The location of all stormwater outfalls and discharge locations;

F. UTILITIES:

_____(1) The location, size, and direction of flow of existing and proposed sanitary sewers;

_____(3) The location and size of existing and proposed water mains and fire hydrants;

_____(5) The location of gas lines;

_____(6) The location of overhead and underground utility lines, including electric, telephone, City of Murfreesboro traffic signal lines, fiber optic communications cables, and cable television lines;

_____(7) The location of water meter connections;

_____(8) The location of sanitary sewer connections and clean-outs;

_____(9) The location of back-flow preventers;

_____(10) The location and size of existing and proposed repurified or re-use water lines and systems;

_____(11) Where sanitary sewer is not available the areas to be used for sewage disposal and their percolation results, or any other data acceptable to the Water and Sewer Department Director to show that the site can be served effectively by septic tanks or other sanitary waste disposal system;

G. MULTI-FAMILY AND ZERO-LOT LINE DEVELOPMENTS:

_____(1) A tabulation of the number of units and a density calculation indicating the number of units per acre proposed;

_____(2) A tabulation of the number and size of dwelling units broken down by the number of bedrooms in each dwelling unit;

_____(3) A tabulation of proposed amenities and, if a density bonus is requested, information to support an application for amenity incentives as provided in section 14A of this article;

H. LANDSCAPING AND SCREENING:

_____(1) A separate landscape plan for the entire site incorporating the requirements of Section 27 of this article regardless of the size of the property;

_____(2) The location, caliper, species, and condition of individual trees and/or groups of trees six inch caliper or larger;

_____(3) A landscape treatment plan for areas along streets identified in the Gateway Streetscape Master Plan;

_____(4) Identification of existing vegetation to be saved or removed;

_____(5) A diagrammatic irrigation plan for all areas proposed to be irrigated;

_____(6) A calculation of required and provided open space and/or formal open space including an identification of formal open space locations;

_____(7) The location and type of buffers required by Section 27 of this article;

_____(8) The location of any free standing signs which shall be shown on the site plan as well as on the landscaping plan;

_____(9) The location of the I-24 and/or Wilkinson Pike Buffer yard if applicable;

I. PUBLIC STREET IMPROVEMENTS:

_____(1) Any applicable streetscape elements, e.g. Medical Center Parkway Streetscape;

_____(2) Sidewalk and pedestrian access elements within public rights of ways which shall meet accessibility requirements;

_____(3) Existing and proposed roadway drainage elements;

_____(4) Existing and proposed traffic control devices and pavement markings;

J. ARCHITECTURE

_____(1) Preliminary architectural drawings showing all exterior building elevations indicating building height and materials including any visible roof projections and visible mechanical equipment;
_____(2) A description of all proposed exterior materials;
_____(3) Conceptual description and/or visual aids illustrating all exterior signage, graphics, art, lighting, and street furniture;

K. OTHER:

_____(1) The location of any free standing signs which shall be shown on the site plan as well as on the landscaping plan;
_____(2) Any other information necessary for the Planning Commission and Planning Director to adequately review the site plan;

(d) *Final design review*. The purpose of the final design review is to confirm that final plans, details and specifications comply with the initial design approved by the Planning Commission and shall constitute site plan review in accordance with Section 7 of this article. Construction shall not begin until grading, building, and other development permits have been obtained. Signs shall not be installed until a separate sign permit has been obtained. This checklist is in addition to any other requirement of this article. Plans and specifications shall be prepared by an architect, landscape architect, professional engineer, and land surveyor (as appropriate) registered under Tennessee law, bearing the signature, seal and certificate of such professionals.

The final design plan shall be drawn and submitted at a scale of no smaller than 1” = 50’ on sheets measuring no greater than 24” x 36”. Color and material samples shall be permanently mounted and submitted on rigid boards of durable construction with maximum dimensions of 18” x 24” and no greater than 3 inches in thickness including the board and material samples; multiple boards may be submitted if necessary to contain all materials and samples thereon. Full size block or brick samples are not acceptable. Use of plan sheets greater than 24” x 36” or color and material sample boards greater than 18” x 24” shall not be accepted without advance approval by the Planning Director. Ten copies of the final design plans and one copy of the color and material sample board(s) shall be submitted to the Planning Department on or before the submittal deadline as identified on the Department’s calendar for submittals for inclusion on the Planning Commission agenda. Submittal of plans in an electronic format, while permitted, shall not be a substitute for the required number of copies, size, or scale required by this subsection. The final design plans and the color and material sample board(s) shall include the information contained in the following checklist:

CITY OF MURFREESBORO
GATEWAY DESIGN OVERLAY
FINAL DESIGN REVIEW
CHECKLIST

A. FORMAT:

_____(1) Sheet size measuring no greater in size than 24” X 36” unless approved in advance by the Planning Director for a larger sheet size;

_____(2) Engineering scale no smaller than 1” = 50’;

_____(3) A title block which shall be located in the lower right corner that includes:

a. Designation as GDO Final Design Review;
b. The proposed development name and the name and lot number of any former subdivision of the property;
c. The sheet number(s);
d. The date of preparation;

_____(4) A true north indicator;

_____(5) A graphic or bar scale;

_____(6) A legend of symbols and line types used on the plan;

_____(7) A brief description and the date of all revisions with post-submittal revisions noted and/or identified on the plan;

_____(8) A location sketch map with its own true north indicator depicting the relationship of the site to the surrounding area including the adjoining streets;

B. GENERAL INFORMATION:

_____(1) The owner’s name and address and, if different the developer’s name and address;

_____(2) The names, contact information, and business names of the design professionals who participated in preparing the submitted plans;

_____(3) The area of the land to be developed in acres and square feet;

_____(4) The map, group, and parcel numbers for the property as recorded on the land tax maps of Rutherford County;

_____(5) The location of existing and proposed property lines with dimensions noted;

_____(6) The names of adjoining property owners and/or subdivisions;

_____(7) All public utility easements;

_____(8) Denotation of all easements upon the land;

_____(9) The existing and proposed elevation contours at a vertical interval of no more than two feet based on sea level with existing contours shown as dashed lines and proposed grading contours shown in solid lines and with high points, depressions, and significant spot elevations noted;

_____(10) The location and arrangement of proposed structures;

_____(11) The height of proposed structures noted in stories and feet;

_____(12) The square footage of all proposed structures;

_____(13) The location of railroads upon or adjoining the site;
_____(14) The location of cemeteries upon the development tract and the name of those responsible for their upkeep and maintenance;
_____(15) The location of any existing buildings/structures and significant natural/ historic features upon or adjacent to the proposed development;
_____(16) The location of rock outcroppings, marshes, springs, sinkholes, natural storm drains, tree groups, and other outstanding topographic features;
_____(17) Anticipated phase lines;
_____(18) Existing and proposed fences with type of construction materials noted (i.e., chain link, wood, masonry);
_____(19) The proposed location for elements of solid waste management including the locations of enclosures for garbage containers, dumpsters, or compactors and the location of screening for these site elements;
_____(20) A notation of any variances that the Board of Zoning Appeals may have granted relevant to the property with the date of the Board's action noted;
_____(21) The jurisdiction of the water provider;

C. ZONING:

_____(1) The present and proposed zoning classification(s) of the land proposed for development;
_____(2) A table of the required minimum setbacks as per Chart 2 of this article including the footnotes contained therein;
_____(3) The minimum building setback lines as per Chart 2 of this article including the footnotes contained therein;
_____(4) The zoning classification(s) of adjoining land;
_____(5) A notation of any overlay districts such as airport zones, flood zones, battlefield protection districts, gateway design overlay districts, and historic districts;
_____(6) A notation of the existence of any applicable streetscape master plans affecting adjoining streets;
_____(7) The proposed use for the subject property;
_____(8) A description of any variances granted by the Board of Zoning Appeals and a notation of the date the action was taken;

D. ACCESS, CIRCULATION, AND PARKING:

_____(1) Adjoining public right(s)-of-way(s) with centerlines, medians, median openings and traffic lanes noted;
_____(2) The location of streets and driveways that intersect the adjoining public right(s)-of-way(s) adjacent to or across from the development tract;
_____(3) The names and functional classifications of all public ways both existing and proposed on or within close proximity of the property and designation as a state highway or local city street;
_____(4) The relationship of the property to the Major Thoroughfare Plan and

Greenways, Blueways, and Bikeways Master Plan and the classification of proposed and existing streets according to the Murfreesboro Major Thoroughfare Plan as adopted and as it may be amended from time to time;

_____(5) The location and dimensions of existing and proposed driveways and curb cuts with directional arrows shown;

_____(6) Existing and proposed traffic control devices on or adjacent to the site;

_____(7) Existing and proposed curbs;

_____(8) Proposed median openings;

_____(9) Proposed and existing sidewalks and other pedestrian connections both on-site and within the adjoining public right(s)-of-way(s);

_____(10) The slope and gradient of proposed streets and driveways;

_____(11) The location of all existing or proposed parking spaces, loading areas, and access aisles with dimensions noted in accordance with Section 26 of this article;

_____(12) Parking calculations indicating the number of required spaces in accordance with the requirements of Section 26 of this article, the number of provided spaces, and the number of proposed handicapped spaces;

_____(13) A traffic control plan for work to be performed within the public right(s)-of-way(s);

E. FLOODING, DRAINAGE, AND WATER QUALITY:

_____(1) The limits of special flood hazard areas including the floodway, the Base Flood Elevation (BFE), and 100 year flood line as noted on the Flood Insurance Rate Maps (FIRM), special flood studies, or best available information;

_____(2) The minimum floor elevation(s) (MFE) and the minimum pad elevation(s) (MPE);

_____(3) The regulatory flood protection elevation according to the Flood Insurance Rate Maps (FIRM) or flood studies as required and in accordance with Section 34 Floodplain Zoning of this article;

_____(4) The Flood Insurance Rate Map (FIRM) community and panel numbers, effective date, and flood zones of the subject property;

_____(5) The location of water courses, including stormwater conveyances, intermittent streams, and blue line streams, upon or adjoining the development tract and any associated WQPAs (Water Quality Protection Areas) in accordance with Section 27½ of the Murfreesboro City Code;

_____(6) The proposed drainage system and stormwater concept plan with major off-site stormwater elements included;

_____(7) Proposed drainage retention or detention areas with calculations prepared by a professional engineer;

_____(8) The location and invert elevations of proposed and existing bridges, culverts, drainage ditches, drainage swales, drain pipes and other drainage structures and storm drainage flow arrows;

_____(9) Drainage calculation summary for all drainage structures included above

and the square footage of all impervious areas (eg. building footprint, sidewalks, parking areas);

_____(10) The location and limits of all stormwater quality elements, areas, or structures;

_____(11) The location of all stormwater outfalls and discharge locations;

F. UTILITIES:

_____(1) The location, size, and direction of flow of existing and proposed sanitary sewers;

_____(2) Profiles of proposed and inverts of existing sanitary sewers;

_____(3) The location and size of existing and proposed water mains and fire hydrants;

_____(4) The location of gas lines;

_____(5) The location of overhead and underground utility lines, including electric, telephone, City of Murfreesboro traffic signal lines, fiber optic communications cables, and cable television lines;

_____(6) The location and size of water meter connections;

_____(7) The location, size and blocking for valves and fittings for main line water lines;

_____(8) The location and size of sanitary sewer connections and clean-outs;

_____(9) The location of back-flow preventers;

_____(10) The location and size of existing and proposed repurified or re-use water lines and systems;

_____(11) Where sanitary sewer is not available the areas to be used for sewage disposal and their percolation results, or any other data acceptable to the Water and Sewer Department Director to show that the site can be served effectively by septic tanks or other sanitary waste disposal system;

G. MULTI-FAMILY AND ZERO-LOT LINE DEVELOPMENTS:

_____(1) A tabulation of the number of units and a density calculation indicating the number of units per acre proposed;

_____(2) A tabulation of the number and size of dwelling units broken down by the number of bedrooms in each dwelling unit;

_____(3) A tabulation of proposed amenities and, if a density bonus is requested, information to support an application for amenity incentives as provided in section 14A of this article;

_____(4) The building footprints and legal building envelope of all lots in a zero-lot line development;

_____(5) The projected location of future lot lines to be established after construction has begun of all zero-lot line structures;

H. LANDSCAPING AND SCREENING:

_____(1) A separate landscape plan for the entire site incorporating the requirements

of Section 27 of this article regardless of the size of the property;

_____(2) The location, caliper, species, and condition of individual trees and/or groups of trees six inch caliper or larger;

_____(3) A landscape treatment plan for areas along streets identified in the Gateway Streetscape Master Plan;

_____(4) Identification of existing vegetation to be saved or removed;

_____(5) An irrigation plan indicating the location and extent of automatic underground irrigation systems including the location of any connection to the City's repurified water system;

_____(6) A calculation of required and provided open space and/or formal open space and an illustration identifying formal open space locations;

_____(7) The location and type of buffers required by Section 27 of this article;

_____(8) Calculations that demonstrate adherence to all landscaping requirements of this section and of Section 27 of this article;

_____(9) The location of any free standing signs which shall be shown on landscaping plans as well as the site plan;

_____(10) Screening for stormwater management areas;

I. CONSTRUCTION PHASE:

_____(1) The location and description of temporary signage, construction trailers, construction materials and equipment storage area(s), construction access location, and construction employee and visitor parking;

_____(2) Temporary ditches, dikes, vegetation and/or mulching to be used to protect exposed areas during development or construction;

_____(3) Sediment basins (debris basins, de-silting basins or silt traps) to be installed and maintained to remove sediment from runoff waters during development;

_____(4) Temporary mulching or grassing to be used to control erosion during the construction project;

_____(5) Temporary topsoil storage areas;

_____(6) Construction track-out drives;

_____(7) Erosion prevention and sediment control (EPSC) plan demonstrating elements necessary to maintain adequate erosion prevention and sediment control;

_____(8) The location and site of all temporary and permanent erosion prevention and sediment control measures;

_____(9) Construction phasing and implementation plan indicating the proposed progression of work from initial activities to completion;

_____(10) Site access restriction elements such as temporary fences;

_____(11) Temporary construction debris and waste management location such as portable waste containers, concrete washout areas and portable toilets;

J. PUBLIC STREET IMPROVEMENTS:

_____(1) Separate plan sheets for any public street improvements in accordance

with the Subdivision Regulations and Standard Street Specifications;

_____(2) Any applicable streetscape elements, e.g. Medical Center Parkway Streetscape;

_____(3) Sidewalk and pedestrian access elements within public rights of ways which shall meet accessibility requirements;

_____(4) Existing and proposed roadway drainage elements;

_____(5) Existing and proposed traffic control devices and pavement markings;

K. ARCHITECTURE

_____(1) Final architectural drawings showing all exterior building elevations indicating building height and materials including any visible roof projections and visible mechanical equipment, screening for these elements, and accurately depicting proposed colors and textures;

_____(2) A description of all proposed exterior materials including roof materials with a breakdown of the percentage of exterior building materials (e.g., brick, stone, stucco, glass) for each side of the building(s) and for the total project;

_____(3) Drawings and/or visual aids illustrating all exterior signage graphics, art, lighting, and street furniture;

_____(4) A description and depiction of the location of all site utilities, including solid waste elements, utility boxes, and HVAC units;

_____(4) Color boards and material samples of exterior architectural and site materials and surfaces which shall be permanently mounted and submitted on rigid boards of durable construction with maximum dimensions of 18” x 24” and no greater than 3 inches in thickness including the board and material sample. Such exhibits shall be clearly labeled with the project name, shall clearly identify where the material or color is to be used, and shall include a 3” x 5” blank space in the lower right corner;

L. OTHER:

_____(1) The location and arrangement of all outdoor lighting in accordance with Section 18, 21, and/or 24 of this article including site lighting layout, fixture selections, fixture height, and fixture photometrics;

_____(2) For proposed flagpole(s), the flagpole(s) must be located on the site plan along with the maximum proposed pole height, the maximum proposed flag square footage, and the foundation design. The requirements for flagpole(s) are established in the Sign Ordinance;

_____(3) The location of any free standing signs which shall be shown on the site plan as well as on the landscaping plan;

_____(4) Handicap accessibility elements such as parking stalls, handicap ramps, tactile warning strips, etc.;

_____(5) Any other information necessary for the Planning Commission and Planning Director to adequately review the site plan;

M. STANDARD NOTES:

(1) ***The following standard notes shall appear on all site plans:***

a. In accordance with T.C.A. Section 7-59-310(b)(1), Competitive Cable and Video Services Act, in cases of new construction or property development where utilities are to be placed underground, the developer or property owner shall give all providers of cable or video serving the City of Murfreesboro dates on which open trenching will be available for the providers' installation of conduit, pedestals or vaults, and laterals, referred to as "equipment," to be provided at each such providers' expense.

b. All signage, including flags and flagpoles, is subject to independent review by the Building and Codes Department. All signage must conform to their requirements and require separate sign permits.

c. A Land Disturbance Permit may be required. Determination whether a Land Disturbance Permit is required shall be made by the City Engineer. A separate Land Disturbance Permit application shall be made with the office of the City Engineer for review and upon approval for issuance of a Land Disturbance Permit.

d. For all developments of more than one acre, a State of Tennessee Construction General Permit is required. Evidence of this permit must be provided to the office of the City Engineer prior to construction commencement.

e. An Engineers Certification of the construction of the stormwater management facilities must be provided to the City Engineer prior to issuance certificate of occupancy.

f. A Stormwater Fee Credit Application must be submitted prior to the issuance of a building permit.

g. A Stormwater Facilities Operation and Maintenance Plan and a Stormwater Facilities Maintenance Agreement must be submitted prior to issuance of a building permit.

h. The Stormwater Facilities Maintenance Agreement must be recorded prior to certificate of occupancy.

i. Main line water and sewer taps will be made by the Murfreesboro Water and Sewer Department for all water taps on main lines within the jurisdiction of the Murfreesboro Water and Sewer Department.

j. The owner/developer, for budget purposes, should check with the Murfreesboro Water and Sewer Department for connection fees which may be substantial.

k. Contractors for water and sewer work must be approved by the Murfreesboro Water and Sewer Department.

(2) ***For any work proposed in the public right-of-way, the following note shall be added to the plans:*** Contractor to coordinate with the Traffic Engineer in the City Transportation Department prior to commencement of work in this area to avoid damage to traffic signal devices.

(3) ***The following standard note shall appear on all site plans with frontage along***

a state highway: A TDOT permit may be required. Evidence of TDOT approval is required prior to the issuance of any building permits.

(4) ***The following standard note shall appear on all site plans that are not exempt from providing a Stormwater Management Plan:*** A Stormwater Management Plan demonstrating that the site provides for treatment of the water quality volume and provides for management of the stream bank protection volume must be provided.

(e) *Construction notification and review.* Prior to construction beginning on any site within the GDO district, the owner, or owner's authorized agent shall provide the Planning and Engineering Departments with seventy-two hours advance written notice. The staff of the Planning and Engineering departments may conduct on-site inspections as development and construction proceeds to monitor compliance with these design regulations and to assure that the construction is proceeding in accordance with the previously approved plans.

(3) *Miscellaneous provisions*.

(a) *Administration*. The provisions of this section shall be implemented by the Planning, Engineering, Building and Codes Water and Sewer, Transportation, and Urban Environmental Departments.

(b) *As-built*. As-built drawings of all utilities on the site including but not limited to irrigation, water, sewer, gas, telephone, cable, and electric shall be provided to the Planning Department upon completion of the project prior to the issuance of final certificates of occupancy.

(c) *Accuracy of information*. Any persons submitting plans to the City shall be responsible for verification and accuracy of all components of such submissions, including, without limitation, all site dimensions, grades, elevations, utility locations and other pertinent features of the site or plans.

(d) *Representation of applicants*. The applicant represents, by the act of entering into the design review process established by this section, that all representatives of the applicant, including, but not limited to, applicant's architect, engineer, landscape architect, other design consultants, contractors, sub-contractors, and their agents and employees, shall be made aware by the applicant of all applicable requirements of the City and shall abide by these district regulations with respect to approval of development plans and specifications.

(e) *Regulatory compliance*. Plans submitted for review in accordance with these GDO overlay regulations must comply with all applicable building codes, other zoning regulations and the requirements of all agencies having jurisdiction over the project. It is the responsibility of the applicant to obtain all necessary permits.

(E) *Site planning and design.*

(1) *General approach*. A site's natural assets and its relationship to its immediate surroundings should have a significant influence on the site design and each individually developed parcel or project within the Gateway Design Overlay Districts should incorporate existing site specific characteristics such as vegetation, topography, hydrology and views. Topography, vegetation and hydrology are

closely interrelated and have a direct effect on each other. Disruption to any one element will have repercussions to the others, which must be carefully considered.

(2) *Views and Topography*. Site planning and design must be sensitive to views, both into and out of development parcels. Because viewsheds are directly related to the topographic conditions and roadway alignments of a site, the impact of grades on views should be considered to and from right-of-ways as well as adjacent properties. The preservation and enhancement of desirable views should be realized through sensitive and creative placement of all site elements on the site.

(3) *Grading and drainage.* Each site development will need to consider grading and drainage in terms of preservation or creation of topographic features. The relation of existing and proposed grades to wetlands, rivers or drainage ways, tree masses, and stormwater detention areas as well as the relationship between buildings, surface or structured parking, roads, service courts, and adjacent properties to each other and to the site will have a significant influence on the success of the development in terms of its overall impression and aesthetic appeal.

Stormwater will be detained in accordance with the standards for drainage design and stormwater management of the City. Construction details, general concepts and standards to be applied to drainage planning and design are an integral part of these regulations. The design intent for treatment of stormwater drainage is to preserve and enhance existing drainage ways. New drainage ways shall be designed to appear natural and blend with the landscape. This includes the use of broad, grassed swales, aesthetic stormwater quality facilities with very gentle side slopes, the use of natural stone weirs, or the creation of naturalistic streambeds. Headwalls and other drainage structures should be used sparingly. The sensitive integration of these types of structures into the landscape setting will be a major criteria used by the City in determining the appropriate and acceptability of design proposals in this regard.

All development parcels shall consider and apply stormwater drainage techniques that minimize culverts, underground structures, or other visually and environmentally intrusive techniques in favor of a lower impact approach. No modification of existing drainage ways shall be allowed without specific prior written consent of the City Engineer.

Detention ponds and/or water quality facilities may be required and will be preliminarily designed and coordinated at master plan stage. Such detention and water quality facilities should be designed to serve multiple sites and should serve as regional facilities to the extent possible. Detention and retention areas shall be landscaped and screened by use of a combination of vegetation, earth berms, walls, and/or other materials consistent with Section 27 of this article. Final design of these elements will be required at Final Design Review stage.

(4) *Circulation and parking*. Plans for vehicular circulation and parking must consider safety and aesthetic factors relative to the movement of vehicles. This includes efforts to minimize conflicts between vehicles and pedestrians, to limit paved

areas, and to screen and soften the visual impact of parking areas, both interior and perimeter.

(a) *Street design*. A consistent streetscape treatment along public rights-of-way enhances the appearance of the public domain and provides an attractive unified setting for the variation among individual developments and sites. Landscaping and building facades should dominate the public roadway frontage of any site. Therefore, the following standards shall apply to streets constructed within the Gateway Design Overlay District:

[1] Sidewalks shall be required on both sides of all streets. Sidewalks shall be of similar material throughout the area of the Gateway Design Overlay District in which they are located. Sidewalks shall be set back a minimum of six feet behind the street curbs and shall be a minimum of five feet wide unless otherwise required by the Gateway Streetscape Master Plan or with the approval of the City Engineer.

[2] Sidewalks shall be developed to connect with adjacent properties and developments in order to promote and reinforce pedestrian connectivity. Sidewalks shall connect building entries within and between developments and should connect the site to the public right of way.

[3] Unless otherwise required by the Gateway Streetscape Master Plan street trees shall be installed in a planting zone a minimum of six feet wide located between the back of the street curb and the sidewalk noted above. Said trees may not be counted towards the minimum landscape requirements and shall be in addition to any other trees required in this section or this article. Street trees shall be large-maturity, canopy trees of a species approved by the City Horticulturist with a minimum caliper inch D.B.H. (diameter at breast height) of three inches. A canopy tree shall be installed for every fifty linear feet of roadway frontage and shall conform to the automotive sight triangle requirements and specifications set forth in Section 27(P) of this article.

[4] When incorporated into the site, streetscape furnishings such as benches, receptacles, light fixtures, bollards, etc. shall create a uniform theme throughout the site. This entails the selection and specifications of products based on a harmonious design and compatibility with the architecture of the site and in conformance with standards adopted by the City.

[5] Site plans for properties along existing streets where there are no existing sidewalks shall include sidewalks along the entire street frontage as part of the site development.

(b) *Surface parking.* The design of surface parking shall be carefully considered to minimize the visual impact on surrounding streets and developments. In order to accomplish this, the following standards shall apply:

[1] number of parking spaces and size of spaces required shall meet the requirements specified in Section 26 of this article;

[2] shared parking between developments shall be allowed and will be encouraged for sites containing two or more buildings having complimentary parking requirements. Shared accesses are encouraged between different

sites via cross access agreements. Approved shared parking or access plans may allow waiver of other applicable design requirements, e.g., subsection (4) below;

[3] minimum space between buildings and parking and/or access drives: ten feet on lots of 1.5 acres or more and seven feet on lots of less than 1.5 acres; provided that the required minimum space shall not be required on the side of a building that provides drive-thru pick-up windows or bank teller drive-thru windows, or in front of vehicular access doors, loading docks, and other such facilities;

[4] minimum space between parking and/or access drives and adjacent property: fifteen feet on lots of 1.5 acres or more and ten feet on lots of less than 1.5 acres;

[5] curbing (continuous concrete) required in all parking areas;

[6] tree quantities and sizes, buffering, and other planting requirements shall meet those specified in Section 27 of this article; and,

[7] environmentally sensitive parking lot construction designs and methods including but not limited to grass pavers, pervious pavers, and light colored asphalt may be permitted upon approval by the City Engineer provided the site architect or engineer can demonstrate their construction will be satisfactory for the purpose to be served.

(c) *Parking structures*.

[1] exterior design shall be architecturally harmonious with the development;

[2] screening at perimeter of deck shall be provided at grade level so that vehicles are screened;

[3] ramps leading into the parking garage shall be screened or buffered from adjacent rights of way or sensitive view sheds; and,

[4] all parking spaces shall be delineated with painted lines.

(5) *Natural vegetation areas.* Efforts shall be made to maintain existing tree rows and trees six inches in caliper or over. Clearing limit lines of natural areas and trees six inches in caliper or over to be preserved shall be clearly delineated on all plans. These areas shall require the following treatment:

(a) Trees or vegetative areas, which are to remain undisturbed, shall be protected with a fence during the construction phase prior to the use of grading equipment. (See Figure IV-1) Such fencing shall provide adequate protection for all trunks, branches and root systems. Fencing shall not be removed until commencement of landscape planting.

(b) When areas of natural vegetation occur within twenty feet of the point of intersection of vehicular drives and streets, vehicular drives and pedestrian walks or two or more drives or streets, the vegetation shall be limited to a height not to exceed three feet, or in the case of trees, no branches below six feet.

(c) In general, areas of natural vegetation may be cleared of undergrowth.

(6) *Historical features/areas.* The City encourages the preservation of historical features and recommends a coordination meeting with the Stones River National Battlefield management to assist in the identification and location of historic features/areas. It may be possible for these areas to be completely dedicated to the Stones

River National Battlefield for their ownership, responsibility of development, and maintenance. Any such dedicated area can count toward meeting the maximum F.A.R. (floor area ratio) and maximum density, and may be credited toward open space requirements with up to a 1/3 maximum credit.

(7) *Reserved greenway areas.* The City may be willing to accept existing natural areas for City ownership, responsibility of development and maintenance. Said areas would be utilized to link greenway systems together that would connect to the existing Stones River Greenway in order to promote pedestrian friendly connectivity, appropriate mixed use transition areas, and quality of life.

This dedicated area can count toward meeting the maximum floor area ratio (F.A.R.), maximum density, and up to 1/3 of the required open space.

(8) *Open space*. Open space development is critical to creating a sense of place for the Gateway Design Overlay District development. Consideration shall be given by the individual developers of each site to develop a land plan that considers creating open space that provides visual, aesthetic and environmental amenities appropriate to the scale and character of the Gateway Design Overlay District. A plan demonstrating conformance with the following minimum standards shall be required:

(a) *General requirements*.

[1] a minimum of twenty percent (20%) open space shall be required on each site;

[2] all landscape areas or natural areas greater than two hundred square feet may constitute open space; and,

[3] phased developments shall provide the required minimum twenty percent (20%) open space with each phase.

(b) *Formal open space requirements.* Each site shall be required to contain formal open spaces which may be part of the open space required as described above. Formal open space is defined as planned and structured areas, including formally designed landscape areas, streetscape furnishings, plaza areas, recreational improvements and street improvements. Following are general requirements for these spaces.

[1] residential developments shall provide one or more formal open spaces equal to five percent (5%) of the site's developable area. A minimum area of five thousand square feet shall be required for any formal open space and may include hardscape improvements, street furnishings and amenity structures (i.e., gazebos, arbors, bandshells, etc.). However, individual lots in a subdivision for single family residential lots shall not be required to provide formal open space on each lot as described in this subsection; and,

[2] commercial/office developments, which exceed five acres or forty thousand square feet of floor area, shall provide one or more formal open spaces equal to three percent (3%) of the site's developable area and shall contain no less than two thousand five hundred square feet.

(9) *Pedestrian circulation*. Pedestrian circulation systems shall promote free and safe movement of pedestrians and bicyclists within each part of the Gateway Design Overlay District and shall create an alternative transportation mode and open

space network throughout the entire Gateway Design Overlay District. A network of walkways, paths or trails will ultimately link the various grounds and land uses of the Gateway Design Overlay District together, including connections with current and future parts of the Murfreesboro Greenway system. All sites shall provide pedestrian access from parking areas and public streets to building entries and shall provide pedestrian access from the public right-of-way into the development site.

Sidewalks along public streets shall conform to the requirements of the Gateway Streetscape Master Plan or otherwise shall have a minimum unobstructed width of five feet and be constructed in accordance with the Subdivision Regulations. All sidewalks shall meet accessibility standards for disabled users as required by appropriate government authorities. The Planning staff or Planning Commission may require additional sidewalk widths when there are multiple users along the sidewalks and the additional width is necessary to accommodate the additional users. Sidewalk widths greater than the otherwise required minimums may be required to accommodate multiple uses and expected high pedestrian usage.

(a) Single family and multifamily: sidewalks shall be required throughout single-family subdivisions on both sides of all streets. Linkages of the sidewalk system shall be provided to adjoining areas and to identifiable pedestrian destinations and common areas.

(b) Multifamily development: shall incorporate pedestrian sidewalks and walkways throughout, including links to the sidewalk system in public right-of-ways.

(c) Commercial: all commercial areas shall provide adequate pedestrian circulation within and between individual developments and shall provide pedestrian linkage to common areas.

(10) *Building orientation*. The orientation of buildings shall be considered an integral and crucial part of the site planning process. Views to and from roadways, surrounding parcels and significant existing or proposed site features should be incorporated into the siting of building(s) to limit any potential negative impacts while taking advantage of any benefits.

Site and building entries should be considered as a sequential experience that is logical and easily understood by all. As appropriate, the separation of various actions can add clarity to how efficiently a site works, as well as its aesthetic impression. This type of approach may include separation of service, visitor, and employee entries depending on the specific nature of the site's use. Service areas, loading docks, and storage areas shall be incorporated into the building design and oriented so that they are screened from adjacent right-of-ways and properties. The existing and proposed topography of a site should have a direct impact on building orientation and other site development elements, such as parking areas and drives. Sensitivity to grading, significant stands of existing vegetation, and drainage patterns are important in assuring that a site is developed in a manner that minimizes negative impacts and blends the development with its site in a harmonious manner.

General requirements for building orientation are:

(a) *Residential*.

[1] the primary facades for all residential buildings, including single family and multiple family buildings, shall front on a public street;

[2] the rear of buildings shall not face onto any street including Manson Pike, Wilkinson Pike, Medical Center Parkway, Robert Rose Drive, Old Nashville Highway, Fortress Blvd. and Thompson Lane unless the rear of the building is screened with a minimum of a Type C buffer as described in Section 27 of this article;

[3] rear alleys will be considered as an alternative for garage and parking access; and,

[4] standard building setbacks and heights for the underlying zoning district shall apply provided that if these GDO regulations are more restrictive, the GDO regulations shall apply and if the GDO regulations are less restrictive the GDO regulations shall apply.

(b) *Commercial*.

[1] standard building setbacks and heights for the underlying zoning district shall apply provided that if these GDO regulations are more restrictive, the GDO regulations shall apply and if the GDO regulations are less restrictive the GDO regulations shall apply; and,

[2] buildings are encouraged to be sited on internal streets rather than parking lots so that parking does not dominate the streetscape.

(11) *Site utilities*. The utility appurtenances and mechanical equipment will be considered as part of the overall site planning and design process in order to incorporate these items in an acceptable manner. Evergreen planting, building and equipment orientation, fencing, screening walls, grading and berming may be used to mitigate the negative impacts of electrical transformer and telephone switching boxes or any other utility or mechanical equipment to be located on-site. Grouping these items together will usually make treatment more efficient and effective. All utilities shall be underground.

(12) *Site lighting*. Exterior lighting is an essential part of the total design of all projects. Well conceived lighting can extend the use of outdoor areas, create a sense of well-being and add interest to the nighttime landscape.

Lighting should satisfy the objectives of security while creating a pleasing visual environment. In an effort to reduce glare in the landscape, down lighting should be emphasized while limiting the use of spotlights. Selective site and building accent lighting is encouraged. For public protection and security, walkways and parking areas, as well as non-defensible public space (i.e., hidden nooks, exterior stairwells, dead end spaces) should be adequately lighted.

Lighting plans and schedules shall be provided in the initial design review. The following considerations should be addressed during the review process:

(a) Lighting levels shall meet applicable standards for safety and security for

parking, pedestrian and service areas.

(b) All light sources for a project shall be coordinated, including consideration of adjacent light sources.

(c) All lighting fixtures shall be shielded to prevent glare. Light shall not be distributed beyond an angle of thirty-five (35°) degrees from a vertical plane onto surrounding properties.

(d) Lighting shall be designed so that illumination does not exceed one-half (1/2) foot candle beyond the property line. All lighting shall have the intensities and uniformity ratio consistent with the Lighting Handbook of the Illuminations Engineering Society of North America (IESNA).

(e) On-site lighting fixtures in residential developments shall not exceed sixteen feet in height. For nonresidential developments with structures thirty-five feet or less in height, fixtures shall not exceed twenty feet in height. For nonresidential developments with structures greater than thirty-five feet in height, fixtures shall not exceed a height of thirty feet. Shoebox-style lighting fixtures shall not be used for poles of sixteen feet or less in height. The pole or fixture height shall include any base that it may be mounted upon.

(f) Poles may be located within landscaped areas or islands; however, to avoid conflicts with required landscaping, poles shall not displace or conflict with required parking lot landscaping.

(g) Attached building or wall pack lighting shall be screened by the building's architectural features or contain a thirty-five (35°) degree cutoff shield.

(h) Ground-oriented, pedestrian-scale lighting shall be considered as an alternative to pole-mounted fixtures along pedestrian walkways.

(i) No lighting fixtures shall have blinking, flashing or fluttering lights or other illuminating devices which have changing light intensity, brightness or color, nor shall any beacon light be permitted, except those required for fire alarm and/or emergency systems.

(j) White light shall be required. Metal halide, color-corrected mercury-vapor and color-corrected high-pressure sodium lamps are permitted. Low-pressure sodium lighting is prohibited.

(k) Fixtures used for architectural lighting, such as facade, feature, and landscape lighting, shall be aimed or directed to preclude light projection beyond immediate objects intended to be illuminated.

(l) Internally illuminated canopies shall have flush or recessed lenses.

(m) No glare shall project into public right-of-way.

(n) Lighting shall be sensitive to the Stones River National Battlefield to avoid intrusions of lighting onto the land within its authorized boundary.

(o) All lighting fixtures and poles will be reviewed for aesthetic quality and compatibility.

(F) *Landscape development.*

(1) *Goals and objectives*. The development of the site landscape is integral to the total building design. It should respond to the architecture and reflect a relationship to the site. The landscape design concept must accomplish the following aesthetic and functional purposes:

(a) Reinforce the design objectives of the building. Articulation of main entries should be emphasized and reinforced by creating a focal point with specimen plant material. Seasonal color can be considered wherever possible for special interest areas.

(b) Screen (with evergreen plants) service areas, mechanical equipment, trash containers, etc. from adjacent buildings.

(c) Integrate existing topography, as well as natural vegetation, to the landscape design. Steep sites require special attention to prevent erosion and ease of maintenance.

(d) Preserve desirable views while obtaining privacy.

(e) Long-term viability of landscape, ease of upkeep, disease resistance and drought tolerance should be included in the selection criteria.

(2) *Relationship with Section 27–Landscaping and Screening*. The provisions of this section shall be required in addition to the provisions of Section 27 of this article as regards landscaping, screening, and buffering. The provisions of Section 27 shall apply except in instances where the provisions of this section are more stringent or demanding.

(3) *Requirements*.

(a) *Landscape plan.* A separate landscape plan prepared in accordance with this article shall be submitted and gain approval from the City Horticulturist prior to issuance of a building permit for any development within the Gateway Design Overlay District. The provisions of this section shall be in addition to the requirements of Section 27 of this article and where there is conflict, the provisions of this section shall control.

(b) *Irrigation*. All landscape areas shall be irrigated with an automatic underground irrigation system on lots of 1.5 acres or more. Developers and property owners are encouraged to use repurified water for irrigation where it is available. As-built drawings of all irrigation systems shall be submitted by each owner or related user upon completion of the installation of any such system. Permanent irrigation need not be provided for areas to be maintained as existing natural areas or areas to be restored as natural areas. However, temporary irrigation systems may be required for reestablishment of such areas.

(c) *Undeveloped areas*. Undeveloped areas or portions of a parcel held in reserve for future building(s) or pavement and which have been disturbed by land development activities do not need to be fully landscaped or irrigated. Such areas shall be seeded with a turf mix to minimize erosion and reduce weed growth, and shall be properly maintained.

(d) *Additional landscape requirements.* In addition to parking lot screening and buffer yard planting requirements, the following additional landscaping requirements shall be met:

[1] *Required front landscaping yard*. Landscape areas are required adjacent to and contiguous with all right-of-ways. The width of these landscape areas shall be measured from the right-of-way and shall be dependent on the roadway classification as determined by the Major Thoroughfare Plan Roadway Classification Map as follows:

- Arterial = 25 foot width
- Collector = 20 foot width
- Local = 15 foot width

[2] *Required trees*. The number and location of required perimeter trees shall be determined based on the requirements of Section 27 of this article provided, however, the following additional requirements shall be met to determine the size and minimum number of required trees.

[aa] each newly developed site shall be required a minimum A.C.I. (acquired caliper inch) of sixty caliper inches of proposed trees per acre of development site. Trees in required buffer yards may not be counted toward this requirement;

[bb] twenty percent (20%) of required trees shall be a minimum four caliper inches in size;

[cc] twenty percent (20%) of required trees shall be a minimum three caliper inches in size;

[dd] no proposed canopy, under-story, or ornamental tree planted with a size less than two caliper inches shall be counted as a required tree;

[ee] a minimum of twenty-five percent (25%) and maximum of forty percent (40%) of required trees shall be under-story and/or ornamental trees; and

[ff] multi-stem trees shall have a minimum cane size of ¾" caliper and have sufficient canes to meet the required aggregate of 2 caliper inches.

[3] *Required shrubs.*

[aa] each newly developed site shall be required to be landscaped with shrubs in accordance with the requirements of Section 27 of this article provided, however, a minimum of thirty eighteen-inch shrubs per acre shall be required for each site. Parking lot screening shall not be counted toward this requirement unless the site is less than 1.5 acres in size; and,

[bb] shrubs in required buffer yards shall not be counted toward this requirement.

[4] Ground cover. Large areas with uninterrupted areas of gravel, pine straw or bark mulch or bare soil are prohibited. Such areas shall be landscaped with turf, seed, sod or groundcover.

[5] Street landscaping requirement. All streets shall be landscaped and irrigated in accordance with Section (E)(4)(a) prior to the owner of the site adjacent to the street occupying the site, provided, however, performance bonds may be posted in accordance with the requirements of Section 27 of this article. All areas, which have been landscaped and irrigated, shall continue to be maintained by the site owner in accordance with the approved plan.

[6] Section 27(J)(3)(b) shall not apply within the GDO District.

[7] A five (5) foot minimum width landscape strip planted with shrubs, trees, or other landscape materials in accordance with Section 27 of Appendix A – Zoning shall be provided along the front and sides adjacent to the base of the buildings or separated from buildings by a sidewalk. The landscape

area may be used for menu boards to the extent otherwise permitted by this article and other regulations of the City.

[8] The base of building landscaping requirement in subsection [7] above shall not be required:

[aa] on the side of a building that provides drive-thru pick-up windows or bank teller drive-thru windows, or

[bb] within five (5) feet of a pedestrian building entrance, a vehicular access door, loading dock, or in such a manner as to block access to a door or other building element requiring access.

(e) *Parking areas.*

[1] *Landscape islands.*

[aa] A landscape island shall be provided and constructed for every twelve parking spaces in the manner illustrated in Figure V-1. Such islands shall be a minimum of nine feet wide by eighteen feet long and shall not count toward the required open space requirement unless they contain a contiguous area of two hundred square feet. Landscape islands shall be planted with one canopy tree per island and shall have the remaining surface planted with appropriate turf, ground cover, or shrubs.

[bb] At least one canopy tree with a minimum three inch caliper shall be placed in each island. (Note: These canopy trees can be used toward the overall sixty inch A.C.I. per acre minimum requirement.)

[cc] The backfill material for landscape islands shall be free of asphaltic, construction and/or trash materials. (See Figure V-2). The following note is to be placed on all site plans: Note: No asphaltic, construction trash and/or materials are to be left in the backfill and/or subgrade of any proposed landscape parking area islands and/or planting strips.

[dd] Landscape islands shall not be used for parking lot lighting if such lighting will displace or be in conflict with parking lot landscaping.

[2] *Parking lot screening.* All parking areas shall be screened and buffered from public right-of-way by berms or planting or a combination thereof which shall have a minimum height of three feet at the time of installation.

[3] *Landscape parking island strip*.

[aa] For every two hundred parking spaces a maximum of one twenty foot wide landscape strip that runs the length of the parking bay shall be provided to divide the parking spaces into sub parking lots. (See Figure V-3).

[bb] The backfill material for such twenty foot strip is to be free of asphaltic, construction and/or materials. (See Figure V-2).

[cc] For every forty L.F. of planting strip, one - three inch caliper shade tree shall be planted plus one – twenty-four inch high shrub for every one hundred S.F. of planting strip area. Plantings shall consist of fifty percent (50%) evergreen shrubs. Shrubs and trees shall count toward the minimum shrub and tree requirements.

(f) *Landscape screening*. Landscape screening shall conform to the requirements of Section 27 of this article. All utility boxes, service areas, mechanical

equipment, trash containers, dumpsters, and similar unaesthetic site elements shall be screened with the use of appropriate plant material, fences or walls, berming and grading with a general sensitivity to location of a site to minimize or eliminate any negative impacts. Screening and overall location of such elements is part of the review process.

(g) *Sight triangle standards.* Proposed landscaping within an automotive sight triangle area shall conform to the requirements and specifications set forth in Section 27(P) of this article.

(h) *Enforcement*. All proposed landscape designs submitted for review in accordance with the requirements of this section are subject to change and must be approved in accordance with the requirements of this article.

Any proposed landscaping that dies after installation shall be replaced with the same size and type of landscape material, unless otherwise approved by the City Horticulturist. Landscaping shall be maintained continuously in a consistent manner.

Revisions to the landscape plan shall be approved in advance by the City Horticulturist and a revised landscape plan shall be submitted.

(i) *Maintenance*. All required landscaping shall be maintained in accordance with the requirements of Section 27 of this article, provided, however, the owner of land developed in the GDO district shall continue to maintain required landscaping at an appropriate standard that reflects the natural environment and the intent and purposes of this section and article after expiration of any performance or warranty surety that may be posted to assure its installation or survival.

(G) *Construction phase*.

(1) *Soil erosion prevention.*

(a) Expose smallest practical area of cleared land during construction.

(b) Temporary ditches, dikes, vegetation and/or mulching shall be used to protect exposed areas during development or construction.

(c) Sediment basins (debris basins, de-silting basins or silt traps) shall be installed and maintained to remove sediment from runoff waters during development.

(d) The permanent landscaping shall be installed as soon as practicable after construction activities and, in general, within thirty days of completion of major buildings and site construction. Longer periods of time shall be permitted due to inclement weather upon advance approval by the City Horticulturist.

(e) Temporary mulching or grassing shall be used to control erosion on construction projects.

(f) Temporary grassing shall be used for topsoil storage areas.

(2) *Storage and equipment*. Construction storage and equipment yards shall be identified on site plans and shall be located on the site in a manner to minimize their impact on adjacent properties and public streets.

(3) *Maintenance of construction sites*. Construction sites shall be maintained in a neat and orderly manner. All trash shall be kept in enclosed containers and emptied

weekly or as necessary to maintain a neat and orderly construction site.

(4) *Construction access.* Construction access shall be coordinated with the Engineering and Traffic Departments. Special care shall be taken to protect existing pavements and landscaped areas from damage.

(5) *Submission of utility drawings.* At the end of the construction period, by phase, the owner shall submit to the Planning and Engineering Departments reproducible copies of record drawing (as-builts) showing the actual locations of all underground utilities and irrigation system.

(H) *Architectural design*.

(1) *General character*. The architectural design concepts are based on a comprehensive approach to development, with respect to the intended character and integrity of existing site features. Architectural character is an important part of the image conveyed by the various aspects of the Gateway Design Overlay District. To produce an orderly and aesthetically pleasing environment of high architectural quality; architectural treatments and character must be approved by the City by way of the design review process prior to any issuance of building permits or project construction. A building's exterior architectural expression and design compatibility with neighboring projects are the primary concern of this section. Size, massing, spatial relationships, organization, architectural style, detail, color and material will be among the criteria used for evaluation. Appropriate architectural design shall:

(a) Provide an appropriate level of interest in the roofline.

(b) Relate the building's features or articulation to the assets of the site.

(c) Emphasize architectural detailing for curb appeal and positive visual impact especially related to entrances.

(d) Create interest in site design in keeping with the intended character and quality of the GDO district.

(e) Include a heavy reliance on masonry materials as a building material for exterior elements.

(2) *Building construction and design*. Building construction and design shall be used to create a structure with attractive, high quality exterior elevations on all sides. Accessory buildings and enclosures, as well as other site elements, whether attached to or detached from the main building, shall be of similar compatible design and materials.

(a) *Commercial design specifics.*

[1] Buildings shall not be designed to have long uninterrupted facades. Variations in the roof line or the wall plane shall be used to break up the mass of the building.

[2] Buildings shall have a defined base and cap.

[3] All facades visible from public access ways shall be similar to the primary facade in material and design.

[4] Roof forms shall be appropriate to the building's design and scale.

(b) Residential (single family and multiple family) design specifics.

[1] Variation in building elevations is desirable. Repetition of similar designs should be avoided.

[2] All dwelling units with attached garages shall have garages accessed from

either the side or rear. Front loading garages shall be prohibited. Houses with garages that project substantially in front of the rest of the dwelling unit shall be prohibited.

[3] The incorporation of usable porches is encouraged.

[4] Dwellings shall have raised foundations. The first floor elevation shall be a minimum of one foot above the finished grade, unless a special accessibility requirement dictates otherwise.

(3) *Building materials (exterior).* Exterior materials shall conform to and be in harmony with the overall Gateway Design Overlay District purposes and intent, as described throughout these regulations, as well as the design of neighboring structures and parcels. Large, uninterrupted expanses of a single material are discouraged. Long, uninterrupted building planes are not recommended. Buildings should be designed and arranged with offsetting surfaces and planes to provide a varied street appearance. A heavy reliance on masonry materials for all structures is encouraged.

The basic palette of architectural materials for Gateway Design Overlay District includes:

(a) Commercial primary materials:

[1] Brick

[2] Pre-cast architectural concrete

[3] Natural stone - limestone, granite or cultured stone

(b) Commercial secondary materials:

[1] Stucco or synthetic stucco (E.I.F.S.)

[2] Glazed curtain walls

[3] Integrally colored split-face concrete block

[4] Cementitious composition siding

(c) Residential materials:

[1] Brick

[2] Cementitious composition siding

[3] Natural stone - limestone, granite or cultured stone

[4] Dimensional composition roof shingles

(d) Prohibited materials.

[1] The use of materials such as split-face or exposed concrete block, wood siding, or corrugated metal siding shall be prohibited on portions of residential buildings that are visible from the public right-of-way or from adjoining properties.

[2] The use of vinyl as a primary material shall be prohibited. However, vinyl is allowable as a secondary exterior material on some portions of residential buildings in the GDO based on the following considerations:

1. The property is zoned as a Planned Development under the authority of Section 13 of the Murfreesboro zoning regulations and the use of vinyl is specifically approved as part of the zoning approval.
2. Vinyl may only be applied to building facades or the portions of building facades that are not visible from a public right-of-way.

3. Vinyl may not be applied to a façade that is a primary entrance into a building.
4. Vinyl may not be applied to a building facade that faces a major access drive or a major pedestrian route within a development.
5. Vinyl may be applied to portions of buildings that are visible from adjoining properties under separate ownership but only if there is a physical separation of at least 300 feet from the closest portion of the proposed vinyl to the adjoining property line.
6. Vinyl may be used for soffits, eaves, gables, and other hard to maintain areas of a secondary nature of a building.
7. When used as a siding material vinyl must be at least a 6 ½ inch beaded single plank with wood texture with a minimum thickness of .044 inches. The Planning Commission may accept a demonstrably substantial equivalent.
8. When used as a siding material vinyl must include multiple colors to define and differentiate the base and vertical features of a building's façade.
9. The colors of the vinyl must be complimentary with the masonry materials used elsewhere on a building and are subject to approval by the Planning Commission.
10. Vinyl may only be used as a siding material when appropriate architectural elements are used to minimize blank wall spaces and to minimize visible seams.

[3] Vinyl shall be prohibited for use in the GDO-3 district.

(4) *Roof design*.

(a) *Rooftops*. All penetrations through the roof (for example, mechanical equipment or skylights) must be organized in a manner that is integral to the architectural form of the building.

To ensure the preservation of views, all rooftop surface material, texture, equipment and accessories shall be reviewed according to the following regulations:

[1] Roof-mounted mechanical equipment, vents and stacks shall be minimized and eliminated where possible. Equipment should be consolidated to be located within the same screened area.

[2] Exposed ductwork, pipes, conduit, fans, vents or other similar building elements shall be screened from the view at pedestrian level from all public roadways and vehicular access ways.

[3] Mechanical, utilities or other building elements that must be roof mounted shall be located and screened so they are not visible from any point six feet above ground level or from any public right-of-way. The appurtenances shall be grouped and enclosed by screens that are designed to be compatible with the building architecture. The screens shall be set back from the roof edge a distance of no less than one and one half (1½) times their height.

[4] All rooftop equipment and penetrations shall be painted and designed to be

compatible with the building architecture.

[5] Rooftop solar collectors, skylights, and any other potentially reflective rooftop building elements shall be designed and installed in a manner which prevents reflected glare and obstruction of views of other sites and structures.

[6] Roof-mounted radio, TV and microwave antennae and towers are prohibited unless they can be screened so that they are not visible from public right-of-way or adjoining properties. Special technology requirements shall be reviewed and discussed during the pre-design conference.

(5) *Exterior utilities*. All exterior service, loading, storage, and utility areas (including transformers, cooling towers, etc.) will be located at the side or rear of the building and shall be screened or sheltered so as not to be visible from the right-of-way or from adjacent parcels.

ARTICLE IV. H-1, HISTORIC DISTRICT

(A) *Intent.* It is the intent of this district to preserve the historic sites and structures of the City. The requirements of the district are designed to protect and preserve historic and/or architectural value; create an aesthetic atmosphere; strengthen the economy; protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided; and promote education and patriotic heritage of the present and future citizens of the community. In order to achieve the intent of the H-1 Historic District, as shown on the official zoning map of Murfreesboro, Tennessee, the following regulations shall apply.

(B) *Use regulations.*

(1) Any use permitted by the underlying zoning classifications is also permitted by the H-1 Historic District.

(2) The H-1 District classification may be superimposed in addition to existing zoning classification where the following criteria shall be determined to exist by the Historic Zoning Commission.

The quality of significance in American history, architecture, archeology, and culture is present in districts, sites, buildings, and structures that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

(a) that are associated with events that have made a significant contribution to the broad patterns of our history; or

(b) that are associated with the lives of persons significant in our past; or

(c) that embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

(d) that have yielded, or may be likely to yield, archaeological information.

(C) *Administration.*

(1) No building permit for construction, major alteration or rehabilitation, moving, or

demolition to be carried on within the H-1 District shall be issued by the Chief Building Official until it is submitted to and receives approval in writing by the Historic Zoning Commission.

(2) Administration shall be by the office of the Zoning Administrator and the Commission and all items regulated within the H-1 District shall be submitted to the Commission (through the office of the Zoning Administrator) for its review.

(D) *Building permit required.* All alterations, additions or new construction which, previous to the establishment of this H-1 District, required that application be made for a building permit, and approval obtained before the work on such alterations, additions, or new construction can begin. In addition it shall be required that application be made in the same manner for any work, including but not limited to, alterations, additions, demolition, removal or new construction which alters or contributes to the exterior appearance of existing structures.

Within six months of the passage of this article, the Commission shall prepare and submit to the City Council design review guidelines which shall be used by the Commission in the consideration of any application for certificate of appropriateness applied for under this article. No application may be considered by the Commission until such time as said guidelines have received the approval of Council. Guidelines shall be developed for each historic district hereafter created.

(E) *Building permit procedures.*

(1) Applications for building permits with the H-1 District shall be made to the office of the Chief Building Official and all such applications shall be referred directly to the Historic Zoning Commission. The Commission shall have broad powers to request detailed construction plans and related data pertinent to thorough review of any application.

(2) Upon receiving an application for a building permit the Commission shall, within thirty days following the availability of sufficient data, issue to the office of the Chief Building Official a letter stating its approval with or without attached conditions or disapproval with the grounds for disapproval stated in writing.

(3) The office of the Chief Building Official shall additionally review applications for building permits (which have received written approval from the Commission) in the same manner review is made of building permit applications outside the H-1 District, and final issuance or rejection shall additionally be based upon the adopted building codes of the City. The fee charged for building permits within the H-1 District shall conform to existing fee schedules for building permits in any other zoning district within the City.

(F) *Historic zoning commission.*

(1) *Creation and appointment*. In accordance with T.C.A. §13-7-401, a Historic Zoning Commission is hereby established. The Mayor and City Council shall create a nine member Commission which shall consist of a representative of a local patriotic or historic organization; an architect, if available; a member of the Planning Commission, at the time of appointment; and the remaining members shall be appointed from the community in general. Commission members shall be appointed by the Mayor, subject to confirmation by the City Council. Appointments

to membership on the Commission shall be arranged so that the term of one member shall expire each year and a successor shall be appointed in like manner in terms of five years. All members shall serve without compensation. The members of the Commission shall elect a chairman from among themselves to preside over meetings.

(2) *Procedure*. Meetings of the Commission shall be held at the call of the chairman or by the majority of the membership. All meetings of the Commission shall be open to the public. The Commission shall give notice of the place, date, and time of any public hearings which they hold under the provisions of this article, by publication in any official newspaper or a newspaper of general circulation at least three days immediately prior thereto. A majority of the Commission shall constitute a quorum for the transaction of business. The concurring vote of a majority of the Commission present shall constitute final action of the Commission on any matter before it. The Commission shall keep minutes of its procedures showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact.

(3) *Powers and duties*. The Commission shall have the following powers:

(a) To request detailed construction plans and related data pertinent to thorough review of any proposal before the Commission.

(b) The Commission shall within thirty days following availability of sufficient data, direct the granting of a building permit with or without conditions or direct the refusal of a building permit providing the grounds for refusal are stated in writing.

(c) Upon review of the application for a building permit, the Commission shall give prime consideration to:

[1] historic and/or architectural value of present structure;

[2] the relationship of exterior architectural features of such structures to the rest of the structures of the surrounding area;

[3] the general compatibility of exterior design, arrangement, texture and materials proposed to be used; and,

[4] to any other factor, including aesthetic, which is deemed pertinent.

(d) *Additional powers and duties*. It shall be the duty of the Commission to make the following determination with respect to the historic district:

[1] appropriateness of altering or demolishing any building or structure within the historic district. The Commission may require interior and exterior photographs, architectural measured drawings of the exterior, or other notations of architectural features to be used for historic documentation as a condition of any permission to demolish a building or structure, such photographs, drawings, etc. shall be at the expense of the applicant;

[2] appropriateness of the exterior architectural features including signs and other exterior fixtures of any new buildings and structures to be constructed within the historic district;

[3] appropriateness of exterior design of any new extension of any existing building or structure within the historic district;

[4] appropriateness of front yards, side yards, rear yards, off-street parking spaces, location of entrance drives into the property, sidewalks along the

public right-of-way, which might affect the character of any building or structure within the historic district; and,

[5] the general compatibility of exterior design, arrangement, texture, and material of the building or other structure in question and the relation of such factors to similar features of buildings in the immediate surroundings. However, the Commission shall not consider interior arrangement or design, nor shall it make any requirements except for the purpose of preventing extensions incongruous to the historic aspects of the surroundings.

(4) *Right of entry upon land*. The Commission, its members and employees, in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this article, but there shall be no right of entry into any building without the consent of the owner.

(5) *Liability of Historic Zoning Commission members*. Any Commission member acting within the powers granted by this article is relieved from all personal liability for any damage and shall be held harmless by the City government. Any suit brought against any member of the Commission shall be defended by a legal representative furnished by the City government until the termination of the procedure.

(6) *Jurisdiction*. The Commission shall have exclusive jurisdiction relating to historic matters. Anyone who may be aggrieved by any final order or judgment of the Commission may have said order or judgment reviewed by the courts by the procedures of statutory certiorari as provided for in T.C.A. §§27-9-102 and 27-9-103.

(7) *Conflict of interest*. No member of the Commission shall participate in a decision when the member or a family member within the fourth degree has a direct pecuniary interest in the property under consideration. No member of the Commission shall participate in a decision in violation of T.C.A. §§6-54-107, 6-54-108, 12-4-101, and 12-4-102.

(G) *Maintenance and repair of improvements.* Every person in charge of an improvement in a historic district shall keep in good repair all of the exterior portions of such improvements and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to deteriorate, decay or become damaged or otherwise fall into a state of disrepair.

(H) *Remedying of dangerous conditions.* In any case where a City enforcement agency shall order or direct the construction or removal, alteration, or demolition of any improvement in a historic district for the purpose of remedying conditions determined to be dangerous to life, health, or property, nothing contained in this article shall be construed as making it unlawful for any person, without prior issuance of a letter of approval pursuant to this article, to comply with such order of direction. However, the enforcement agency shall give the Commission notice of any proposed order or direction which affects or may affect the exterior appearance of any structure, or site, on or in the environs of a historic district. The Commission shall be afforded adequate opportunity to review and provide written comments upon any action proposed by an enforcement agency within a historic district prior to the initiation of any said action.

(I) *Consideration of changes to public property*. In any non-emergency situation when the

removal, alteration, or demolition of any public or utility improvement, infrastructure, or object (including landscaping) existing on public property or within a public right-of-way or easement within the Historic District is planned, or when the addition or construction of a public or utility improvement, infrastructure or object (including landscaping) on public property or within a public right-of-way or easement in the Historic District is planned, the government, utility, or person planning such removal, alteration, demolition, addition or construction shall afford the Historic Zoning Commission an opportunity to review and provide written comments on such proposed action prior to its initiation. Prior consultation shall not be required for maintenance or repair of an existing public or utility improvement, infrastructure, or object (including landscaping) which does not materially change its size, appearance, or function nor for changes below the surface of any public street or easement. Consultation may be requested or provided even if it is not required as herein specified.

(J) *Injunctive powers and penalties.* Where it appears that the owner or person in charge of an improvement on a landmark site or preservation site threatens or is about to do or is doing any work in violation of this article, the City Attorney shall, when directed by the Mayor or City Council, forthwith apply to an appropriate court for an injunction against such violation of this article. If an order of the court enjoining or restraining such violation does not receive immediate compliance, the City Attorney shall forthwith apply to an appropriate court to punish said violation pursuant to law.

A violation of this section is punishable by a fine of not less than two dollars ($2.00) and not exceeding fifty dollars ($50.00) or by imprisonment not exceeding ninety days, or by both such fine and imprisonment. Every day of violation may be held to constitute a separate offense.

ARTICLE V. PS, PLANNED SIGNAGE OVERLAY DISTRICT

(A) *Intent and purpose*. The purposes of these Planned Signage Overlay District regulations include:

(1) To promote and protect the public health, safety, comfort, and convenience.
(2) To permit the use of new and innovative signs on large, atypical developments.
(3) To encourage the design and development of signage that is of higher quality than is customary under the signage regulations otherwise applicable.
(4) To promote aesthetic and architectural improvements in the total planning of large land tracts.
(5) To promote signs which are compatible with their surroundings.
(6) To enhance the economy and business and industry of the City by promoting well-designed developments.
(7) To recognize the benefits afforded by the coordination of signage between multiple users of large developments.
(8) To provide an option to the existing sign ordinance.

(B) *Eligibility for Planned Signage Overlay District.* A Planned Signage Overlay District will only be considered for developments of twenty (20) acres or more in size. If the

land for which this zoning is requested is not owned by one owner, all owners must sign the application and, as a part of that application, must indicate their agreement that one person has authority to act on behalf of all owners and must name that person. For purposes of this section, the holder of a written option to purchase may also be considered an owner. Unless otherwise provided as a condition of approval of a Planned Signage Overlay District, the owner may divide and transfer parts of the tract to others after the District is approved provided that all transferees shall be obligated to use and maintain it in strict conformity with the approved Master Signage Plan and any other terms and conditions of the District zoning.

(C) *Eligible Zone*. An application for a Planned Signage Overlay District may be submitted by an owner if the development is zoned: Highway Commercial (CH); Heavy Industrial (H-I); Light Industrial (L-I); as a Planned Development; or, if it is located in any of the Gateway Design Overlay (GDO) Districts. An applicant for Planned Development zoning may request Planned Signage Overlay District zoning simultaneously or subsequently to receipt of such zoning.

(D) *Exclusive Nature*. Should an owner request and receive zoning as a Planned Signage Overlay District, the terms and conditions of said approval including the Master Signage Plan shall control all signage in the District, provided that flag poles and flag signs shall also be allowable to the extent allowed under the provisions of the Sign Ordinance applicable to the underlying zone district. An owner requesting Planned Signage Overlay District zoning waives all rights under the otherwise applicable sign ordinances and regulations. Rights waived include the right to seek a variance from the Board of Zoning of Appeals to change the application of the Planned Signage Overlay District; changes to the Planned Signage Overlay District and its approved Master Signage Plan may only be made through an amendment to the District and Plan approved by the Planning Commission and City Council. However, an owner would retain the right to appeal to an administrative decision to the Board of Zoning Appeals.

(E) *Pre-Application Procedures.* All applicants for Planned Signage Overlay District zoning should request a pre-application conference with the Chief Building Official and the Planning Director to discuss the location, scope, and nature of the proposed Planned Signage Overlay District; to clarify issues concerning the information required with the application; and, to review the definitions, terms and prohibitions of the Sign Ordinance and the Planned Signage Overlay District zoning choice. This pre-application conference should be attended by the applicant and any persons who will be assisting in the preparation of the Master Signage Plan. The applicant shall obtain no vested rights by virtue of the pre-application conference.

(F) *Application*. The application for Planned Signage Overlay District zoning shall be accompanied by a non-refundable fee established from time-to-time by the City Council and shall include the following:

(1) Map showing available utilities, easements, roadways, rail lines and public rights-of-way crossing or adjacent to the subject property.

(2) A plot plan, aerial photograph, or combination thereof depicting the subject and adjoining properties including the location of structures on site and within two hundred feet of the subject property and identification of the uses or planned uses

thereof.

(3) A drawing defining the general location and maximum number of lots, parcels or sites proposed to be developed or occupied by buildings in the District; the general location and maximum amount of area to be developed for parking; the approximate location of points of ingress and egress and access streets; and, approximate location of pedestrian, bicycle or vehicular ways.

(4) The location and proposed improvement of any public street.

(5) The name, address, telephone number, fax number and e-mail address of the applicant and any professional retained by the applicant to assist in the preparation of the Master Signage Plan.

(6) A proposed Master Signage Plan which shall at a minimum identify all types of signage, temporary and permanent, for which approval is requested; the permissible locations for signage; the height and dimensions of signage; and, the colors, materials and method of signage construction. All Master Signage Plans shall use the same definitions and methods of measurement and computation as are used in the City's existing Sign Ordinance. 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. Each description of a type of sign shall be accompanied by a plan drawn to scale listing maximum and minimum measurements. The rendering or dimensional sketch shall include illustrative text and the dimensions or font options to be used with the type of sign shown. Each description of a sign size shall include height, shape, and surface area. Each description of a sign location shall include setbacks from right-of-way, power lines and easements and spacing between ground signs.

(7) The application shall also identify how the Master Signage Plan significantly differs from signage permissible under the otherwise applicable Sign Ordinance.

(8) A statement of general conditions applicable to all signage within the Planned Signage Overlay District. These conditions shall include compliance with applicable building code requirements and a commitment to make written communication of the provisions of the zoning to any subsequent transferee, tenant or user of the property.

(G) *Review by staff.* Upon receipt of an application for a Planned Signage Overlay District, the planning and building staff shall review the application for completeness. In the event the application is determined to be incomplete, staff shall notify the applicant of the elements necessary to complete the application. When the application is complete, staff shall prepare a written response recommending any appropriate changes, additions, or deletions and identifying any special concerns with the respect to the application.

(H) *Planning Commission*. Not more than forty-five days after a complete application for Planned Signage Overlay District zoning has been filed, 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 seventy-five days after the Commission has received 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.

(I) *City Council.*

(1) The City Council shall hold a public hearing on the application after receipt of recommendations from the Commission. Notice of such public hearing shall be in the manner as prescribed in Section 6 of this article. Provided, further, notice of any appeal made pursuant to subsection (2) below shall be included with notices mailed to property owners as required by this subsection. Failure to mail notice to property owners or to post signs as prescribed in Section 6 shall not invalidate any action of Council.

(2) The applicant may appeal any special conditions placed by the Commission upon the approval of the Planned Signage Overlay District to Council. Any such appeal shall be made in writing and shall be filed with the Planning Director not less than twenty-one calendar days prior to the scheduled public hearing before Council. Such written appeal shall include proposed alternatives. The appeal shall be considered as part of the public hearing. Council shall render a decision on any such appeal and shall approve, disapprove, or approve the Planned Signage Overlay District subject to special conditions. Council may condition approval upon conditions in addition or in substitution of those placed by the Commission.

(J) *Minor deviations.* When filing subsequent applications for required permits or approvals, the applicant must identify any deviations from the approved Master Signage Plan. The Chief Building Official and Planning Director shall evaluate the deviations to determine whether they are substantial or minor. The deviation will be deemed minor and may be approved administratively if:

(1) it provides for fewer or smaller signs than the approved Master Signage Plan; or

(2) it modifies the orientation of signs or their location as long as such changes do not significantly alter or adversely affect the relationship of such signs to the total development or any of its elements.

(K) *Permits and fees*. The permitting and fees provisions of the Sign Ordinance, now codified at Code §25.2-20, shall apply to all signs in the Planned Signage Overlay District whether or not they are visible from any public right-of-way.

(L) *Severability*. Should any article, section, subsection, clause or provision if this Ordinance be declared to be unconstitutional or invalid, such decision shall not affect the validity by a court of competent jurisdiction of the Planned Signage Overlay District Ordinance, or the Zoning Ordinances or the Sign Ordinances of the City, as a whole or any part thereof other than the part declared to be unconstitutional or invalid, each article, section, clause and provision being declared severable.

ARTICLE VI. CCO, CITY CORE OVERLAY DISTRICT

(A) *Intent and purpose.* The intent and purpose of the City Core Overlay (CCO) district is to preserve and protect existing development patterns that predate the mid-1950s in portions of the City of Murfreesboro that were originally developed before that time and to ensure the compatibility of new development in those older portions of the City. In addition, the City Core Overlay district is intended to promote reinvestment in the areas of the City originally developed prior to the mid-1950s by modifying the development standards that could add expense without improving the safety or compatibility of the resulting development. It is recognized that the land within the City Core Overlay district is already predominantly developed and that in order for there to be beneficial redevelopment of existing properties relief from the otherwise applicable standards may be necessary. The City Core Overlay district regulations are not intended for use for new subdivisions in undeveloped areas.

(B) *Application of regulations*.

(1) The CCO, City Core Overlay district, shall overlay land located as shown on the official zoning map of the City.

(2) Any use permitted by right or by special use permit in the underlying zoning classifications shall also be permitted by the CCO district unless specifically listed as excluded or otherwise limited by this subsection. Uses specifically listed in this subsection as permitted (though otherwise excluded by the underlying zoning) shall be permitted as though they are listed in Chart 1 USES PERMITTED of this article as allowed by right or by special use permit. 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 another overlay district, the more restrictive regulations shall apply.

(C) *Use regulations*.

(1) 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 Except Carnivals
Carnivals
Communications Tower
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
Shopping Center, Community
Restaurant, Drive-in
Salvage and Surplus Merchandise
Sheet Metal Shop
Taxidermy Studio
Warehousing, Transporting
Wholesaling
Wrecker Service
Wrecker Service 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
Scrap Processing Yard
Scrap Metal Processors
Scrap Metal Distribution and Storage
Secondary Material Dealers
Stone, Clay, Glass, and Concrete Products

TRANSPORTATION AND PUBLIC UTILITIES
Garbage or Refuse Collection Service
Freight Service Facility
Truck or Motor Freight Terminal, Service Facility
Refuse Processing Treatment and Storage
Landfill
Railroad Switching Yard, Terminal, Piggyback Yard

OTHER
Metal, Sand, Stone, Gravel, Clay, Mining and Related Processing

(2) The following uses listed on Chart 1 USES PERMITTED of this article as not permitted in the CH zone shall be permitted by right or by special use permit in the CCO district and within a CH zone, subject to the standards in this subsection as noted below, with an "X" indicating it is a use permitted by right subject to meeting the standards of this article and with an "S" indicating the use must receive approval by the Board of Zoning Appeals for a special use permit and must meet the additional standards that may be required for such use by this article. Additionally, multiple-family dwellings shall be allowed in the CL zone as shown below.

DWELLINGS	CL	CH
Single-Family detached		X
Single-Family attached		X
Two-Family		X
Three-Family		X
Four-Family		X
Multiple-Family	X	X

(3) The following uses listed on Chart 1 USES PERMITTED of this article as not permitted in the RS-4, RS-8, RD, RM-12, or RM-16 zones shall be permitted by right or by special use permit within the RS-4, RS-8, RD, RM-12, or RM-16 zones in the CCO district, subject to the standards in this subsection as noted below, with an "X" indicating it is a use permitted by right subject to meeting the standards of this article, an "S" indicating the use must receive approval by the Board of Zoning Appeals for a special use permit and must meet the additional standards that may be required for such use by this article, and a blank space indicating that the use is not permitted in the district:

COMMERCIAL	RS-4	RS-8	RD	RM-12	RM-16
Antique Shop <2000 sq.ft.	X	X	X	X	X
Art or photo studio or gallery <2000 sq.ft.	X	X	X	X	X
Barber or beauty shop	X	X	X	X	X
Clothing store <2000 sq.ft	X		X	X	X
Delicatessen	S	S	S	X	X
Funeral Home	X		X	X	X
Interior decorator	X		X	X	X
Laundries, Self Service	S		S	S	S
Office < 2000 sq.ft.	X		X	X	X
Restaurant and Carry Out Restaurant	S		S	S	S
Restaurant, specialty	S		S	S	S
Restaurant, specialty-limited	S	S	S	S	S
Retail shop <2000 sq.ft.	X		X	X	X

(4) Uses Requiring Issuance of Special Use Permits:

(a) *Authority*. The Board of Zoning Appeals is authorized to grant special use permits for the uses specified in this subsection in accordance with the procedure for the issuance of such permits set forth in Section 8 of this article.

(b) *Conditions on special uses*. The BZA may impose such conditions upon the premises benefited by a permit for a special use as may be necessary to prevent or minimize any adverse effects of such special use upon and to ensure the compatibility of the special use with other property in the vicinity of such special use. These conditions may be in addition to the minimum standards for special use permits specified in this subsection. Such conditions shall be set forth when authorizing such special permit use and in the special use permit. A violation of such conditions shall be a violation of this article. The BZA is authorized to revoke a special use permit when the conditions imposed upon the premises benefited by a permit for a special permit use have been violated or have not been met.

(c) *Standards of general applicability*. An applicant for a special use permit shall present evidence at the public hearing on such special use permit, which evidence must establish:

[1] that the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare;

[2] that the proposed building or use will be constructed, arranged, and operated so as to be compatible with the immediate vicinity and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations;

[3] that the proposed buildings or use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services;

[4] that the proposed building or use will not result in the destruction, loss, or damage of any feature determined by the BZA to be of significant natural, scenic, or historic importance; and,

[5] that the proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use.

(d) *Authorized special uses and additional standards*.

[1] The special permit uses specified in this subsection shall be allowed in the districts indicated in this subsection subject to the issuance of special use permits therefor.

[2]The following special permit uses shall be allowed in the districts indicated in this subsection subject to the issuance of special use permits therefor and subject to the following minimum standards which shall apply in addition to the general standards applicable to special use permits set forth in

subsection (c) hereof:

[i] *Delicatessen shall be subject to the following additional standards:*

[aa] Required parking shall be located on-site, shall be constructed with a hard dustless surface, and shall be designed as required under Section 26. The Board of Zoning Appeals may require that any parking that is provided shall be located in the rear of the principal structure located on the premises.

[bb] Backing from or into the public street shall not be permitted in order to access or vacate on-site parking spaces.

[cc] Provisions for solid waste management shall be made that will be adequate to handle the volume of solid waste generated on-site. Dumpsters shall be located in a manner to minimize impact on adjacent properties, shall be screened or buffered from view from the public R.O.W. or adjoining properties, and shall be enclosed within a fence or wall in accordance with the requirements of Section 18 Regulations of General Applicability. The Board of Zoning Appeals may place conditions upon the times in which the solid waste containers may be serviced.

[dd] The Board of Zoning Appeals may require buffering or screening between the property and any contiguous residential use. Such buffering or screening may include fencing of appropriate construction to secure the screening objective determined by the Board of Zoning Appeals or may include an appropriate type of landscape buffer as described in Table 2 of this article.

[ee] On-site lighting shall not exceed sixteen (16) feet in height in addition to complying with all other requirements of Section 18 Regulations of General Applicability regarding on-site lighting.

[ff]The Board of Zoning Appeals may require additional standards in order to assure the compatibility of the Delicatessen with other property in the vicinity of the Delicatessen.

[ii] *Laundries, Self Service shall be subject to the following additional standards:*

[aa] Required parking shall be located on-site, shall be constructed with a hard dustless surface, and shall be designed as required under Section 26. The Board of Zoning Appeals may require that any parking that is provided shall be located in the rear of the principal structure located on the premises.

[bb] Backing from or into the public street shall not be permitted in order to access or vacate on-site parking spaces.

[cc] Provisions for solid waste management shall be made that will be adequate to handle the volume of solid waste generated on-site. Dumpsters shall be located in a manner to minimize impact on adjacent properties, shall be screened or buffered from view from the public R.O.W. or adjoining properties, and shall be enclosed within a fence or wall in accordance with the requirements of Section 18

Regulations of General Applicability. The Board of Zoning Appeals may place conditions upon the times in which the solid waste containers may be serviced.

[dd] The Board of Zoning Appeals may require buffering or screening between the property and any contiguous residential use. Such buffering or screening may include fencing of appropriate construction to secure the screening objective determined by the Board of Zoning Appeals or may include an appropriate type of landscape buffer as described in Table 2 of this article.

[ee] On-site lighting shall not exceed sixteen (16) feet in height in addition to complying with all other requirements of Section 18 Regulations of General Applicability regarding on-site lighting.

[ff] The Board of Zoning Appeals may place limits on the hours of operation to assure compatibility of the Self Service Laundry with other property in the vicinity of the Self Service Laundry.

[gg]The Board of Zoning Appeals may require additional standards in order to assure the compatibility of the Self Service Laundry with other property in the vicinity of the Self Service Laundry.

[iii] *Restaurants shall be subject to the following additional standards:*

[aa] Required parking shall be located on-site, shall be constructed with a hard dustless surface, and shall be designed as required under Section 26. The Board of Zoning Appeals may require that any parking that is provided shall be located in the rear of the principal structure located on the premises.

[bb] Backing from or into the public street shall not be permitted in order to access or vacate on-site parking spaces.

[cc] Provisions for solid waste management shall be made that will be adequate to handle the volume of solid waste generated on-site. Dumpsters shall be located in a manner to minimize impact on adjacent properties, shall be screened or buffered from view from the public R.O.W. or adjoining properties, and shall be enclosed within a fence or wall in accordance with the requirements of Section 18 Regulations of General Applicability. The Board of Zoning Appeals may place conditions upon the times in which the solid waste containers may be serviced.

[dd] The Board of Zoning Appeals may require buffering or screening between the property and any contiguous residential use. Such buffering or screening may include fencing of appropriate construction to secure the screening objective determined by the Board of Zoning Appeals or may include an appropriate type of landscape buffer as described in Table 2 of this article.

[ee] On-site lighting shall not exceed sixteen (16) feet in height in addition to complying with all other requirements of Section 18 Regulations of General Applicability regarding on-site lighting.

[ff] Restaurants with drive-thru/drive-up windows shall not be permitted

unless such Restaurants are located a minimum distance of 250 feet from a property used for residential purposes.

[gg]The Board of Zoning Appeals may require additional standards in order to assure the compatibility of the Restaurant with other property in the vicinity of the Restaurant.

[iv] *Restaurants, Specialty shall be subject to the following additional standards:*

[aa] Required parking shall be located on-site, shall be constructed with a hard dustless surface, and shall be designed as required under Section 26. The Board of Zoning Appeals may require that any parking that is provided shall be located in the rear of the principal structure located on the premises.

[bb] Backing from or into the public street shall not be permitted in order to access or vacate on-site parking spaces.

[cc] Provisions for solid waste management shall be made that will be adequate to handle the volume of solid waste generated on-site. Dumpsters shall be located in a manner to minimize impact on adjacent properties, shall be screened or buffered from view from the public R.O.W. or adjoining properties, and shall be enclosed within a fence or wall in accordance with the requirements of Section 18 Regulations of General Applicability. The Board of Zoning Appeals may place conditions upon the times in which the solid waste containers may be serviced.

[dd] The Board of Zoning Appeals may require buffering or screening between the property and any contiguous residential use. Such buffering or screening may include fencing of appropriate construction to secure the screening objective determined by the Board of Zoning Appeals or may include an appropriate type of landscape buffer as described in Table 2 of this article.

[ee] On-site lighting shall not exceed sixteen (16) feet in height in addition to complying with all other requirements of Section 18 Regulations of General Applicability regarding on-site lighting.

[ff] Specialty Restaurants with drive-thru/drive-up windows shall not be permitted unless such Specialty Restaurants are located a minimum distance of 250 feet from a property used for residential purposes.

[gg]The Board of Zoning Appeals may require additional standards in order to assure the compatibility of the Specialty Restaurant with other property in the vicinity of the Specialty Restaurant.

[vi] *Restaurants, Specialty-Limited shall be subject to the following additional standards:*

[aa] Required parking shall be located on-site, shall be constructed with a hard dustless surface, and shall be designed as required under Section 26. The Board of Zoning Appeals may require that any parking that is provided shall be located in the rear of the principal structure located on the premises.

[bb] Backing from or into the public street shall not be permitted in order to access or vacate on-site parking spaces.

[cc] Food and beverages may be consumed on-site or may be purchased for consumption off-site, however, no drive-up or drive-thru windows or service shall be permitted.

[dd] Provisions for solid waste management shall be made that will be adequate to handle the volume of solid waste generated on-site. Dumpsters shall be located in a manner to minimize impact on adjacent properties, shall be screened or buffered from view from the public R.O.W. or adjoining properties, and shall be enclosed within a fence or wall in accordance with the requirements of Section 18 Regulations of General Applicability. The Board of Zoning Appeals may place conditions upon the times in which the solid waste containers may be serviced.

[ee] The Board of Zoning Appeals may require buffering or screening between the property and any contiguous residential use. Such buffering or screening may include fencing of appropriate construction to secure the screening objective determined by the Board of Zoning Appeals or may include an appropriate type of landscape buffer as described in Table 2 of this article.

[ff] On-site lighting shall not exceed sixteen (16) feet in height in addition to complying with all other requirements of Section 18 Regulations of General Applicability regarding on-site lighting.

[gg]The Board of Zoning Appeals may require additional standards in order to assure the compatibility of the Specialty-Limited Restaurant with other property in the vicinity of the Specialty-limited Restaurant.

(5) Minimum Lot Requirements, Minimum Yard Requirements, and Land Use Intensity Ratios.

(a) Residential Structures and Uses in Residential Zones

[1] Minimum lot requirements, minimum yard requirements, and land use intensity ratios shall be as required in Chart 2. MINIMUM LOT REQUIREMENTS, MINIMUM YARD REQUIREMENTS, AND LAND USE INTENSITY RATIOS provided that front setbacks for residential structures and structures accessory thereto located in residential zones within the CCO district and not fronting along E. Main Street, Middle Tennessee Blvd., Mercury Blvd., or S.E. Broad Street shall be measured from the street right-of-way line and shall be determined as follows:

[i] The minimum required front setback for a principal structure on an interior lot shall be the average of the actual front setbacks of the structures on the lots immediately adjacent on either side of the lot or not less than ten (10) feet, whichever is greater. However, the required minimum setback shall not exceed the requirements of the base zone.

[ii] The minimum required front setbacks for principal structures on corner lots shall be the same as the actual setback of the structures adjoining the lot on either side or not less than ten (10) feet, whichever

is greater. However the required minimum setback shall not exceed the requirements of the base zone.

[iii]The minimum required front setback for an accessory structure shall be the same as the front setback required for the principal structure.

[iv]The minimum required front setback for residential structures and structures that are accessory to them on lots fronting upon E. Main Street, Middle Tennessee Blvd., Mercury Blvd., or S.E. Broad Street shall be the same as for the base zone.

[2] Permitted encroachments into required front setbacks. For the purposes of this subsection the following encroachments into a required front setback for residential structures shall be permitted:

[i] bay windows, porches, and balconies projecting not more than forty-two (42) inches into a required front yard,

[ii] chimneys, flues, fireboxes, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters and similar features projecting not more than twenty-four (24) inches into a required front yard, and

[iii] fire escapes or outside stairways may project not more than four (4) feet into a required front yard.

(b) Commercial Structures and Uses in Residential Zones

[1] Minimum lot requirements, minimum yard requirements, and land use intensity ratios shall be as required in Chart 2. MINIMUM LOT REQUIREMENTS, MINIMUM YARD REQUIREMENTS, AND LAND USE INTENSITY RATIOS provided that front setbacks for commercial structures located in residential zones within the CCO district and not fronting along E. Main Street, Middle Tennessee Blvd., Mercury Blvd., or S.E. Broad Street time shall be measured from the street right-of-way line and shall be the same as for commercial structures and uses in the CL (Commercial Local) zone in the CCO district.

[2] The minimum required front setback for commercial structures in residential zones fronting upon E. Main Street, Middle Tennessee Blvd., Mercury Blvd., or S.E. Broad Street shall be the same as for the base zone.

(c) Commercial and Residential Structures and Uses in Commercial Zones

[1] Minimum lot requirements, minimum yard requirements, and land use intensity ratios shall be as required in Chart 2. MINIMUM LOT REQUIREMENTS, MINIMUM YARD REQUIREMENTS, AND LAND USE INTENSITY RATIOS.

[2] The minimum required front setback for commercial structures in commercial zones on lots fronting upon E. Main Street, Middle Tennessee Blvd., Mercury Blvd., or S.E. Broad Street shall be the same as for the base zone.

(6) Off-Street Parking. Parking shall be provided in accordance with the requirements of SECTION 26. OFF-STREET PARKING, QUEUING, AND LOADING provided that the following provisions for the number of required parking spaces shall be permitted:

(a) Parking for Single Family Residential Structures. Within the CCO district one (1) off-street on-site parking space shall be required for each dwelling with one

bedroom and two (2) off-street on-site parking spaces shall be required for each dwelling unit with two or more bedrooms.

(b) Parking for Multiple Family Residential Structures. Within the CCO district one (1) off-street on-site parking space shall be provided for each bedroom provided in each multiple family dwelling unit.

(c) Parking for Commercial Uses. Within the CCO district parking for commercial uses shall be provided in accordance with the requirements of SECTION 26. OFF-STREET PARKING, QUEUING, AND LOADING and CHART 4. REQUIRED OFF-STREET PARKING AND QUEUING SPACES BY USE of this article. Provided, however, the number of required on-site off-street parking spaces may be reduced by 25% 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 50% if the property is located within 500 feet as measured along the centerline of the street or streets that provide the most direct route to the site of a publicly owned parking lot where parking is freely available to the users.

(7) Landscaping, Screening, and Buffering Requirements for CCO district. Within the CCO district landscaping shall be required as provided in SECTION 27. LANDSCAPING AND SCREENING 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:

(a) *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:

[1] if an existing building, structure or development is expanded by seventy-five percent (75%) or more, then the entire building, structure or development shall comply with the requirements of this sub-section;

[2] if the estimated cost of a renovation of an existing building, structure, or development equals seventy-five percent (75%) 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 sub-section;

[3] if there is a change in use of an existing building, structure or development which requires issuance of a special use permit, then the entire building, structure, or development including parking area shall be required to comply with the requirements of this sub-section;

[4] 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 sub-section; or,

[5] 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 sub-section.

(b) *Required perimeter landscaping*. An owner is required to have planting yards

around the perimeter of a property except where vehicular access ways are necessary to provide access to the property and except as provided in this subsection. A planting yard shall be a uniform minimum width of:

[1] three (3) feet where the site is .5 (1/2) acres or less

[2] five (5) feet where the site is .5 (1/2) to two acres;

[3] eight (8) feet on a front planting yard and five feet on other planting yards where the site is between two (2) acres and five (5) acres;

[4] eight (8) feet where the site is more than five (5) acres and less than eight (8) acres; or,

[5] ten (10) feet where the site is eight (8) acres or more.

(c) Planting yards shall be placed along the front, side and rear property lines except where access ways are provided or except where a building is built up to the side or rear lot line or within ten (10) feet of a front property line. If there is less than five (5) feet between the building and the side or rear lot line, shrubs and/or small ornamental trees shall be planted and maintained. If there is more than five (5) feet between the building and the side or rear lot line, the planting requirements for planting yards shall be applicable. If the structure is within ten (10) feet of a front property line and provision has been made for outdoor seating for a restaurant use, no landscaping shall be required between the structure and the front property line. A property bound by two or more public rights-of-way has two or more front yards. If the planting yard is less than 5 feet wide care shall be taken for the placement of trees and shrubs to avoid damage from cars that may overhang over the planting yards.

(d) 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. A planting yard used to meet the perimeter landscaping requirements for two properties must have a uniform minimum width of five (5) feet and 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 must present and execute an enforceable written agreement for the perpetual maintenance of the planting yard and record it in the Register of Deeds office, all at no expense to the City, which agreement shall be binding on any successor owner of either property.

(e) [1] Planting yards shall contain one shade tree every forty (40) 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 twenty-five (25) 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 absolutely equal intervals. This will allow for some flexibility in design while discouraging long intervals without trees. To increase view sheds to the building(s) and/or sign(s), the owner may submit an alternate plan under Section 27 (H)(2) of this article to provide for an alternate arrangement of trees within the planting yard.

[2] Owners of lots in the CCO district 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 twenty-four (24) inches from ground level at the time of planting.

[i] one hundred fifty (150) linear feet or less of lot frontage:
- with a five (5) foot front planting yard, no trees are required but one shrub is required for every twelve and five tenths (12.5) square feet of planting yard;
- with an eight (8) foot front planting yard, one shade tree or two ornamental trees are required and one shrub is required for every twenty (20) square feet of planting yard.

[ii] two hundred fifty (250) linear feet or less, but more than one hundred fifty (150) linear feet, of lot frontage:
- with a five (5) foot front planting yard, one shade tree or two ornamental trees are required and one shrub is required for every twelve and five tenths (12.5) square feet of planting yard;
- with an eight (8) foot front planting yard, two shade trees or four ornamental trees are required and one shrub is required for every twenty (20) square feet of planting yard.

[iii] three hundred fifty (350) linear feet or less, but more than two hundred fifty (250) linear feet, of lot frontage:
- with a five (5) foot front planting yard, two shade trees or four ornamental trees are required and one shrub is required for every twelve and five tenths (12.5) square feet of planting yard;
- with an eight (8) foot front planting yard, three shade trees or six ornamental trees are required and one shrub is required for every twenty (20) square feet of planting yard.

(f) No one tree species shall comprise more than sixty percent (60%) of the total number of trees provided however that this provision is still met if an uneven number of trees is required and there is one tree more than sixty percent (60%) of a given species.

(g) All trees in a planting yard shall be planted no closer than two and one half (2½) 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 cars that may overhang over the planting yard.

(h) A front planting yard shall contain a number of shrubs equal to one shrub for five (5) linear feet of frontage. These required shrubs may be small, medium, or large. They may be planted anywhere within a front planting yard and may be mass planted to achieve a more naturalistic appearance. Up to fifty percent (50%) of the required number of shrubs for a front planting yard may be located in the immediate vicinity of the building, structure or development.

(i) *Required landscaping within parking lots and around base of buildings*. Parking lots should be effectively landscaped with trees and shrubs to reduce the visual impact of glare, headlights, and parking lot lights, to delineate driving lanes, aid the control of stormwater runoff, and to define rows of parking; parking lots should be shaded in order to reduce the amount of reflected heat. Landscaping to include shrubs and ornamental trees should be planted at the base of buildings as foundation plantings to aid in stormwater control, reduce the amount of reflected heat, identify significant entries into buildings, and to screen unsightly elements of the building.

(j) *Landscape requirements for new parking lots*:

[1] Off-street parking and other vehicular use areas shall be designed and constructed using the design standards in this subsection for landscape islands and shall also be designed and constructed so that not less than four percent (4%) of any parking area of two acres or more in size, and six percent (6%) of any parking area of five acres or more in size, is used for landscaping. In calculating area size for this minimum use percentage, landscaped areas used for required perimeter landscaping and buffer zones shall not be included, nor shall any loading area to the rear of a building used exclusively for deliveries be included. Any landscaped area which is immediately adjacent to off-street parking and vehicular use areas and which is not required perimeter landscaping may be used to satisfy the minimum landscaping percentage of this subsection. The off-street parking and other vehicular use area shall consist of all paved areas inside the edge of perimeter landscaping, including access ways.

[2] Off-street parking areas with a single access aisle shall be designed and constructed with landscape islands dividing rows of parking spaces such that no more than twenty (20) spaces shall exist in a row without the row being divided, begun and or terminated with a landscape island; 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 feet.

[3] All landscape islands shall be designed and constructed to include continuous curbing around their perimeter and shall be back filled with topsoil to a depth of eighteen 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.

[4] The stormwater drainage plan and landscaping plan shall be coordinated

so the landscaping plan enhances stormwater drainage.

(k) *Landscape requirements for existing parking lots*:

[1] In existing parking lots required to be landscaped because the lots are being redeveloped, trees shall be planted at the rate of one shade tree or two ornamental trees for every twelve and five tenths spaces.

[2] Required trees shall be located within or adjacent to parking lots as tree islands, medians, at the end of parking bays, traffic delineators, or between rows or parking spaces in a manner such that no parking space is located more than one hundred feet from a parking lot tree.

(l) *Landscaping requirements for base of buildings*.

[1] 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 buildings by a sidewalk. Such strip shall be planted with shrubs, trees, or other landscape materials. Provided, 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.

[2] 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) or L-I (Light Industrial) when such land is developed with a use identified as Industrial in Chart 1 of this article (Appendix A – Zoning).

[3] 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.

(m) *Screening Requirements*.

[1] 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.

[2] Screening Requirements for Stormwater Management Areas. Stormwater management areas including detention or retention areas shall be landscaped. Such areas may be planted within the area for stormwater management with appropriate vegetation upon approval by the City Engineer.

[Ord. No. 86-20 §§1, 2, 06-12-86; Ord. No. 87-20 §§2, 3, 04-09-87; Ord. No. 92-31 §§7–9, 07-09-92; Ord. No. 94-O-50 §2, 09-29-94; Ord. No. 98-O-24 §§2, 3, 06-04-98; Ord. No. 99-O-66 §§14, 15, 08-24-00; Ord. No. 01-O-12 §§2–5, 04-05-01; Ord. No. 03-O-53 §3, 01-08-04; Ord. No. 05-O-79 §§1, 9, 12-15-05; Ord. No. 05-O-78 §§2, 3, 12-15-05; Ord. No. 06-O-21 §2, 06-22-06; Ord. No. 06-O-40 §1, 08-24-06; Ord. No. 06-O-63 §2, 12-14-06; Ord. No. 08-O-36 §1, 08-21-08; Ord. No. 08-O-44 §1-2, 10-23-08; Ord. No. 08-O-47 §2, 10-23-08; Ord. No. 09-O-16 §28-31, 06-04-09; Ord. No. 10-O-01 §6, 03-04-10; Ord. No. 10-O-04 §11-12, 03-04-10; Ord. No. 10-O-09 §§1-2, 05-27-10; Ord No. 12-O-27 §1, 09-27-12; Ord. No. 12-O-35 §2, 01-10-13; Ord. No. 12-O-50 §1, 02-28-13; Ord. No. 13-O-50 §4, 01-09-14; Ord. No. 13-O-53 §1, 01-09-14; Ord. No. 15-O-25 §§1-2, 05-14-15]

SECTION 25. TEMPORARY AND ACCESSORY STRUCTURES AND USES

(A) *Authorization.*

(1) Temporary structures and uses are permitted subject to the provisions of this section.

(2) Accessory structures and uses are permitted in connection with any lawfully existing principal structure and use subject to the provisions of this section.

(B) *Particular permitted temporary and/or accessory structures and uses.* Temporary and/or accessory structures and uses include, but are not limited to, the following, provided however, that each structure or use shall comply with the standards and requirements of subsections (C), (D), (E), and (F):

(1) private residential garages and carports;

(2) a structure for storage incidental to a permitted use;

(3) tennis courts, lighted or unlighted, accessory to a residential building and limited to use by the occupants thereof and their guests;

(4) a private swimming pool and bathhouse accessory to a residential building and limited to use by the occupants thereof and their guests; provided that such swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access to such swimming pool from the street or from adjacent properties. Such swimming pool shall not be located in any required front or side yard and shall not be located between the principal structure and the front lot line;

(5) fences, walls, and hedges;

(6) radio and television antennas, subject to the height restrictions of the district in which they are located;

(7) off-street parking subject to the provisions of Section 26 of this article;

(8) signs, which are subject to the provisions of Code Chapter 25.2;

(9) barns, sheds, silos, and storage structures used for agricultural purposes on lots or tracts larger than five acres;

(10) Reserved;

(11) construction trailers for on-site security, contractor's office, or storage used by a building contractor during the construction phase of a building project provided the trailers are removed from the site within thirty days after the issuance of a temporary certificate of occupancy;

(12) outdoor storage of no more than: one boat and boat trailer; two personal watercraft ("jet skis") and one trailer for such; or two all-terrain vehicles and one trailer for such per dwelling unit; provided, no part of such storage may be located in a required front yard;

(13) outdoor storage of one camping trailer or recreational vehicle per dwelling unit; provided no part of such storage/parking area shall be located in a required front yard and provided such camping trailer or recreational vehicle shall not be used for living or sleeping except for bona fide temporary instances of visiting relatives or family members not to exceed fourteen days in any calendar year;

(14) Retail sales events, e.g. yard sales, artist and artisan open house showings,

charity fundraisers etc., shall be permitted in residential districts provided the following standards are met:

(a) there are no more than four one-day events, which may be consecutive, during a twelve month period on any property;

(b) no exterior set up of displays are erected on the property more than twenty-four hours in advance of the event;

(c) no event shall begin before 10:00 AM or continue beyond 9:00 PM on Sundays or begin before 7:00 AM and continue beyond 9:00 PM on all other days of the week;

(d) the owner shall be responsible for ensuring that neighboring residential property shall not be encroached upon or driveway access obstructed and that there shall be no visitor parking on neighboring property without the written consent of the affected property owner; and,

(e) trash or garbage that may be left at the location or on surrounding property as a result of the event shall be removed by the property owner or designee within twenty-four hours after the event.

(15) tenant leasing office for a multi-family development, provided such office is designed and constructed to appear as an integral part of the multi-family development;

(16) a temporary mobile sales office may be established on a residential lot for a period not to exceed one year in any subdivision of ten or more residential lots provided the temporary mobile sales office is suitably equipped with underpinning and skirting and otherwise meets building codes;

(17) a temporary modular sales office may be established on a residential lot for a period not to exceed two years in any subdivision of ten or more residential lots provided the approval may be extended for periods of one year upon approval by the Planning Director;

(18) a residence, i.e. a model home, which may be used as a temporary sales office on a residential lot for a period not to exceed three years in any subdivision of ten or more residential lots provided the approval may be extended for periods of one year upon approval by the Planning Director;

(19) a parents' day out or child care for pre-teenage children for not more than twelve hours in any one week and which does not require licensure by the State of Tennessee shall be permitted in any property approved for use as a church; and,

(20) retail sales of food, souvenirs, clothing, and other items within a public right-of-way associated with an approved street closure shall be permitted during the duration of the event for which the street was closed.

(C) *Prohibited temporary and accessory structures and uses.*

(1) outdoor storage is prohibited, except as expressly permitted;

(2) mobile storage units, e.g., semi-trailers, converted vans, or converted buses, shall not be used as accessory structures for storage or human occupancy on any residential lot; and,

(3) temporary amusements except as otherwise regulated by this article including but not limited to motorized kart rides, pony rides, hot air balloon rides, etc.

(4) amusement ride or rides accessory to a principal use including motorized and non-motorized commercial amusements and carnivals, except as allowable with a

special use permit.

(D) *Particular temporary structures and uses requiring special use permit.* The following temporary structures and uses shall require application for a special use permit and approval by the Board of Zoning Appeals in accordance with the requirements of Sections 8 and 9 of this article:

(1) day care centers accessory to an institutional group assembly use shall be permitted in the RS-15, RS-12, RS-10, RS-8, RS-4, and RZ districts subject to the additional standards of Section 9(D)(2)(bb);

(2) adult day care home accessory to an institutional group assembly use shall be permitted subject to the additional standards of Section 9(D)(2)(e);

(3) adult day care centers accessory to an institutional group assembly use shall be permitted subject to the additional standards of Section 9 (D)(2)(c);

(4) retail sales events, other than those provided in Section 25(B)(14), may be permitted in any residential district subject to the additional standards provided in Section 9(D)(2)(ooo);

(5) temporary outdoor sales of food or retail merchandise not accessory to the actual principal use of a property including sales of fireworks and Christmas trees ("Temporary Vendors"), except as provided in Section 25(B)(20), shall be permitted in the CL, CF, CH, H-I, and L-I districts subject to the additional standards of Section 9(D)(2)(eeee) and Section 9(E). For the purposes of this subsection "food" includes but is not limited to prepared food, produce and beverages; and "retail merchandise" includes but is not limited to furniture, appliances, floor coverings, art or decorative items, clothing, animals, and souvenirs;

(6) sales of Christmas trees accessory to an institutional group assembly use, which uses include recreation fields, public buildings, public or private schools grades K-12, lodges, country clubs, clubs, churches, and other places of worship, shall be permitted in the RS-15, RS-12, RS-10, RS-8, RS-4, RD, RM-12, RM-16, RM-22 and RZ districts subject to the additional standards of Section 9(D)(2)(eeee) and Section 9(E), provided, that if the applicant provides written documentation from the owner of the institutional group assembly use, or duly authorized agent thereof, that the institutional group assembly use will be responsible for clearing and cleaning of the site within the time specified in Section 9(D)(2)(eeee)[19][aa] should the applicant fail to do so, the applicant for such accessory Christmas tree sales use shall not be required to post a deposit as otherwise required by section 9 (D)(2)(eeee)[6]; and,

(7) Specialty Restaurant- Limited accessory to a Bed and Breakfast Homestay or Bed and Breakfast Inn shall be permitted subject to the additional standards of Section 9. (D)(2)(p) and (r).

(E) *Bulk and location regulations.* Temporary and accessory structures and uses, except parking and parking areas and lots and signs which are subject to the provisions of Sections 26 and 27, respectively, of this article, shall be subject to the bulk and location regulations hereinafter set forth:

(1) (a) for interior lots in residential districts, detached accessory structures and uses, except fences, walls, and hedges, shall be located not less than sixty feet from the front lot line and in no event shall be closer to the front lot line than ten feet

behind the front of the principal structure and not less than five feet from any side and rear lot lines. Detached accessory structures on residential lots that are closer than five feet to a principal structure shall be treated as attached structures for setback purposes whether physically attached or not;

(b) for corner lots in residential districts, detached accessory structures and uses on corner lots, except fences, walls, and hedges, shall be located no closer to the front lot line than ten feet behind the front of the principal structure on the same lot, and not less than five feet from any side lot lines. Detached accessory structures on residential lots that are closer than five feet to a principal structure shall be treated as attached structures for setback purposes whether physically attached or not;

(2) in all residential districts, attached accessory structures and uses shall maintain the same setbacks as required for the principal structures;

(3) no accessory structure or use in any residential district shall occupy more than twenty-five percent (25%) of the required rear yard;

(4) no accessory structure shall exceed the height limitations of the district in which such structure is located;

(5) in commercial and industrial districts, temporary and accessory structures and uses, except fences, walls, and hedges, shall comply with the same front, side, and rear setback as is required for the principal structure except as noted in this subsection. Provided, however, a detached accessory structure used for storage or as a dumpster enclosure may be located not less than five feet from a side or rear lot line provided it is less than two hundred square feet in floor area;

(6) construction trailers used by a building contractor during the construction phase of a building project may be located not less than five feet from any side, front, or rear lot line; and,

(7) barns, sheds, silos, and storage structures used for agricultural purposes on lots of not less than five acres shall be located not less than twenty-five feet from a side or rear lot line.

(F) *Use limitations.*

(1) all accessory structures and uses shall comply with the use limitations applicable in the zoning district in which they are located; and,

(2) no accessory structure or use shall be constructed or established on any lot prior to the time of the substantial completion of the construction of the principal structure to which it is accessory except as may be approved by the Board of Zoning Appeals in accordance with the requirements of Sections 8 and 9 of this article upon a showing of unusual circumstances.

[Ord. No. 87-12 §§1, 2, 02-26-87; Ord. No. 91-39 §1, 07-25-91; Ord. No. 99-O-66 §1, 08-24-00; Ord. No. 01-O-30 §4, 01-17-02; Ord. No. 05-O-61 §§1, 2, 10-27-05; Ord. No. 07-O-39 §§3-4, 11-08-07; Ord. No. 08-O-37 §4-6, 08-21-08; Ord. No. 09-O-16 §32, 33, 06-04-09; Ord. No. 10-O-31 §5, 10-14-10; Ord. No. 11-O-33 §3, 11-03-11; Ord. No. 12-O-31 §1, 11-15-12; Ord. No. 16-O-64 §§9-10, 01-05-17]

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 11, 2009.

(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) 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 and duplex uses*.

[1] Required parking spaces shall be located on the same lot as the single family or duplex structure to which they are accessory.

[2] Access to one parking space through one other parking space is permitted provided that the two parking spaces serve only a single family detached, a single family attached, or a duplex dwelling and the lot does not front upon a street identified as a major arterial, minor arterial, or collector street in the Murfreesboro Major Thoroughfare 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 for single family attached, single family detached, or a duplex dwelling provided that the lot does not front upon a street identified as a major arterial, minor arterial, or collector street in the Murfreesboro Major Thoroughfare 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 Thoroughfare 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 or detached from the principal structure, shall not be considered as required parking spaces for the purposes of this section.

(b) *Multiple dwellings and nonresidential uses*.

[1] Required parking spaces shall be located on the same lot or on land within three hundred feet of the building, structure or use served; provided that such off-site parking complies with the following requirements:

[i] such off-site parking spaces are located within a zoning district which would permit the use to which such parking is accessory,

[ii] such off-site parking spaces are in the same ownership, and

[iii] the Planning Director reasonably determines that such off-site parking spaces will remain available for use during the life of the use to be served and, at a minimum for twenty (20) years.

The owner of the use requesting the use of off-site parking spaces to fulfill required off-street parking requirements shall submit legal instruments for review by the Director and by the City Attorney.

[2] Parking spaces or access aisles for parking spaces of multi-family dwellings located in the RM-12, RM-16, and RM-22 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 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 (½) shall be disregarded and fractions over one-half (½) 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, handicapped parking spaces required under state or federal law shall not be considered.

(d) Parking spaces within garages for multi-family dwellings may be considered as required parking for purposes of this section provided such spaces are used only for parking of automobiles; spaces used or available to be used for the parking or storage of boats, recreational vehicles, trailers, equipment or any other item are not to be so considered.

(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, provide 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.

(3) *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 subject to the following conditions:

(a) the location requirements of subsection (C)(1) hereof are met; and,

(b) 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:

[1] the names, addresses, and telephone numbers of the applicants;

[2] the ownership and location of the off-street parking spaces proposed to be jointly used;

[3] the uses which will jointly use the required off-street parking spaces, the hours of operation of each such use, the number of required parking spaces proposed to be jointly used; and,

[4] any other information required by the Director reasonably necessary in order to make a determination in this matter.

Within thirty (30) days after such complete application is filed, the Director shall determine whether such joint use of required off-street parking spaces will be permitted, and shall in writing notify the applicants thereof.

(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 used for required off-street parking shall not be used for any other purpose 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-handicapped off-street parking spaces*. Non-handicapped off-street parking spaces shall be of the dimensions as shown on Chart 3 of this section.

(b) *Dimensions of handicapped off-street parking*. Handicapped parking spaces shall be designed in accordance with the handicapped 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-handicapped 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 space as are indicated on Chart 3. 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.

(c) Parking lots and maneuvering areas shall be designed, landscaped, and screened in accordance with the requirements of Section 24 and 27 of this article (Appendix A – Zoning).

(d) If a parking lot abuts a street right-of-way or any screening required by this subsection (7), continuous curbing or individual wheel stops shall be provided along that portion of the parking lot which abuts such street right-of-way or screening.

(e) Lighting used to illuminate off-street parking lots 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 handicapped parking spaces and aisles located within a parking lot shall be as required in the handicapped 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.*

(1) The number of non-handicapped parking spaces required for specific uses is set forth on Chart 4; the number of handicapped parking spaces shall be as set forth in the handicapped code then in effect in the State of Tennessee.

(2) In single-family residential and duplex zoning districts, no more than six parking spaces per dwelling unit shall be permitted.

(3) 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 Director's authority to interpret the provisions of this article (Appendix A – Zoning).

(2) 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 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 counter clockwise 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.

[Ord. No. 92-3 §§1–4, 01-15-92; Ord. No. 96-O-82 §1, 11-12-96; Ord. No. 99-O-66 §§8–10, 08-24-00; Ord. No. 09-O-29 §3, 08-27-09; Ord. No. 12-O-30 §1, 11-15-12; Ord. No. 14-O-61 §4, 01-15-15; Ord. No. 15-O-25 §3, 05-14-15]

CHART 4. REQUIRED OFF-STREET PARKING AND QUEUING SPACES BY USE.

Use	*Number of Parking and Queuing Spaces Required (f.a. = floor area)*
Dwellings	
Single-family, detached and attached; and two family dwellings	4 for each dwelling unit
Three family and four family dwellings	a. For each dwelling unit with 1 bedroom, 2 spaces shall be provided with any fraction of a space rounded to the next higher number notwithstanding Section 26(C)(2)(a) b. For each dwelling unit with 2 or more bedrooms, 1.1 spaces shall be provided for each bedroom with any fraction of a space rounded to the next higher number notwithstanding Section 26(C)(2)(a)
Multiple-family dwellings	a. For each dwelling unit with 1 bedroom, 1.5 spaces shall be provided b. For each dwelling unit with 2 or more bedrooms, 1.1 spaces shall be provided for each bedroom with any fraction of a space rounded to the next higher number notwithstanding Section 26(C)(2)(a)
Other housing	
Assisted-care living facility	1 for each 3 beds or 3 spaces, whichever is greater, plus 1 for each employee employed on the largest shift
Bed and breakfast homestay	In addition to the parking requirements for the residential portion of the establishment, 1 for each sleeping room used in connection with the business plus 1 for each employee employed on the largest shift plus 1 for each two seats in any area devoted to a Specialty Restaurant- Limited as an accessory use

Bed and breakfast inn	In addition to the parking requirements for the residential portion of the establishment, 1 for each sleeping room used in connection with the business plus 1 for each employee employed on the largest shift plus 1 for each two seats in any area devoted to a Specialty Restaurant- Limited as an accessory use
Boarding house	1 for each sleeping room plus 1 space for a non-resident owner or employee
Rooming house	1 for each sleeping room plus 1 space for a non-resident owner or employee
Home for the Aged, Class I, II and III	2 for each 3 beds or 3 spaces, whichever is greater, plus 1 for each employee employed on the largest shift
Mobile home	2 for each dwelling unit
Fraternity or sorority houses	1 for each 200 square feet of f.a. not used as sleeping rooms or 5 spaces, whichever is greater, plus 1 for each sleeping room
Student centers	1 for each 200 square feet of f.a. not used as sleeping rooms or 5 spaces, whichever is greater, plus 1 for each sleeping room
Student dormitories	1 for each bed plus 1 space for a non-resident employee employed on the largest shift
Transitional home	1 for each 3 beds or 3 spaces, whichever is greater
Institutional uses	
Adult day care home	In addition to the parking spaces that may be required for the residential portion of this use, 1.5 spaces for each 2 employees employed on the largest shift plus 2 for each business vehicle

Cemetery	The number of required parking spaces shall be determined by the Board of Zoning Appeals. Required parking may be allowed in on-site off street driveways/access drives or in grass areas.
Churches	1 for each 8 fixed or mobile seats in the auditorium or sanctuary or largest place of assembly within the facility
Community center	1 for each 250 square feet of f.a. or 5 spaces, whichever is greater
Day care centers	1 for each 300 square feet of f.a. or 5 spaces, whichever is greater, plus 1.5 for each 2 employees employed on the largest shift
Family crisis shelter	1 for every 5 beds plus 1 for each employee or volunteer working on the largest shift plus 1 for each business vehicle
Family or group day care home	1.5 for each 2 employees employed on the largest shift plus 2 for each business vehicle
Family violence shelter	1 for every 5 beds plus 1 for each employee or volunteer working on the largest shift plus 1 for each business vehicle
Group shelter	1 for every 12 beds plus 1 for each employee or volunteer working on the largest shift plus 1 for each business vehicle
Hospital	1.5 for each bed

Lodge, club and country club:	1 for each 100 square feet of f.a. in the largest room of public assembly in the building plus 100 per each 9 holes in the golf course provided on site plus 1 for each 60 square feet of water area in the pool provided on site plus 3 for each tennis and/or racquetball court
Mission	1 for each 300 square feet of f.a. not devoted to temporary housing or 5 spaces, whichever is greater, plus 1 for every 5 beds, plus 1 for every business vehicle
Morgue	1 for each employee employed on the largest shift plus 5 spaces.
Museum	1 for each 300 square feet of f.a. plus 1 for each business vehicle
Nursing home	1 for each 2 beds, plus 2 for visiting physicians, plus 1 for each business vehicle
Pet Cemetery	The number of required parking spaces shall be determined by the Board of Zoning Appeals. Required parking may be allowed in on-site off street driveways/access drives or in grass areas.
Philanthropic institution	1 for each 300 square feet of f.a. or 1 for each 3 beds, whichever is greater
Recreation field	10 for every acre of land, plus 1 for every 4 spectator seats or 1 for each 8 linear feet of bleacher seats whichever is greater
Schools, public or private	
a. Kindergarten and nursery	1 for each 5 children

b. Grades 1 through 9	2 for each classroom or 1 for each 5 seats in the school's auditorium, whichever is greater
c. Grades 10 through 12	5 for each classroom or 1 for each 5 seats in the school's auditorium, whichever is greater
d. College and university	8 for each classroom or 1 for each 300 square feet of f.a. of each building, whichever is greater
Agricultural	
Any use classified as agricultural on Chart 1	1.5 for each 2 employees employed on the largest shift
Commercial	
Adult entertainment	1 for each 100 square feet of f.a. plus 1 for each 4 seats or 7 spaces, whichever is greater
Amusements, commercial indoor	1 for each 100 square feet of f.a. plus 1 for each 4 seats or 7 spaces, whichever is greater
Amusements, commercial outdoor	5 for every hole for golf courses, including miniature golf, 1 for every tee or target for golf driving or archery ranges, 10 for every acre of land included within the site or the premises where a skateboard, motorbike or motorcycle course or water or aquatic slide or amusement park is located, 2 for each kart for motorized kart tracks
Animal Grooming Facility	1 for each 300 square feet
Art studio or gallery or photo studio	1 for each 500 square feet of f.a. or 5 spaces, whichever is greater

Auction house	1 for each 250 square feet of f.a.
Auditorium	1 for each 2.5 seats plus 1 for each employee employed on the largest shift
Automobile body shop	1 for each service bay or 5 spaces, whichever is greater
Automobile graveyard	5 spaces plus 1 for each business vehicle
Automobile service station	1 for each 500 square feet of f.a. plus 1 for each business vehicle and 2 for each grease rack or indoor service stall
Bakery, retail	1 for each 500 square feet of f.a. or 5 spaces, whichever is greater
Bank, without drive-in	1 for each 300 square feet of f.a. or 5 spaces, whichever is greater
Bank, with drive-in	1 for each 300 square feet of f.a. or 5 spaces, whichever is greater, plus 4 queue spaces for each drive-in teller or station, which queue spaces shall be provided in an exclusive queue lane with only one-way circulation which shall be separated from driveways leading to off-street parking spaces
Bank, with drive-in only	3 spaces plus 4 queue spaces for each drive-in teller which queue spaces shall be provided in an exclusive queue lane with only one-way circulation
Bar or tavern	1 for each 2 seats plus 1 for each employee employed on the largest shift or 1 for each 100 square feet of f.a., whichever is greater
Barber or beauty shop	3 for every employee employed on the largest shift

Boat rental, sale, storage or repair	1 for each 500 square feet of f.a
Bowling alley	4 for each lane plus 1 for each employee employed on the largest shift
Business school	8 for each classroom or 1 for each 300 square feet of f.a. of each building, whichever is greater
Campground or travel trailer park	1 for each campsite or travel trailer space or pad
Carpet store	1 for each 500 square feet of f.a. plus 1 for each business vehicle
Catering establishment	1 for each 500 square feet of f.a. plus 1 for each delivery vehicle or 5 spaces, whichever is greater
Cleaning establishment	1 for each 500 square feet of f.a. plus 1 for each delivery vehicle or 5 spaces, whichever is greater
Cleaner/ dry cleaner	1 for each 300 square feet of f.a. plus 1 for each delivery vehicle or 5 spaces, whichever is greater, plus 3 queuing spaces for each drive-up window or drive-thru lane
Cleaner/ dry cleaner pick-up station	1 for each 300 square feet of f.a. or 5 spaces, whichever is greater, plus 3 queuing spaces for each drive-up window or drive-thru lane
Commercial center	1 for each 250 square feet of f.a., plus 3 queuing spaces for each drive-up window associated with a non-restaurant use and 10 queuing spaces for each drive-up window associated with a restaurant use
Convenience market	1 for each 300 square feet of f.a., plus 3 queuing spaces for each drive-up window

Crematory	1 for each 300 square feet plus 1 for each business vehicle.
Department or discount store	1 for each 400 square feet of f.a. plus 1 for every business vehicle
Drive-in theater	1.5 for each 2 employees on the largest shift
Financial services with or without drive-in	1 for each 300 square feet of f.a. or 5 spaces, whichever is greater, plus 4 queue spaces for each drive-in teller or station
Flower or plant store- without sales of mulch	1 for each 300 square feet of f.a. plus 1 for each business vehicle or 4 spaces, whichever is greater
Flower or plant store- with sales of mulch	1 for each 300 square feet of f.a. plus 1 for each business vehicle or 4 spaces, whichever is greater, plus 2 spaces for each mulch pile or bin plus necessary off-street loading area
Funeral Home	1 for each 100 square feet of f.a. plus 1 for each business vehicle.
Furniture store	1 for each 600 square feet of f.a. plus 1 for every business vehicle
Garage, commercial	1 for each employee employed on the largest shift
Gasoline sales	1.5 for each 2 employees employed on the largest shift
General service and repair	1 for each 300 square feet of f.a. or 5 spaces, whichever is greater
Government office building	1 for each 250 square feet of f.a.

Greenhouse or nursery, commercial – with no mulch sales	1 for each 2 acres of land included within of the premises where the greenhouse or nursery is located or 5 spaces, whichever is greater, plus 1 for each business vehicle
Greenhouse or nursery, commercial – with mulch sales	1 for each 2 acres of land included within the premises where the greenhouse or nursery is located or 5 spaces, whichever is greater, plus 1 for each business vehicle, plus 2 spaces for each mulch pile or bin including necessary off-street loading area
Hardware store	1 for each 400 square feet of f.a.
Health club	1 for each 200 square feet of f.a.
Hotel or motel	1 for each room to be rented plus 1 for each 400 square feet of banquet space and meeting area plus additional parking for accessory uses such as restaurants and lounges shall be 75% of what would otherwise be required by this Chart 4 for such uses
Junkyard	5 spaces plus 1 for each business vehicle
Laundromat	1 for each 2 washing machines or 1 for each 200 square feet of f.a., whichever is greater
Lawn, tree, or garden service	1.5 for every 2 employees employed on the largest shift plus 1 for each business vehicle
Lumberyard	1 for each 500 square feet of retail sales area plus 1 for each 20,000 square feet of warehouse or open storage area or 5 spaces, whichever is greater

Manufactured home sales	1 for each 2 acres of land included within the premises where the manufactured home sales office is located or 5 spaces, whichever is greater, plus 1 for each business vehicle; additionally, a maneuvering area shall be provided on-site adequate for turning the manufactured homes around without requiring backing from or into the adjoining public right-of-way
Medical or dental office or clinic	2 for each examination or treatment room plus 1 for each doctor, dentist, and other employee or 1 for each 200 square feet of f.a. if number of rooms or employees is unknown at time of site plan approval
Mobile home sales	1 for each 2 acres of land included within the premises where the manufactured home sales office is located or 5 spaces, whichever is greater, plus 1 for each business vehicle; additionally, a maneuvering area shall be provided on-site adequate for turning the mobile homes around without requiring backing from or into the adjoining public right-of-way
Motorcycle sales	1 for each 400 square feet of f.a.
Motor vehicle sales or service	2 for each indoor service stall provided on the premises or 1 for each 500 square feet of f.a., whichever is greater
Music or dancing academy	1 for each 300 square feet of f.a. or 5 spaces, whichever is greater
Office (not otherwise defined by this section)	1 for each 300 square feet of f.a. or 5 spaces, whichever is greater, plus 1 for each business vehicle
Pawn shop	1 for each 300 square feet or 5 spaces, whichever is greater

Personal service establishment (not otherwise defined by this section)	1 for each 300 square feet of f.a.
Pet Crematory	1 for each 300 square feet plus 1 for each business vehicle.
Pet Funeral Home	1 for each 100 square feet of f.a. plus 1 for each business vehicle.
Pet shop	1 for each 300 square feet of f.a.
Pharmacy/drug store	1 for each 300 square feet of f.a. or 5 spaces, whichever is greater, plus 3 queuing spaces for each drive-up window
Photograph studio	1 for each 300 square feet of f.a.
Plumbing shop	1 for each 500 square feet of f.a. plus 1 for each business vehicle
Public assembly	1 for each 50 square feet of f.a.
Radio or television studio	1 for each 400 square feet of f.a. plus 1 for each business vehicle
Real estate offices	1 for each 250 square feet of f.a.
Recycling center	5 spaces plus 1 for each business vehicle
Rental of equipment	1 for each 300 square feet of f.a. plus 1 for each employee employed on the largest shift plus 1 for each business vehicle
Restaurant, night club, tavern or cocktail lounge	1 for each 100 square feet of f.a. or 1 for every 2 seats provided on the premises, whichever is greater not including any spaces reserved exclusively for carry-out orders

Restaurant, carry-out	1 for each 100 square feet of f.a. or 1 for every 2 seats provided on the premises, whichever is greater, plus 10 queue spaces
Restaurant, drive-in	1 for each 100 square feet of f.a. or 1 for every 2 seats provided on the premises, whichever is greater
Restaurant, Specialty	1 for each 100 square feet of f.a. or 1 for every 2 seats provided on the premises, whichever is greater, plus 10 queue spaces for any drive-up window or drive-thru lane
Restaurant, Specialty-Limited	1 for each 100 square feet of f.a. or 1 for every 2 seats provided on the premises, whichever is greater
Retail shop	1 for each 300 square feet of f.a. or 5 spaces, whichever is greater, plus 1 for each business vehicle, plus 3 queuing spaces for each drive-up window or drive-thru lane
Sheet metal shop	1 for each 500 square feet of f.a. plus 1 for each business vehicle
Shopping center, community	1 for each 300 square feet of f.a. plus 3 queuing spaces for each drive-up window or drive-thru lane associated with a non-restaurant use and 10 queuing spaces for each drive-up window associated with a restaurant use
Shopping center, neighborhood	1 for each 275 square feet of f.a. plus 3 queuing spaces for each drive-up window or drive-thru lane associated with a non-restaurant use and 10 queuing spaces for each drive-up window associated with a restaurant use

Shopping center, regional	1 for each 300 square feet of f.a. plus 3 queuing spaces for each drive-up window or drive-thru lane associated with a non-restaurant use and 10 queuing spaces for each drive-up window associated with a restaurant use
Taxidermy Studio	1 for each 300 square feet.
Used goods or second hand sales	1 for each 300 square feet of f.a. or 5 spaces, whichever is greater, plus 1 for each business vehicle
Vehicle wash – as accessory use	3 queuing spaces for each wash bay in addition to the parking or queuing required for the principal use not including the space inside the vehicle wash facility
Vehicle wash - automated	3 spaces plus 3 queuing spaces for each wash bay not including any spaces inside the vehicle wash facility
Vehicle wash – conveyor auto-washer	5 spaces plus 1 for each employee employed on the largest shift plus 5 queue spaces for each wash bay not including any spaces inside the vehicle wash facility
Vehicle wash – full service	5 spaces plus 1 for each employee employed on the largest shift plus 5 spaces for each wash bay not including any spaces inside the vehicle wash facility
Vehicle wash – self service	5 spaces plus 3 queuing spaces for each wash bay not including any spaces inside the vehicle wash facility
Vehicle wash – combination of self service and automated	5 spaces plus 3 queuing spaces for each wash bay not including any spaces inside the vehicle wash facility
Veterinary clinic	1 for each 300 square feet of f.a.

Veterinary Office	1 for each 300 square feet.
Veterinary Hospital	1 for each 300 square feet.
Warehouse	1.5 for each 2 employees employed on the largest shift plus 1 for each business vehicle
Warehouse, self-service or mini-storage	1 for each 5,000 square feet of f.a. or 5 spaces, whichever is greater
Wholesale display	1 for each 1,000 square feet of f.a. or 5 spaces, whichever is greater
Wrecker service	5 spaces plus 1 for each business vehicle
Wrecker service storage yard	5 spaces plus 1 for each business vehicle parked on the premises
Industrial	
Automotive dismantlers and recyclers, scrap metal processors, scrap processing yard and secondary material dealers	1 for each 1,000 square feet of f.a. or 1 for each 8,000 square feet of gross lot area, whichever is applicable
Contractor's yard or enclosed storage	1.5 for each 2 employees employed on the largest shift plus 1 for each business vehicle
Any other use classified as industrial on Chart 1	1.5 for each 2 employees employed on the largest shift plus 1 for each business vehicle
Transportation and public utilities, airline terminal, freight, service facility or bus terminal, service facility	1 for every 100 square feet of waiting area or room space, plus 1.5 for each 2 employees employed on the largest shift and 1 for each business vehicle
Telephone service center	1 for each 1,000 square feet of f.a.
Any other use classified under transportation and public utilities on Chart 1	1.5 for each 2 employees employed on the largest shift plus 1 for each business vehicle

Other

Metal, sand, stone, gravel, clay, mining, and other related processing	1.5 for each 2 employees employed on the largest shift plus 1 for each business vehicle
Post office or postal facility	1 for each 200 square feet of f.a. plus 1 for each business vehicle
Self-service storage facility	1 for each 5,000 square feet of f.a. or 5 spaces, whichever is greater, plus 2 spaces for any accessory dwelling unit provided on-site; these spaces shall not be utilized for storage of boats, trailers, RVs, or non-drivable motor vehicles, and if such shall be allowed on-site a separate area shall be provided
Wholesale establishment	1.5 for each 2 employees employed on the largest shift plus 1 for each business vehicle

[Ord. No. 92-O-12 §7, 01-14-93; Ord. No. 93-O-36 §1, 08-26-93; Ord. 93-O-53 §9, 01-13-93; Ord. No. 94-O-30 §5–7, 07-28-94; Ord. No. 96-O-82 §1, 11-21-96; Ord. No. 97-O-09 §5, 04-10-97; Ord. No. 97-O-30 §§13, 14, 07-17-97; Ord. No. 97-O-31 §4, 06-26-97; Ord. No. 97-O-64 §3, 4, 11-20-97; Ord. No. 98-O-60 §9, 01-14-99; Ord. No. 05-O-79 §8, 12-15-05; Ord. No. 05-O-85 §§1–5, 02-09-06; Ord. No. 09-O-29 §4, 08-27-09; Ord. No. 10-O-01 §14-16, 03-04-10; Ord. No. 10-O-31 §§ 6, 7, 10-14-10; Ord. No. 12-O-30 §2, 11-15-12; Ord. No. 14-O-61 §§6-7, 01-15-15]

CHART 5. REQUIRED LOADING SPACES BY USE AND ZONING DISTRICT.

Use	*District*	*Number of Loading Spaces Required*
Retail, service, wholesale or institutional establishment	Any District	1 for any such use with 10,000 sq.ft. or more of floor area plus 1 additional for each 20,000 sq.ft. of floor area or fraction thereof
Manufacturing, processing, storage or distribution establishment	L-I and H-I	1 for any such use with 20,000 sq.ft. or more of floor area plus 1 additional for each additional 20,000 sq.ft. of floor area or fraction thereof

[Ord. No. 96-O-82 §1, 11-12-96; Ord. No. 09-O-29 §5, 08-27-09]

SECTION 27. LANDSCAPING AND SCREENING.

(A) *Purpose and scope*. It is the intent of the City of Murfreesboro to promote the health, safety and welfare of existing and future residents by establishing minimum standards for the protection of natural plant communities and features, and for the planting and continued maintenance of installed landscaping, within the City in order to:

(1) *Environmental quality*: Improve environmental quality by recognizing the numerous beneficial effects of landscaping upon the environment, including:

(a) improving the air and water quality through such natural processes as photosynthesis, mineral uptake and chemical conversions that will help promote oxygen production, carbon dioxide reduction and greenhouse effect mitigation;

(b) maintaining permeable land areas essential to surface water management, aquifer recharge and the conservation of fresh water resources;

(c) reducing and reversing air, noise, heat and chemical pollution through the biological filtering capacities of trees and other vegetation;

(d) promoting energy conservation through the creation of shade and reducing heat gain in or on buildings or paved areas;

(e) providing habitat for urban wildlife,

(f) reducing the temperature of the microclimate through the process of evapotranspiration; and,

(g) encouraging the conservation of topsoil resources through the use of site specific plants and various planting and maintenance techniques to prevent erosion.

(2) *Land values*: Maintain and increase the value of land by requiring a minimum amount of landscaping to be incorporated into development, thus improving its value as a capital asset.

(3) *Human values*: Provide direct and important physical and psychological benefits to human beings through the use of landscaping to reduce noise and glare, and to break up the monotony and soften the harsher aspects of urban development. To provide a sense of countryside and nature in the City thereby promoting a psychological sense of place for citizens and visitors alike.

(4) *Conserve water*: Promote the conservation of potable and non-potable water by encouraging the preservation of existing plant communities, encouraging the planting of natural or uncultivated areas, encouraging the use of site specific plant materials, providing for natural water recharge preventing excess runoff, mitigating flood impacts down stream, and establishing techniques for the installation and maintenance of landscape materials and irrigation systems.

(5) *Aesthetics*: Improve the aesthetic appearance of commercial, industrial, and public areas through landscape design which incorporates living plant material, appropriate non-living landscape materials and other site elements in open space development in ways that harmonize and enhance natural and built environments in a way that is conducive to economic development.

(6) *Preservation and addition of vegetation*: Preserve existing natural vegetation and encourage the incorporation of plant materials, especially native plants, plant communities and ecosystems into landscape design, where possible.

(7) *Improved community design*: Promote innovative and cost-conscious approaches to the design, installation and maintenance of landscaping.

(B) *Responsibility.*

(1) The owner as defined in this section is solely responsible to the City for compliance with the provisions of this section.

(2) The contractor or landscape installer and the owner are responsible for submitting a landscape certificate of compliance as described in subsection (S) below before a final inspection will be conducted.

(C) *Applicability*. The provisions of this section shall apply to all uses, except single family and duplex dwellings.

(1) *New developments*: No new building, structure or development shall hereafter be constructed, or parking area created, unless landscaping is provided as required by this section.

(2) *CBD exemption*: The provisions of this section shall not apply to any building, structure, or use located in the CBD zoning district.

(3) *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 fifty percent (50%) or more, then the entire building, structure or development shall comply with the requirements of this section;

(b) if the estimated cost of a renovation of an existing building, structure, or development equals fifty percent (50%) or more of the total assessed 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 section;

(c) if there is change in use of an existing building, structure or development which requires issuance of a special use permit, then the entire building, structure, or development including parking area shall comply with the requirements of this section;

(d) if there is change in use of an existing building, structure or development, which requires rezoning of the property from one zoning district to another zoning district, other than to or from a planned development district, to allow the new use, then the entire building, structure, or development including parking area shall comply with the requirements of this section;

(e) if the number of existing parking spaces for an existing building, structure or development is expanded by twenty-five percent (25%) to forty-nine percent (49%), then the area of expansion shall comply with the requirements of this section;

(f) if the number of existing parking spaces for an existing building, structure or development is expanded by fifty percent (50%) or more, then the entire parking lot shall comply with the requirements of this section; or,

(g) if a new and separate building, structure or development is constructed on the same lot of record as an existing building, structure or development, only the separate and new building, structure or development must meet the requirements of this section. However, if the new building, structure or development is connected physically to the existing building or structure so as to make it appear the existing and new building or structure are part of the same business or establishment, this exception shall not apply.

(D) *Definitions.* The following definitions shall apply to the regulation and control of landscaping within this article in addition to those definitions in section 2.

(1) *Access way*: A paved area intended to provide ingress and egress of vehicular traffic from a public right-of-way to an off street parking area.

(2) *Board of Zoning Appeals (BZA)*: An appointed board that has the authority to grant variances and to hear administrative appeals arising under this section.

(3) *Bond*: Money or a form of monetary security issued to the City by an owner to insure that the required site work will be performed completely and correctly within a certain time frame. This bond shall be in the form of a cashiers check, letter of credit from a banking institution, certificate of deposit, or performance bond from an insurance company. The posting of a bond satisfactory to the City will be a condition for the issuance of a temporary certificate of occupancy.

(4) *Buffering*: The use of landscaping (other than mere grass on flat terrain), or the use of landscaping with berms, walls, or decorative fences, that at least partially obstructs the view from the street or adjoining properties of vehicular use areas, parking lots and their parked cars, loading areas, and refuse containers.

(5) *Buffer zone*: The required installation of landscaping between land uses. (See subsection (L) for further explanation.)

(a) Type A buffer zone: A planting strip having a minimum width of ten feet which is intended to separate uses, provide vegetation in densely developed areas, and enhance the appearance of individual properties.

(b) Type B buffer zone: A low density screen having a minimum width of ten feet which is intended to partially block visual contact between zoning classifications and create spatial separation.

(c) Type C buffer zone: A medium density screen having a minimum width of twelve feet which is intended to partially block visual contact between zoning classifications and create spatial separation.

(d) Type D buffer zone: A medium-high density screen having a minimum width of fifteen feet which is intended to partially block visual contact between zoning classifications and create spatial separation.

(e) Type E buffer zone: A high density screen having a minimum width of twenty feet which is intended to substantially block visual contact between zoning classifications and create spatial separation. A type E buffer zone reduces lighting and noise that would otherwise intrude upon adjacent zoning classifications.

(6) *Caliper*: A standard trunk diameter measurement for nursery grown trees taken six inches above the ground for up to and including four-inch caliper size, and twelve inches above the ground for larger sizes.

(7) *Critical root zone (CRZ)*: A circular region measured outward from a tree trunk

representing the essential area of the roots that must be maintained in order for the tree's survival. The critical root zone is one foot of radial distance for every inch of tree DBH, with a minimum of eight feet.

(8) *Certificate of landscape compliance*: A document that the contractor or installer and the owner shall submit to the City before final inspection that certifies that the landscape plan has been substantially implemented in its entirety.

(9) *Certificate of occupancy*: A document issued by the building official allowing the occupancy or use of a building and certifying that the structure or use has been inspected for compliance with all the applicable municipal codes and ordinances. A temporary certificate of occupancy may be issued by the building official allowing the occupancy or use of a building, although all required work has not been completed, if the owner posts a bond.

(10) *DBH*: Diameter-at-breast-height is the tree trunk diameter measured in inches at a height of four and five tenths feet above the ground.

(11) *Detention area*: Area used for temporary storage and controlled release of stored stormwater.

(12) *Designer*: Person, persons, or firms responsible for the preparation of the landscape plan.

(13) *Deciduous*: Those plants that annually lose their foliage.

(14) *Drip line*: A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

(15) *Evergreen*: Those plants that retain their foliage throughout the year.

(16) *Evergreen screen*: Plants that retain their foliage year round that are planted to provide a dense vegetative screen for purposes of visual mitigation between zoning districts.

(17) *Ground cover*: A prostrate plant growing less than two feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides.

(18) *Island*: In road and parking area design, a raised planting area, usually curbed, and placed to guide traffic, separate lanes, limit paving (impervious surface), preserve existing vegetation and increase aesthetic quality.

(19) *Land clearing*: Operations where trees and vegetation are removed and which occur prior to construction of buildings, road right-of-way excavation, utility excavation, grubbing, and any other necessary clearing operation.

(20) *Landscaping*: The process or product of site development including grading, installation of plant materials, and seeding of turf or ground cover. Includes any combination of living plants, such as trees, shrubs, vines, ground covers or grass; natural features such as rock, stone, bark chips or shavings; and structural features, including but not limited to, fountains, reflecting pools, outdoor art work, screen walls, fences, benches.

(21) *Landscape ordinance*: The sections of Appendix A which regulate landscape design, landscaping, and landscape installation and maintenance.

(22) *Landscape plan*: The preparation of graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features with plantings,

ground and water forms, circulation, walks and other landscaping features to comply with the provisions of this appendix.

(23) *Loading areas*: An area which contains trash collection areas of dumpster type refuse containers, outdoor loading and unloading spaces, recycling bins, docks, outdoor shipping and receiving areas, outdoor bulk storage of materials or parts thereof, or outdoor repair areas of any service stations, safety equipment, inspection stations or dealers, including but not limited to loading spaces as defined in section 2.

(24) *Off street parking and other vehicular use area*: Any area, excluding public right-of-way, used for the purpose of driving, maneuvering, parking, storing or display of motor vehicles, boats, trailers, mobile homes and recreational vehicles, including new and used automobile lots, and other parking lot uses, excluding minimum parking requirements for single family residences or duplexes.

(25) *Owner*: Any individual, corporation, partnership or entity, which owns property that is subject to the provisions of this ordinance and any individual, corporation, partnership or entity which succeeds to such ownership. The obligations of an owner under this article, including perpetual maintenance in accordance with an approved landscape plan, are binding on any successor owner.

(26) *Parking lot island*: An area of ground within the boundary of any parking lot, which has curbing adjacent to all paved areas. Parking lot islands are used for traffic control and as planting areas to screen and shade parking lots to minimize the detrimental environmental impacts of large paved areas.

(27) *Planting area*: The area prepared for the purpose of accommodating the planting of plants.

(28) *Plant*: A combination of vegetation in a designed, specific application which meets the purpose of this section. Vegetation may include: trees, shrubs, groundcovers, vines and grasses. For purposes of this article it does not include flowers or weeds.

(29) *Planting yard*: A planting area around the perimeter of a property separating the access way and vehicular use area from adjoining property and/or public right-of-way. Its purpose is to enhance the visual appearance of the site and to provide screening of the vehicular use area and certain other activities from the public right-of-way and abutting property.

(30) *Plans review staff*: A committee consisting of staff members from various City departments and public utilities whose purpose is to review plans submitted for compliance with the City's development requirements and ordinances.

(31) *Retention area*: Area used for storage of stormwater without controlled release of stored water.

(32) *Shrub, large*: An upright plant growing ten feet to twenty feet in height at maturity planted for ornamental or screening purposes.

(33) *Shrub, medium*: A plant growing five feet to nine feet in height at maturity planted for ornamental or screening purposes.

(34) *Shrub, small*: A plant growing to less than five feet in height at maturity planted for ornamental or screening purposes.

(35) *Sight triangle*: Area at the intersection of the road right-of-way and an access point to property where driver visibility must be maintained as required in this article.

(See subsection (P) for further explanations.)

(36) *Street tree*: A tree planted along the street within the right-of-way.

(37) *Tree Board*: An appointed board consisting of five members that hears appeals of administrative decisions concerning tree work permits.

(38) *Tree, ornamental*: A small to medium tree, growing fifteen feet to forty feet at maturity used for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage. Ornamental trees must be used for planting under or near overhead utility lines.

(39) *Tree protection zone*: The area around a tree corresponding to the drip line or ten feet, whichever is greater, in all directions from the trunk.

(40) *Tree, shade*: A large tree growing to over forty feet in height at maturity, usually deciduous, planted to provide canopy cover shade.

(41) *Tree work*: The act of pruning, removing, spraying or planting of any tree or portion thereof within the City's right-of-way.

(42) *Tree work permit*: Application that must be completed and submitted to the Urban Environmental Department prior to any tree work within the City's right-of-way.

(43) *Vehicular use areas*: All areas subject to vehicular traffic including access ways, driveways, loading areas, service areas, bicycle lanes and parking stalls for all types of vehicles. This definition does not include covered parking structures or underground parking lots.

(44) *Vines*: A woody plant that has a spreading pattern of growth. Vines may be used on the ground, on walls and on trellises.

(E) *Submittal of Landscape Plan*. A landscape plan meeting all requirements specified in subsection (F) below must be submitted, reviewed and approved by the Urban Environmental Director or designee as part of the site plan approval process. No building permit shall be issued until the site plan (including the landscape plan) has been submitted, reviewed and approved, provided, however, that a grading and/or a foundation building permit may be issued upon the approval of the Planning Director or designee and the Chief Building Official or designee but any such grading or foundation building permit issuance shall be at the risk of the applicant and does not constitute site plan approval.

(F) *Landscape Plan Requirements*. A separate landscape plan must be submitted; provided that, if the site plan is for a building of less than fifteen thousand square feet, and is on a lot of less than two acres, then the landscape plan may be combined with the site plan if the scale of the site plan is not less than one inch = thirty feet. Any landscape plan must have the same scale as the site plan. All items on the following checklist which are applicable shall be depicted on the landscape plan or the combined site and landscape plan. A copy of the checklist shall accompany the plan when it is submitted for review:

APPENDIX A - ZONING

LANDSCAPING CHECKLIST

1. _____ A Plant Schedule. The Plant Schedule must contain:
   A)____Quantity of each plant material;
   B)____Common and botanical name of plant material;
   C)____Size and spacing of all proposed landscape material at time of planting;
   D)____General plant comments;
2. _____ Any tree(s) or plant materials that are located in the public right-of-way;
3. _____ Total linear feet of frontage;
4. _____ Existing plantings on-site that were previously required by the City;
5. _____ Existing plant materials to be left in natural state (non-disturbed areas only);
6. _____ Methods and details for protecting existing plants (tree protection zones must be designated and established in order to receive credit for required landscaping);
7. _____ Erosion control plan;
8. _____Location and description of required landscape improvements, including perimeter landscaping, landscaping within parking lots, and buffer zones if the parking area is two or more acres, (the description shall include the size of the parking area and the actual percentage of the parking area used for landscaping);
9. _____ Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, courtyards or paved areas;
10. _____Planting and installation details to ensure conformance with all required standards;
11. _____ Location and type of irrigation system compliance;
12. _____ Location of proposed buildings;
13. _____ Layout of parking and traffic patterns;
14. _____ Plan drawn to scale with north arrow and any interpretative legends;
15. _____ Location of all overhead and underground utilities;
16. _____ Location of all public or private easements (The owner must submit an agreement to landscape in utility easement letter as

described in subsection (W) if landscaping within an easement);

17. _____Location of all existing and proposed ground signage. (Note: Approval of the landscaping plan shall not constitute any approval as to location that may be required under Chapter 25.2.);
18. _____ Connections to existing streets; and,
19. _____ Zoning designation of the subject property and the adjacent properties.

(G) *Changes and Resubmittals*. A change to a previously approved landscape plan requires resubmittal and reapproval before the installation of plant materials. Such changes may occur as a result of, but are not limited to a:

(1) reduction in the quantity of required landscape materials;
(2) reduction in the size of plant materials (if adding larger plant materials of the same category, resubmittal and reapproval are not necessary);
(3) change in location of plant materials (no revisions are necessary if minor field adjustments, not to exceed three feet, must occur);
(4) change in design, layout or location of design elements such as: earth berms, buffer zones, walls, fences etc.;
(5) change in location of overhead or underground utilities; or,
(6) change in appropriateness of plant materials upon maturity.

Changes to a previously approved landscape plan will not require resubmittal and reapproval before the installation of plant materials if such changes occur as a result of change in species due to lack of plant availability. However, the new plants must be of the same general category, i.e. shade tree, ornamental tree, evergreen tree, deciduous shrub, or evergreen shrub, and shall maintain the same general design characteristics, such as form, mature height, crown spread and intent, as the plants on the originally approved landscape plan.

(H) *Landscape Requirements*.

(1) To be approved by the Urban Environmental Director or designee, a landscape plan submitted under subsection (E) must comply with the landscape requirements of this section. These landscape requirements include subsections (I), (J), (K), (L), (M), and (N).
(2) If application of these landscape requirements to a particular lot would be unreasonable or impractical, or would damage or eliminate existing vegetation, a subsection (F) landscape plan may be submitted with a request for approval of an alternate and equivalent means of providing landscaping. The need for alternative means of landscaping might arise from unusual site conditions, including streams, natural rock formations or topography; or from an unusual lot configuration or development design; or, from the presence of utility easements. The request for approval of an alternative to the landscape requirements must specify the reason for requesting the alternative and the landscape plan must demonstrate the equivalency of the proposed alternative to the requirements. The Urban Environmental Director, or designee, will determine if the proposed alternative is equivalent and whether

it meets the intent and purpose of this section. This determination may take into account the land use classification of adjacent properties; the number of plantings, species, arrangement and coverage proposed; the location of the plantings on the lot; and the level of screening, height, spread, and canopy of the plantings at maturity.

(3) If, for the same reasons an alternative plan is necessary, an applicant is unable to achieve the required number of trees on a proposed alternative plan, the applicant may achieve the necessary equivalency by making a commitment to the City's tree bank. This provision is not intended to allow an applicant to avoid the minimum landscaping requirements if compliance is feasible. The commitment shall be in an amount equal to the number of omitted trees multiplied by the tree replacement rate unless, based on the alternative landscape plan proposed, the Urban Environmental Director, or designee, determines that a lesser commitment amount would be sufficient to achieve equivalency. The City Council shall approve and, from time to time, adjust the tree replacement rate; it shall be the dollar amount deemed equivalent to the cost of purchasing, planting and maintaining a required tree as recommended by the Urban Environmental Director. The commitment to the tree bank shall be paid when the building permit is issued. Payments received by the tree bank shall be used solely to landscape public properties and rights of way. Landscaping improvements made using funds from the tree bank shall be designed to achieve the purposes and goals of Section 27(A).

(I) *Landscape standards and specifications*.

(1) The owner shall furnish and install all plant materials listed on the approved plant schedule.

(2) Plant materials shall conform to the requirements described in the latest edition of the American Standard for Nursery Stock, published by the American Association of Nurserymen, a copy of which is on file with the City Recorder and Urban Environmental Director.

(3) At the time of planting, shade trees must be a minimum of two and one-half (2½) inches in caliper, ornamental trees must be a minimum of one and one-half (1½) inches in caliper and evergreen trees must be a minimum of six feet tall.

(4) At the time of planting, when planted as part of a required buffer zone, small shrubs must have a minimum height of eighteen inches, medium shrubs must have a minimum height of two feet, and large shrubs must have a minimum height of three feet.

(5) If staking materials are used, then the owner should, for reasons of tree health and longevity, remove them after one growing season.

(6) The Urban Environmental Director or designee may be consulted to determine the proper time to move and install plant material so that stress to the plants is minimized. All planting must be completed by the next planting season not to exceed six months time after the temporary certificate of occupancy is issued.

(7) The owner shall ensure that all planting areas, e.g. tree pits, hedge trenches and shrub beds, are excavated appropriately. All pits shall be generally circular in outline, with vertical sides. The tree pit shall be deep enough to allow one-eighth (1/8) of the ball to be above existing grade. Soil within the planting areas should

be reasonably free of rock, debris, inorganic compositions and chemical residues detrimental to plant life. Plants shall rest on a well-compacted surface.

(8) Existing trees shall be preserved whenever feasible (see subsection (Q)).

(9) All planting areas shall be mulched with a three to four inch layer of bark, pine needles, or other similar material to cover the complete planting area, and other areas shall be in grass or ground cover.

(10) No plantings of trees are allowed within a dedicated drainage easement without the written consent of the City Engineer. No plantings of trees are allowed within any recorded sewer or water easement without the written consent of the Director of the Water and Sewer Department. The owner must submit an agreement to landscape in City easement as described in subsection (W). Plantings of items other than trees within a dedicated drainage easement or a recorded sewer or water easement shall be at the owner's risk and shall not waive or modify the easement.

(11) Landscape plans shall not include any tree on the "do not plant tree list." This list shall be compiled by the Urban Environmental Director and maintained on file with City Recorder.

(12) When stormwater management facilities are co-located within areas also used for the required or optional landscaping, the stormwater management facility must be located, designed, constructed, and operated in such a manner as to not interfere with the landscape required or placed on the site.

(13) When stormwater management facilities are required on-site, the landscape plan shall include proper treatment of the stormwater management facilities so that the overall site landscaping and the landscaping of the stormwater management facility are complementary.

(J) *Required perimeter landscaping*. An owner is required to have planting yards around the perimeter of a property except where vehicular access ways are provided. A planting yard shall be a uniform minimum width of: (i) five feet where the site is one acre or less; (ii) eight feet on a front planting yard and five feet on other planting yards where the site is between one and two acres; (iii) eight feet where the site is more than two acres and less than five acres or more; or, (iv) ten feet where the site is five acres or more. The width of the planting yard shall not affect any other requirement of this section.

(1) Planting yards shall be placed along the front, side and rear property lines except where access ways are provided or where a building is built up to the side or rear lot line. If there is less than five feet, between the building and the side or rear lot line, shrubs and/or small ornamental trees shall be planted and maintained. If there is more than five feet between the building and the side or rear lot line, the planting requirements for planting yards shall be applicable. A property bound by two or more public rights-of-way has two or more front yards.

(2) Along a side or rear property line, this requirement for perimeter landscaping may be satisfied by the creation and maintenance of a single planting yard with the adjacent property owner. A planting yard used to meet the perimeter landscaping requirements for two properties must have a uniform minimum width of ten feet and 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 must present and execute an enforceable written agreement for the perpetual maintenance of the planting yard and record it in the Register of Deeds office, all at no expense to the City, which agreement shall be binding on any successor owner of either property. No such shared planting yard shall be used to reduce the buffer zone requirement contained in subsection (L).

(3)(a) Planting yards shall contain one shade tree every forty linear feet, excluding any vehicular access way. Ornamental trees may be substituted for up to forty percent (40%) of otherwise required shade trees. Ornamental trees shall be planted not more than twenty-five 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 absolutely equal intervals. This will allow for some flexibility in design while discouraging long intervals without trees. To increase viewsheds to the building(s) and/or sign(s), the owner may submit an alternate plan under subsection (H)(2) to provide for an alternate arrangement of trees within the planting yard.

(b) Owners of lots with limited street 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 twenty-four inches from ground level at the time of planting.

[1] one hundred fifty linear feet or less of lot frontage:

- with a five foot front planting yard, no trees are required but one shrub is required for every twelve and five tenths square feet of planting yard;
- with an eight foot front planting yard, one shade tree or two ornamental trees are required and one shrub is required for every twenty square feet of planting yard.

[2] two hundred fifty linear feet or less, but more than one hundred fifty linear feet, of lot frontage:

- with a five foot front planting yard, one shade tree or two ornamental trees are required and one shrub is required for every twelve and five tenths square feet of planting yard;
- with an eight foot front planting yard, two shade trees or four ornamental trees are required and one shrub is required for every twenty square feet of planting yard.

[3] three hundred fifty linear feet or less, but more than two hundred fifty linear feet, of lot frontage:

- with a five foot front planting yard, two shade trees or four ornamental trees are required and one shrub is required for every twelve and five tenths square feet of planting yard;

- with an eight foot front planting yard, three shade trees or six ornamental trees are required and one shrub is required for every twenty square feet of planting yard.

A front planting yard planted in accordance with this subsection [2] is not subject to the provisions of subsection (6).

(4) No one tree species shall comprise more than sixty percent (60%) of the total number of trees provided however that this provision is still met if an uneven number of trees is required and there is one tree more than sixty percent (60%) of a given species.

(5) All trees in a planting yard shall be planted no closer than two and one half (2½) feet from any public right-of-way.

(6) A front planting yard shall contain a number of shrubs equal to one shrub for five linear feet of frontage. These required shrubs may be small, medium, or large. They may be planted anywhere within a front planting yard and may be mass planted to achieve a more naturalistic appearance. Up to fifty percent (50%) of the required number of shrubs for a front planting yard may be located in the immediate vicinity of the building, structure or development.

(7) If any landscaping required by this subsection is set back from any lot line, the area between the lot line and the landscaping shall be landscaped with grass or other appropriate plants, except for sidewalks.

(8) For reasons of safety and security, this subsection shall not require the placement of a tree, shrub or bush within twenty feet of a door to a building or structure when it could reasonably create a security risk but this shall not reduce the number of trees required.

(9) In the case of a group development where out-parcels of the same zoning classification exist, the outer boundaries shall be landscaped according to all landscape requirements. The interior boundaries abutting undeveloped out-parcels are not required to be landscaped initially but such out-parcels within the group development must comply with all the landscape requirements at the time of their development.

(K) *Required landscaping within parking lots and around base of buildings*. Parking lots should be effectively landscaped with trees and shrubs to reduce the visual impact of glare, headlights, and parking lot lights, to delineate driving lanes, aid the control of stormwater runoff, and to define rows of parking; parking lots should be shaded in order to reduce the amount of reflected heat. Landscaping to include shrubs and ornamental trees should be planted at the base of buildings as foundation plantings to aid in stormwater control, reduce the amount of reflected heat, identify significant entries into buildings, and to screen unsightly elements of the building.

(1) *Landscape requirements for new parking lots*:

(a) Off-street parking and other vehicular use areas shall be designed and constructed using the design standards in this subsection for landscape islands and shall also be designed and constructed so that not less than four percent (4%) of any parking area of two acres or more in size, and six percent (6%) of any parking area of five acres or more in size, is used for landscaping. In calculating area size for this minimum use percentage, landscaped areas used for required perimeter

landscaping and buffer zones shall not be included, nor shall any loading area to the rear of a building used exclusively for deliveries be included. Any landscaped area which is immediately adjacent to off-street parking and vehicular use areas and which is not required perimeter landscaping may be used to satisfy the minimum landscaping percentage of this subsection. The off-street parking and other vehicular use area shall consist of all paved areas inside the edge of perimeter landscaping, including access ways.

(b) Off-street parking areas with a single access aisle shall be designed and constructed with landscape islands dividing rows of parking spaces such that no more than twenty spaces shall exist in a row without the row being divided, begun and or terminated with a landscape island; off-street parking areas with multiple access aisles shall be designed and constructed with landscape islands dividing at least every twelve parking spaces in a row. Such islands shall have a minimum width of eight 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 feet.

(c) All landscape islands shall be designed and constructed to include continuous curbing around their perimeter and shall be back filled with topsoil to a depth of eighteen 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 as specified in subsection (J) of this article.

(d) The stormwater drainage plan and landscaping plan shall be coordinated so the landscaping plan enhances stormwater drainage.

(2) *Landscape requirements for existing parking lots*:

(a) In parking lots required to be landscaped according to subsection 27(C)(3), trees shall be planted at the rate of one shade tree or two ornamental trees for every twelve and five tenths spaces.

(b) Required trees shall be located within or adjacent to parking lots as tree islands, medians, at the end of parking bays, traffic delineators, or between rows or parking spaces in a manner such that no parking space is located more than one hundred feet from a parking lot tree.

(c) The landscape requirements for parking lots are in addition to the requirements for buffer zones and perimeter landscaping. Trees located within the buffer zones or required perimeter landscaping cannot be credited toward the parking lot requirements.

(3) Landscaping requirements for base of buildings.

(a) A three (3) foot minimum width landscape strip planted with shrubs, trees and other landscape materials in accordance with this Section 27 shall be provided along the front and sides adjacent to the base of the buildings or separated from buildings by a sidewalk. The landscape area may be used for menu boards to

the extent otherwise permitted by this article and other regulations of the City.

(b) The base of building landscaping requirement in subsection (a) above shall not be required:

[1] on the side of a building that provides drive-thru pick-up windows or bank teller drive-thru windows, or

[2] within five (5) feet of a pedestrian building entrance, a vehicular access door, loading dock, or in such a manner as to block access to a door or other building element requiring access, or

[3] within maneuvering areas that are not visible from a public right-of-way, or

[4] for land zoned H-I (Heavy Industrial) or L-I (Light Industrial) when such land is developed with a use identified as Industrial in Chart 1 of Appendix A - Zoning.

(L) *Buffer Zone and Screening Requirements.*

(1) Buffer Zones Requirements.

(a) Buffer zones are intended to separate different land uses and zoning districts from each other and are intended to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas. Buffer zone types are determined by five different levels based on zoning districts. The zoning districts have been divided into the following levels:

<u>Residential Districts</u>
RS-15, Single-Family Residential District
RS-12, Single-Family Residential District
RS-10, Single-Family Residential District
RS-8, Single-Family Residential District
RS-4, Single-Family Residential District
RZ, Residential Zero-Lot Line District
R-D, Duplex Residential District
RM-12, Residential Multi-Family District
RM-16, Residential Multi-Family District
RM-22, Residential Multi-Family District
R-MO, Mobile Home District

<u>Office Districts</u>
OG, General Office District
OG-R, General Office District-Residential
CM-RS-8, Medical District-Residential-Single Family
CM-R, Medical District Residential
CM, Medical District Commercial

<u>Commercial Districts</u>
CL, Local Commercial District
CH, Commercial Highway District
CBD, Central Business District
CF, Commercial Fringe District

MU, Mixed Use District

Industrial Districts
H-I, Heavy Industrial District
L-I, Light Industrial District

Special Purpose District
CU, College and University District
P, Park District

(b) Table 1 shows how the different levels of zoning classifications relate to one another to determine the type of buffer zone that is required. Each buffer zone shall be designed and planted in the manner specified in Table 2. Additionally, the Planning Commission and Planning Director retain their authority under Section 7 to require that the owner meet other conditions of approval in order to mitigate any other adverse impact that might affect adjacent landowners.

(c) A wall or solid fence, a minimum of six feet in height (constructed of masonry, rock, pressure treated lumber or vinyl) may be used to reduce the amount of buffer zone landscaping by fifty percent (50%).

(d) All trees in a planting yard shall be planted no closer than two and one half (2½) feet from any public right-of-way.

(e) To determine the buffer zone required adjacent to property zoned as a Planned Development the following shall be required:

[1] if the existing property is zoned PRD, the proposed land development shall be required to provide a buffer as if the existing property is zoned RS-15;

[2] if the existing property is zoned PCD, the proposed land development shall be required to provide a buffer as if the existing property is zoned CF;

[3] if the existing property is zoned PND, the proposed land development shall be required to provide a buffer as if the existing property is zoned OG;

[4] if the existing property is zoned PID, the proposed land development shall be required to provide a buffer as if the existing property is zoned L-I;

[5] if the existing property is zoned PUD, the proposed land development shall be required to provide a buffer as if the residential portions of the PUD zoned land are zoned RS-15, the commercial portions are zoned CF, the institutional portions are zoned OG, and the industrial portions are zoned L-I.

(2) Screening Requirements.

(a) All utility boxes, service areas, mechanical equipment, trash containers, dumpsters, and similar unaesthetic site elements shall be screened with the use of plant material, fences or walls, berming and grading to eliminate negative impacts.

(b) All exterior service, loading, storage, and utility areas (including transformers, cooling towers, etc.) will be located at the side or rear of the building and shall be screened or sheltered to reduce visibility from the public right-of-way.

(3)Screening Requirements for Stormwater Management Areas. Stormwater

management areas including detention or retention areas shall be landscaped by use of a combination of vegetation, earth berms, walls, or other landscape materials. Such areas may be planted within the area for stormwater management with appropriate vegetation upon approval by the City Engineer.

(M) *Irrigation Requirements.* All required landscaping shall be watered by one of the following methods, subject to the provisions of Section 33-101 et seq. dealing with the Mayor's declaration of a water shortage emergency:

(1) For a site of any size an underground or above ground irrigation system; or

(2) For a commercial site of less than one and one-half acres (1½) a hose attachment, available for use for irrigation only, located within three hundred feet of all landscaping.

(N) *Landscape Installation*. All landscaping materials shall be installed in accordance with accepted and professional planting procedures. Any landscape material which fails to meet the minimum requirements or standards of this section at the time of installation shall be removed and replaced with acceptable materials.

(O) *Maintenance Requirements*.

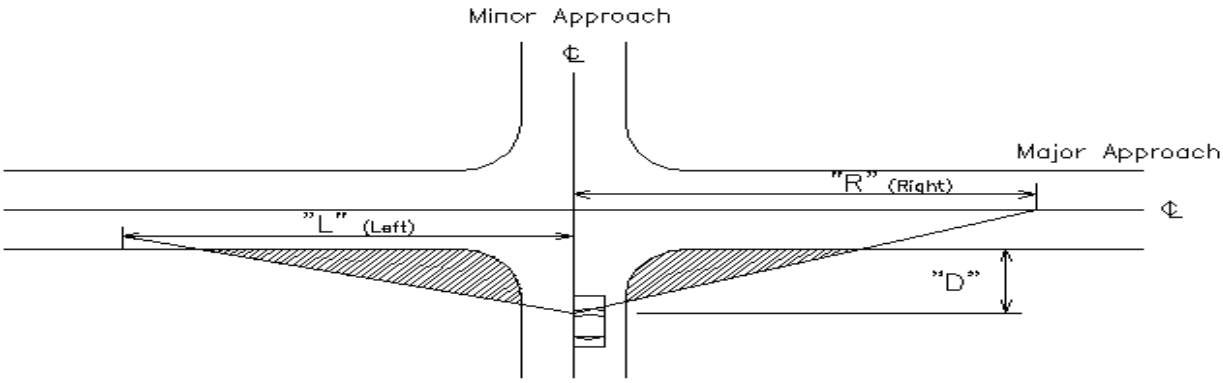
(1) After the installation bond described in subsection (T) is satisfied or forfeited, the owner shall submit a maintenance bond to the City in an amount equal to twenty-five percent (25%) of the installation bond. The maintenance bond shall be held by the City to assure the maintenance of all required landscaping for a period of three years. During the three year maintenance bond period the owner: shall keep required landscaping in a proper, neat and orderly appearance, free from weeds and debris; shall replace any required plantings that die with plantings that have similar characteristics and form; and, shall not top trees or cut tree limbs to stubs larger than three inches of diameter within the tree crown so as to remove the normal canopy. Maintenance during the three year maintenance bond period shall be subject to oversight and enforcement by the Urban Environmental Director, Planning Director, or designee. If all required landscaping is in reasonable order and condition according to the originally approved plan at the end of the three year period, the maintenance bond shall be returned to the owner; if it is not, it shall be forfeited to the City.

(2) An owner shall be responsible for the perpetual maintenance of all landscaping materials in a required buffer zone and shall keep them in a proper, neat and orderly appearance, free from weeds, refuse and debris at all times. Should a plant or portion of the required buffer zone landscaping die, the owner shall be responsible for replacing said plantings with a plant or plants that have similar characteristics and form. For example, an evergreen tree shall be replaced with another evergreen tree, a shade or ornamental tree shall be replaced with another shade or ornamental tree, and evergreen shrubs or flowering shrubs shall be replaced with similar types. The replacement plants shall be the same size as was originally approved on the landscape plan or larger. Topping trees or the severe cutting of limbs to stubs larger than three inches in diameter within the tree crown to such a degree as to remove the normal canopy is not proper maintenance of trees as required by this section. This maintenance requirement shall be subject to oversight and enforcement by the Urban Environmental Director or designee.

An owner shall not be responsible for the perpetual maintenance of landscaping on land subsequently acquired by a government. Should the owner of a property discover that there is insufficient space to replace the landscaping due to the maturing of the originally planted materials, then the owner shall contact the Urban Environmental Department and request that a site inspection be conducted. The Urban Environmental Director, or designee, will evaluate each site on a case by case basis to determine what plants, if any, shall be replanted according to the originally approved landscape plan.

(P) *Landscape Restrictions - Sight Triangle Standards*.

(1) A sight triangle is that area located at the intersection of two public streets or a public street and private driveway through which an unobstructed view of approaching traffic is necessary for motorists. Except as permitted in this section, no landscaping or vegetation, or fence, structure, or object shall be included in a sight triangle in a subsection (E) landscape plan, nor shall any such landscaping or object be planted, erected or maintained within a sight triangle. A sight triangle shall be defined by the table and illustration below:



Sight Triangle

The distance "D" shall measure twenty feet and fifteen feet from the edge of the nearest travel lane for a public street and private driveway, respectively. The distance "L" shall be measured from the centerline of the minor approach to a point at the edge of the nearest travel lane. The distance "R" shall be measured from the centerline of the minor street to a point on the centerline of the major street approach.

Minimum Required Sight Distances for Different Posted Speed Limits

Posted Speed Limit	Minimum Sight Distance (L and R)
25 mph	200 ft
30 mph	250 ft
35 mph	325 ft
40 mph	400 ft

45 mph	475 ft
50 mph	550 ft
55 mph	650 ft

Posted speed limit on the major approach. Except at a signalized intersection, the speed limit of the approach from which the sight distance is being measured is ignored.

Sight triangles shall be measured from the minor leg of the intersection of two public streets where the minor approach shall be defined as that approach whose right-of-way is controlled by a stop sign and whose major approach is uncontrolled. At a signalized intersection of two public streets, sight triangles shall be measured for all approaches. For an intersection of a public street and private driveway, the sight distance is only measured from the private driveway.

(2) No landscaping object or plant material, except those meeting the requirements set forth below, shall be allowed within the sight triangle at an elevation greater than thirty inches above the crown of pavement on the adjacent roadway.

(a) Trees used in the sight triangle may exceed thirty inches in height provided they have an acceptable minimum branching clearance of seven feet from the ground to the first branch. Trees with a naturally high branching pattern are preferred, but trees with low branching patterns may be used if pruned to eliminate lower branches. Trees with normally low branching patterns that would be adversely affected by heavy pruning shall be unacceptable. Trees with descending branches such as weeping willow and weeping cherry shall be unacceptable.

(b) Trees that normally develop a mature trunk with a diameter exceeding twelve inches shall not be acceptable. A maximum trunk diameter of eight inches shall be preferable. The estimated mature trunk size of the tree shall be considered, not the trunk size at the time of installation. Notwithstanding the foregoing, existing trees in the sight triangle with a trunk diameter greater than twelve inches may remain unless the City Engineer, or designee, determines there is a threat to public safety.

(c) When multiple trees are planted within the sight triangle, they shall be planted in staggered positions to avoid a “picket fence” effect where visibility is reduced by a solid row of tree trunks. Multiple trees located in the sight triangle shall be placed no closer than twenty feet on-center from one another.

(3) Notwithstanding the table and illustration provided in this section, the City Engineer or designee may recommend variances of this section to the Board of Zoning Appeals, which shall have the authority to grant variances upon application by the owner. Any variance for landscaping shall take into account roadway conditions as they relate to traffic control devices, alignments, geometrics, or other unique circumstances that are supported by generally accepted engineering practices or principles, or actual on-site studies.

(4) No landscape plan shall be approved if the landscaping proposed for the intersection of a public street and a vehicular use area would create an unsafe obstruction in the opinion of the Urban Environmental Director or designee or the City Engineer or designee. No landscaping or vegetation, or fence, structure, or object, shall be planted, erected, or maintained by an owner at the intersection of a public street and a vehicular use area if it creates a safety hazard by obstructing the view of a motorist.

(Q) *Credit towards Landscaping for Preserved Trees*.

(1) Credits for preserved trees are offered when a tree preservation plan is submitted and approved along with the site plan prior to commencing any grading or construction activity on a site. A tree preservation plan may be submitted as part of the landscape plan. A tree preservation plan must show that there will be no substantial disturbance in the critical root zone (CRZ). A substantial disturbance is considered compaction of soil, trenching, placing backfill in the CRZ, grading or dumping of trash, oil, paint, or other materials detrimental to plant health in close proximity of the tree(s).

(2) The Urban Environmental Director and/or the City Arborist or their designee will review each tree preservation plan on a case by case basis and shall visit the site to confirm the accuracy of the survey and tree protection plan. Only those trees that are determined to be viable and savable will receive tree credits. A tree(s) that is found to be hazardous, diseased or severely injured will not receive tree credits. Likewise, if it is found that a large portion of the root system of a tree(s) will be disturbed or destroyed by grading, trenching, etc., then no tree credits will be granted. Only those trees that exhibit a reasonable chance of survival will receive tree credits. Should the owner of the property wish to receive credit for a tree that did not initially qualify for credit, then said owner may provide documentation from a certified arborist regarding the particular tree's health and survivability. This documentation shall include any and all corrective measures, including long-term maintenance that would be effective toward saving the tree(s). The City will review any such additional documentation.

(3) Protective barricades shall be placed around all trees designated in the tree preservation plan prior to the start of development activities, and shall remain in place until development activities are complete. The area within the protective barricade shall remain free of all building materials, dirt or other construction debris, vehicles and development activities. Failure to comply with this requirement will result in the denial of tree credits and the landscape plan will have to be modified to include new tree plantings.

(4) Decisions regarding tree credits may be the subject of an administrative appeal to the BZA.

(5) The following information shall be submitted and/or indicated on the tree preservation plan:

(a) tree survey at the same scale as the site plan or landscape plan, showing location of each existing tree(s) to be preserved that is 1½ inches in diameter or larger;

(b) groups of trees in close proximity (those within five feet of each other) may

be designated as a clump of trees, with the predominant species, estimated number and average diameter indicated;

(c) species, size and condition of each tree(s);

(d) trees which are noteworthy due to size, age, historic, cultural or aesthetic value;

(e) trees to be removed;

(f) location and type of tree protection barrier;

(g) any proposed changes in grade or drainage around tree(s) to be preserved;

(h) location of all existing utilities and proposed utilities; and,

(i) location of all existing and proposed structures, improvements, rights-of-way, and easements on the property (driveways, alleys, walkways, bicycle paths, parking lots, etc.).

(6) Credits for existing trees will be given at the following rate:

Diameter of Existing Tree (inches)		**Tree Credit**
Greater than:	Up to and including:	
1½	6	1
6	12	2
12	24	3
24	36	4
36	48	5
48	60	6
		1 additional tree for each additional twelve inches diameter

Minimum size requirement to qualify for tree preservation is one and one-half (1½) inch caliper.

(7) Upon approval of a tree preservation plan, an owner shall receive tree credits for a tree within the surveyed portion of the property for which a site plan was submitted. An owner may include an existing tree straddling an adjacent property line in a tree preservation plan but tree credits for any such tree shall only be half of the amount otherwise applicable. If an owner receives a one-half (½) tree credit for any tree and that tree dies, the owner is required to replace that one-half (½) with one new tree. For example, if an owner received two and one-half (2½) tree credits for one forty-six inch diameter tree and it dies, the owner will be required to replant three trees.

(8) Only if a preserved tree for which tree credits are given is located within a parking area may those tree credits be used to satisfy the landscaping requirements for parking lots under subsection (K). Tree credits may be used to satisfy the landscaping requirements for perimeter landscaping under subsection (J) only for the front, side or rear property line nearest the preserved trees; e.g. preserved trees in a fence row on a rear property line may be used to satisfy the perimeter

landscaping requirement for the rear but not the front or side property lines.

(9) Should any tree designated on the tree preservation plan die or be removed at anytime after approval of the plan or issuance of a certificate of occupancy, the owner shall replace sufficient landscaping equal to the tree preservation credit within six months and shall notify the Urban Environmental Director or designee in writing of the tree(s) lost and the number, location, and species of the replacement tree(s). The replacement tree(s) shall be a minimum of two and one-half (2½) inches in caliper for a shade tree, a minimum of one and one-half (1½) inches of caliper for an ornamental tree and a minimum of six feet in height for an evergreen tree.

(10) For trees to receive tree credit they must be adequately protected during construction. Adherence to tree protection procedures described in the guidelines promulgated by the Urban Environmental Director shall be sufficient.

(R) *Tree Permits*.

(1) No tree or portion thereof that lies within the City's right-of-way may be removed or maintained, and no new tree(s) may be planted, without prior approval from the Urban Environmental Department. The applicant must first obtain a non-fee tree work permit to be reviewed by the Department. The City shall review and notify said applicant within three working days as to whether the permit has been approved or denied.

(2) If the tree work permit is denied by the Urban Environmental Department, the applicant may elect to schedule a hearing before the Tree Board.

(3) Upon approval of the permit, the applicant is responsible for all costs associated with the project including but not limited to tree removal cost, stump removal, corrective pruning, etc.

(S) *Inspections for Certificate of Occupancy.* Site inspections for the issuance of a certificate of occupancy or a temporary certificate of occupancy will occur only after the contractor or installer and the owner have submitted a landscape certificate of compliance as described below to the Building and Codes Department. No certificate of occupancy for any development on a site subject to the landscaping requirements of this article shall be issued until all landscaping materials are in place in substantial compliance with the approved landscape plan. However, should conditions reasonably occur beyond the reasonable control of the owner that would delay the installation of the landscaping, the owner may request a temporary certificate of occupancy from the Building and Codes Department. No temporary certificate of occupancy will be issued until a bond complying with subsection (T) has been received by the City. The landscape certificate of compliance shall be as follows:

LANDSCAPE CERTIFICATE OF COMPLIANCE

(For use by the contractor or installer and the owner.)

Landscape Plan for: _____
Address: _____
Date of Approval: _____
Approved by: Murfreesboro Planning Commission _____
Administrative Approval _____

GENERAL CONTRACTOR OR INSTALLER

As the contractor for said development, or as the installer of the landscaping for said development, I represent that the landscaping has been installed in substantial compliance with the approved Landscape Plan and with the landscaping requirements of the Zoning Ordinance. I personally inspected this location on _____(date) and I have verified that the plantings are correct as to their location, size, number, and species. All required planting yards, parking lot plantings, and buffer zones have been installed. The installation system meets the irrigation requirements and the site does not violate the sight triangle prohibitions.

(Circle A or B, whichever is applicable)

A. The site is complete and ready for final inspection, approval, and issuance of a Certificate of Occupancy.
B. The site is ready for issuance of a Temporary Certificate of Occupancy. The Landscape Plan is incomplete as follows:
_____

I estimate the cost of the landscaping still to be completed, including labor costs, to be $_____.

_____	_____
Signature	Business Name
_____	_____
Date	Relationship to Development

OWNER

As the owner of said development, I represent that I have personally inspected the property as of _____(date) and have reviewed this Certificate after completion by my contractor or landscape installer and I join in all its representations.

_____	_____
Signature of Owner	Date

(T) *Bond Requirements*.

(1) A bond for one hundred ten percent (110%) of the cost of any uncompleted

landscaping, including labor, as determined by the Urban Environmental Department shall be submitted to the City by an owner seeking a temporary certificate of occupancy. For the City to determine the total cost, the owner or designee shall furnish a cost estimate prepared by a qualified landscape contractor or nurseryman using prevailing material and labor costs. The landscape bond may, with City's approval, be combined with other site work requiring bonding, i.e., paving, curb and gutter, seeding and strawing.

(2) The life of the bond shall not exceed twelve months. The Urban Environmental Department, for good cause, may approve a reasonable extension of time for installation of the landscaping upon the posting of a bond for the period of the extension. If the approved landscaping is not properly installed within the time allotted, the bond shall be forfeited to the City. Forfeiting the bond shall not relieve the owner of the duty to comply with this section.

(3) Bonds may be in the form of a cashier's check, letter of credit, certificate of deposit or a performance bond. No personal or corporate checks will be accepted.

(4) Failure to install said landscaping within twelve months without proper extension, shall be considered a violation of this article.

(U) *Administration and Enforcement*. The rules and regulations of this section will be administered and enforced by the Urban Environmental Director or designee, by the Planning Director or designee, and by the Building and Codes Official or designee. Interpretations of this section will be made under Section 11 of this article. Appeals from administrative decisions made under this section will be made in accordance with Section 12 of this article.

(V) *Variances*.

(1) Variances from the provisions of this section will be made in accordance with Section 10 of this article provided, however, that the provisions of subsections (2) and (3) shall be substituted for the provisions of subsection (E) of Section 10.

(2) A variance from the landscape requirements in subsections (I), (J), (K), (L), (M), and (P) may be requested if a lot contains a building, structure, development, or parking area that was in existence as of the effective date of this section. A variance from these requirements may be requested for an unimproved lot only if the lot was in existence as of the effective date of this section or, if the lot was not in existence as of the effective date of this section, if the conditions or configurations of the lot changed after the effective date of this section and the change was not created by the owner, the owner's representative, or the owner's predecessor in title, e.g. condemnation of a portion of the lot.

(3) Each applicant for a variance shall have the burden of proving that compliance with the landscape requirements would be extraordinarily difficult because of one or more unusual characteristics of the property. Generally such characteristic may not have been created by deliberate action of the owner or the owner's representative. Each applicant for a variance must prove that an alternative and equivalent means of landscaping is not viable. In considering a variance request, cost alone is not an extraordinary difficulty and it does not justify granting a variance.

(W) *Agreement to Landscape in City Easement*. Whenever landscaping is proposed to be located within a dedicated drainage or a dedicated water and/or sewer easement, the

owner shall obtain written permission from the City by using the following form:

AGREEMENT TO ALLOW LANDSCAPING IN
CITY OF MURFREESBORO EASEMENT

Name of Owner: _____
Name of Development: _____
Address of Development: _____

Plat Book: ____ Page ____ Lot ____

Easement: Drainage ____ Sanitary Sewer ____ Water ____

Location of Easement: _____

The Owner hereby requests permission to place landscaping in the above-referenced dedicated easement. Owner acknowledges that any permission given by City to Owner to plant landscaping in a dedicated easement does not waive or modify the City of Murfreesboro's rights as the easement holder. Owner understands and agrees that the City of Murfreesboro or its authorized contractor may at any time and for any reason perform work within the dedicated easement and that the City shall have no liability to Owner for any damage to landscaping in the easement. Owner may be held responsible for the removal of the landscaping to enable work to be done by City. Owner shall be solely responsible for any costs incurred in repairing or replacing the landscaping. Owner understands that the City of Murfreesboro reserves the right to limit or to totally withdraw this permission to place landscaping within a dedicated easement if such landscaping is impairing drainage, or interfering with the City's use of the easement, or for any other appropriate reason. If this permission is withdrawn, Owner will be responsible for finding an alternative location for any landscaping required under the City of Murfreesboro's Zoning Ordinance. Owner shall inform any successor Owner of the terms and conditions of this Agreement.

_____ _____
Owner's Signature Date

The City of Murfreesboro hereby grants _____ permission to plant landscaping within its easement at this location subject to these terms and conditions.

CITY OF MURFREESBORO

By: _____ By: _____
Title: _____ Title: _____
Date: _____ Date: _____

For a drainage easement, this Agreement must be signed by the City Engineer or designee. For a water or sanitary sewer easement, this Agreement must be signed by the Director of Water & Sewer Department or designee.

[Ord. No. 99-O-37 §§3, 4, 08-12-99; Ord. No. 99-O-66 §19, 05-24-00; Ord. No. 10-O-07 §§4-8, 03-25-10; Ord. No. 13-O-50 §§3, 5, 6, 01-09-14; Ord. No. 15-O-25 §4, 05-14-15]

SECTION 28. NONCONFORMITIES.

(A) *Purpose*. The purpose of this section is to establish regulations and limitations on the continued existence of uses, lots, structures and signs established prior to the effective date of this article which do not conform to the provisions of this article. Many such nonconformities may continue, but the provisions of this section are designed to curtail substantial investment in such nonconformities and to bring about their eventual elimination, where appropriate, in order to preserve the integrity of the zoning districts and the regulations established by this article.

(B) *Nonconforming use of land and structures.*

(1) *Authority to continue*. Any lawfully existing nonconforming use of part or all of a structure, or any lawfully existing nonconforming use of land not involving a structure or involving a structure which is accessory to such use of land, may be continued, so long as it remains otherwise lawful, subject to the provisions of subsection (B)(2) through (7) of this section.

(2) *Ordinary repair and maintenance*. Normal maintenance and incidental repair or replacement, installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use; provided, however, that this subsection shall not be deemed to authorize any violation of subsections (B)(3) through (7) of this section.

(3) *Extensions*. A nonconforming use shall not be extended, expanded, or enlarged or increased in intensity. Such prohibited activity shall include, without being limited to:

(a) Extension of such use to any structure or land area other than that occupied by such nonconforming use on the effective date of this article, or any amendment hereto which causes such use to become nonconforming;

(b) Extension of such use within a building or other structure to any portion or the floor area that was not occupied by such nonconforming use on the effective date of this article, or any amendment hereto which causes such use to become nonconforming;

(c) Operation of such nonconforming use in such a manner as to conflict with, if already conflicting on the effective date of this article, or in the amendments hereto, any use limitations established for the district in which such use is located.

(4) *Relocation*. No structure that is devoted in whole or in part to a nonconforming

use shall be relocated in whole or in part to any other location on the same or any other lot, unless the entire structure and the use thereof shall thereafter conform to all the regulations of the zoning district in which such structure and use are located after being so relocated. No nonconforming use of land shall be relocated in whole or in part to any other location on the same or any other lot, unless such use shall thereafter conform to all the regulations of the zoning district in which such uses of land is located after being so relocated.

(5) *Change in use*. A nonconforming use of land or of a structure shall not be changed to any use other than a use permitted in the zoning district in which such land or structure is located. When such nonconforming use has been changed to a permitted use, it shall only be used thereafter for a use permitted in the zoning district in which it is located. For purposes of this subsection (B)(5), a use shall be deemed to have been so changed when an existing nonconforming use shall have been terminated and the permitted use shall have commenced and continued for a period of seven days.

(6) *Abandonment or discontinuance*. When a nonconforming use of land or a nonconforming use of part or all of a structure is discontinued or abandoned for a period of three hundred sixty-five consecutive days (regardless of any reservation of an intent not to abandon and to resume such use), such use shall not thereafter be re-established or resumed. Any subsequent use or occupancy of such land or structure shall comply with the regulations of the zoning district in which such land or structure is located.

(7) *Damage or destruction*. In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than seventy-five percent (75%) of the fair market value of such structure immediately prior to such damage, such structure shall not be restored unless such structure and the use thereof shall thereafter conform to all regulations of the zoning district in which such structure and use are located. When such damage or destruction is seventy-five percent (75%) or less of the fair market value of the structure immediately prior to such damage, such structure may be repaired and reconstructed and used for the same purpose as it was before the damage or destruction, provided that such repair or reconstruction is commenced and completed within twelve months of the date of such damage or destruction.

(C) *Nonconforming structures.*

(1) *Authority to continue*. Any nonconforming structure which is devoted to a use which is permitted in the zoning district in which such structure is located may be continued so long as it remains otherwise lawful, subject to the provisions of subsections (C)(2) through (4) of this section.

(2) *Enlargement, repair, alterations*. Any nonconforming structure may be enlarged, maintained, repaired or altered; provided, however, that no such enlargement, maintenance, repair or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure unless said additional nonconformity or degree of nonconformity is only with the requirements of the Gateway Design Overlay (GDO) District, and the nonconforming structure was in existence on the effective date of the ordinance

creating the GDO District, in which case enlargement, maintenance, repair or alteration of a nonconforming structure may create an additional nonconformity or an increase in the degree of nonconformity with the requirements of the GDO District for twenty years after creation of the GDO District, provided that a variance must be obtained for any enlargement in accordance with Sections 10 and 24(D).

(3) *Damage or destruction*.

(a) In the event that any nonconforming structure is damaged or destroyed, by any means, the extent of more than seventy-five percent (75%) of the fair market value of such structure immediately prior to such damage, such structure shall not be restored unless it shall thereafter conform to the regulations of the zoning district in which it is located unless restoration or reconstruction is authorized under the provisions of Section 11 of this article. When such nonconforming structure is damaged or destroyed, by any means, by seventy-five percent (75%) or less of the fair market value of such structure, immediately prior to such damage, such structure may be repaired or reconstructed, provided that such repairs or restorations begin and are diligently pursued to completion within one year of the date of such damage.

(b) Subsection (a) shall not apply to prohibit the restoration of any structure in the GDO District which was in existence on the effective date of this section creating the GDO District to the extent that the nonconformity was only with the GDO District requirements. Any such nonconforming structure shall be allowed to be repaired or reconstructed for a period of twenty years after creation of the GDO District provided that such repairs or restoration begin and are diligently pursued to completion within one year of the date of such damage and provided further that said restoration does not create an additional nonconformity or increase the degree of nonconformity with the GDO District requirements.

(4) *Relocation*. No nonconforming structure shall be relocated in whole or in part to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which such structure is located after being relocated.

(D) *Nonconforming lots of record.*

(1) Authority to utilize for single-family residence. In any district in which single-family detached dwellings are a permitted use, notwithstanding the regulations imposed by any other provisions of this article, a single-family detached dwelling which complies with the restrictions of subsection (D)(2) of this section may be erected on a nonconforming lot that is not less than twenty-five feet in width, and which:

(a) has less than the prescribed minimum lot area, width and depth, and or any of them; and,

(b) is shown by a recorded plat or deed to have been a lot of record owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size, depth and width at such location would not have been prohibited by any zoning or other ordinance.

(2) *Regulations for single-family use of nonconforming lots*. A nonconforming lot authorized to be used pursuant to subsection (D)(1) of this section may be used for single-family dwellings and permitted accessory uses thereto and no other

structures. Construction of such single-family dwelling shall comply with all the regulations (except lot area, width and depth) applicable to single-family dwellings in the zoning district in which such lot is located, except that the following side yard requirements shall apply in place of the side yard requirements otherwise applicable:

(a) The dwelling shall be placed on the lots as to provide a yard on each side of the dwelling;

(b) The sum of the widths of the two side yards on such lots shall not be less than the smaller of:

[1] Twenty-five percent (25%) of the width of the lot; or

[2] The minimum total for both side yards prescribed by the bulk regulations of said zoning district; and

(c) No side yard shall be less than three feet.

(E) *Exceptions for repairs pursuant to public order.* Nothing in this section shall be deemed to prevent the strengthening or restoration to a safe condition of a building, structure, or sign in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders it to restoration to a safe condition, provided such restoration is not otherwise in violation of the various provisions of this section prohibiting the repair or restoration of partially damaged or destroyed buildings, structures, or signs.

(F) *Nonconforming accessory uses and structures.* No use, structure or sign which is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have ceased or terminated, unless such accessory use, structure, or sign shall thereafter conform to all the regulations of the zoning district in which it is located.

[Ord. No. 03-O-53 §§4, 5, 01-08-04]

Section 29. Violation and Penalty.

Any person, firm, or corporation violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than fifty dollars ($50.00). Each day's continuance of a violation shall be considered a separate offense. In addition to the party violating this article, any other person who may have knowingly assisted in the commission of any such violation shall be guilty of a separate offense.

Violations of the Subdivision Regulations, including the Street Design Specifications, shall be deemed to be violations of the Zoning Ordinance.

In addition to all other remedies, the City may institute any appropriate action or proceeding to prevent, restrain, correct or abate any violation of the Zoning Ordinance including any violation of the Subdivision Regulations or the Street Design Specifications.

[Ord. No. 10-O-04 §13, 03-04-10]

SECTION 30. BOARD OF ZONING APPEALS.

(A) *Creation and appointment.* A Board of Zoning Appeals is hereby established in accordance with T.C.A §13-7-205. The BZA shall consist of five members, at least one of whom is a member of the Planning Commission. They shall be appointed by the Mayor and confirmed by a majority vote of the City Council. The terms of membership shall be three years with staggered terms. Vacancies shall be filled for any unexpired term by the Mayor and confirmed by a majority vote of the City Council. The BZA members shall receive fifty dollars ($50.00) per meeting for attending the BZA meetings but in no event more than one hundred dollars ($100.00) per month. A BZA member must be in attendance in order to be compensated for a meeting.

(B) *Procedure.* Meetings of the BZA shall be held at the call of the chairman, and at such other times as the BZA may determine. All meetings of the BZA shall be open to the public. The BZA shall adopt rules of procedure and shall keep records of applications and action thereon, which shall be a public record.

(C) *Appeals; how taken.* An appeal to the BZA may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board, or bureau affected by any decision of the Chief Building Official based in whole or in part upon the various provisions of this article, in accordance with the procedures described in Sections 8, 10, 11 and 12 of this article. The BZA shall fix a reasonable time for the hearing of the appeals, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any person or party may appear and be heard in person or by agent or by attorney.

(D) *Powers*. The BZA shall have all powers granted in this article, including those described in Sections 8, 10, 11 and 12.

(1) In granting a variance the BZA may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purpose of this article.

(2) Before any variance is granted it shall be shown that special circumstances are attached to the property which do not generally apply to other property in the neighborhood.

(E) *Notice of public hearing.* Applicants for a variance and any person requesting action of the BZA which requires a public hearing shall pay an application fee to the City of Murfreesboro, office of City Recorder, to cover the expense of administration and publication as a condition precedent to the publication of a notice of public hearing. The fee shall be established from time to time by the City Council and shall be nonrefundable in whole or in part, irrespective of the decision of the BZA. However, no application fee is required when the applicant is relocating a sign because of condemnation or road construction by the City, county, state or federal government.

[Ord. No. 88-19 §1, 06-02-88; Ord. No. 90-11 §2, 05-22-90; Ord. No. 99-O-66 §§6, 7, 08-24-00; Ord. No. 05-O-79 §§9, 10, 12-15-05]

SECTION 31. RESERVED.

[Ord. No. 89-43 §1, 09-28-89; Ord. No. 92-10 §§5, 6, 01-30-92; Ord. No. 16-O-64 §4, 01-05-17]

SECTION 32. REGULATION OF SEXUALLY ORIENTED ADULT BUSINESSES.

(A) *Purpose.* In the development and execution of this section, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics and effects, particularly when several of them are concentrated in close proximity, thereby increasing the deleterious secondary impacts upon public safety, public health, property values, community economic conditions, and the reasonable use and enjoyment of adjacent public and private property. Special regulation of these uses is necessary to prevent crime, to reduce transmission of disease, and to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary purpose of control or regulation of these uses is to prevent a concentration of these uses in any one area. It is not the intention of the City Council to unlawfully suppress any speech activities that are protected by the First Amendment of the United States Constitution. Neither is it the intent of the Council to condone or legitimize obscene or unlawful materials or activities. Zoning is an appropriate means to regulate land uses, including sexually oriented adult businesses, as to the time, place and manner of development and operation so as to mitigate the impacts of a given land use upon the public. Uses subject to these controls are as follows:

Adults-only bookstores
Adult cabaret
Adult entertainment centers
Adults-only motion picture theaters
Adult motel
Massage parlors
Rap parlors
Saunas

(B) *Definitions.* Whenever used in this Code, the following words or phrases shall have the meanings ascribed to them.

(1) *Adults-only bookstore*. An establishment having as a substantial portion of its stock in trade for sale or for rent:

books;
magazines or other periodicals;
films, videos, DVDs or other graphic or photographic media for viewing off the premises by use of media devices or otherwise;

any other viewable or audible media for viewing or listening off the premises by use of media devices or otherwise;

or any combination thereof;

which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse as defined below. For purposes of this definition, "substantial" means more than 30% of the floor area, or more than 30% of the inventory by either units or value, or more than 30% of revenues.

(2) *Adult cabaret*. A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

(a) persons who appear in a state of nudity; or

(b) live performances which are characterized by the exposure of "specific anatomical areas" or by "specified sexual activities;" or

(c) films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(3) *Adult entertainment center.* An enclosed building or a part of an enclosed building, no portion or area of which enclosed building is licensed to sell liquor, beer or wine, which contains one or more coin-operated or other mechanisms which when activated permit a customer to view one or more live persons, or a video, film, photograph or other visible image of one or more live persons, or a drawing or caricature of one or more live persons or of a character or creature with human-like characteristics, who or which are unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola, or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals, or who or which display "specified anatomical areas" or are engaged in "specified sexual activities," or at which any person is otherwise charged a fee for the viewing of same.

(4) *Adults-only motion picture theaters*. An enclosed building used for presenting films, distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

(5) *Adult motel*. A hotel, motel or similar commercial establishment which:

(a) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas," and has a sign visible from the public right-of-way advertising the availability of this adult type of photographic reproductions; or

(b) offers sleeping room for rent for a period of time that is less than ten hours; or

(c) allows the tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.

(6) *Massage parlor*. An establishment or place primarily in the business of providing massage services controlled by Code Chapter 18½.

(7) *Nudity*. The showing of the human male or female genitals, pubic area or buttocks

with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the areola, or the depiction of covered male genitals in a discernibly turgid state.

(8) *Rap parlor*. An establishment or place primarily in the business of providing nonprofessional conversation or similar services for adults.

(9) *Sauna*. An establishment or place primarily in the business of providing (i) steam bath, and (ii) massage services.

(10) *Sexual conduct*. Acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's unclothed genitals, pubic area, buttocks or, if such person be a female, her breast.

(11) *Sexual excitement*. The condition of human male or female genitals when in a state of sexual stimulation or arousal.

(12) *Sadomasochistic abuse*. Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

(13) *"Specified sexual activities"*:

(a) human genitals in a state of sexual stimulation or arousal;

(b) acts of human masturbation, sexual intercourse or sodomy;

(c) fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

(14) *"Specified anatomical areas"*:

(a) less than completely and opaquely covered human: (i) genitals, (ii) public region, (iii) buttock, (iv) female breast below the point immediately above the top of the areola;

(b) male genitals in a discernibly turgid state, even if completely and opaquely covered.

(C) *Location restrictions.*

(1) *Zoning District*. No adults-only bookstore, adult cabaret, adult entertainment center, adults-only motion picture theater, adult motel, massage parlor, rap parlor or sauna shall be established, operated or maintained except within the Heavy Industrial (H-I) District.

(2) *Separation*. No adults-only bookstore, adult cabaret, adults-only motion picture theater, adult entertainment center, adult-motel, massage parlor, rap parlor, or sauna shall be operated or maintained within one thousand feet of a residentially zoned district, the property line of a lot devoted to residential use, a church, a state licensed day care facility, public library, private or public educational facilities which serve persons age seventeen or younger, an elementary school, a high school, funeral parlor/home, a public park, a business licensed or permitted to sell beer or intoxicating liquors as defined in Code Chapter 4, or another adults-only bookstore, adult cabaret, adults-only motion picture theater, adult entertainment center, adult motel, massage parlor, rap parlor, or sauna.

(3) *Measurement*. The distance limitations in subsection (C)(2) shall be measured in a straight line in all directions, without regard to intervening structures or objects, from the nearest point of the property line of a parcel containing a sexually-oriented adult business to the nearest point on the property line of the use, structure or

property from which separation is required. In the event that the lot upon which the sexually-oriented adult business is located or is proposed to be located is contiguous to the lot upon which the use, structure or property being separated is located, the measurement shall be from the nearest point of the sexually-oriented adult business to the nearest point of the use, structure or property being separated. These distance limitations shall apply regardless of whether or not the use, structure or property from which separation is required is located inside the city limits of the City.

(E) *Severability*. Should any article, section, subsection, clause or provision of this Section be declared to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Zoning Ordinances of the City as a whole or any part thereof other than the part declared to be unconstitutional or invalid, each article, section, clause and provision being declared severable.

[Ord. No. 93-O-07 §3, 05-27-93; Ord. No. 06-O-44 §1, 2, 09-28-06, Ord. No. 08-O-05 §1-9, 03-13-08]

SECTION 33. REGULATIONS FOR ZERO-LOT LINE DEVELOPMENTS.

(A) *Purpose*. The purpose of this section is to establish regulations governing zero-lot line developments to ensure that zero-lot line subdivisions develop in locations and in accordance with specified design criteria to assure harmonious development both within the zero-lot line subdivision and with other adjoining properties. It is intended that areas zoned to allow zero-lot line developments have a minimum acreage and adequate street frontage sufficient to allow for safe and proper design and arrangement of lots, structures, utilities, and driveways. It is further intended that areas zoned to allow zero-lot line developments should not be of such large size that there is an undue impact on utilities, traffic, public services, and other public infrastructure.

(B) *Applicability*. All new single-family dwellings attached or detached with zero side yards shall comply with the requirements of this section in addition to the requirements for site plan approval and subdivision development. This section shall have no application to planned developments as authorized and approved under Section 13 of this article.

(C) *Regulations of general application*. The following requirements shall apply to all developments characterized by single-family dwellings attached or detached with zero side yards:

(1) if units are attached, they shall be attached to only one other dwelling unit;
(2) the lot adjacent to the zero side yard must be held under the same ownership at the time of building permit issuance and initial construction;
(3) no zero side yard shall be adjacent to any public or private right-of-way;
(4) no lot may have more than one zero side yard;
(5) each unit shall be served by separate utility connections;
(6) every unit shall be located on a lot fronting, or adjacent to a public street;
(7) the wall at the zero side yard shall be constructed in conformity with the Standard Building Code, as adopted or as may be amended;
(8) zero-lot line developments located along collector and arterial streets as identified

on the Major Thoroughfare Plan as adopted and as may be amended from time to time shall be required to minimize street connections onto the collector or arterial street. Accordingly, the preferred lot arrangement will be to have lots with reverse frontage on the collector or arterial streets with no driveway access permitted by the individual lots onto the collector or arterial street;

(9) the minimum right-of-way width for public streets in zero-lot line developments shall be fifty feet with a corresponding thirty-six feet street width. The Planning Commission may allow a reduction in the right-of-way and street widths if the developer can demonstrate adequate on-street parking and/or off-street parking and suitable on-street circulation, e.g., off-street parking lots for visitor parking;

(10) a zero-lot line subdivision shall not have a mixture of attached and detached structures. For the purposes of this subsection a subdivision shall be considered a group of lots considered together on a subdivision plat submitted for Planning Commission review and may constitute only a section or phase of a larger development.

(11) parking shall be provided on-site as required by Section 26 of this article. Parking requirements may be met by providing parking spaces within a private garage located on-site attached or detached from the principal structure.

(12) the required front yard shall have a minimum fifty percent (50%) grass or landscape area exclusive of parking, walkways, and sidewalks;

(13) streets within a zero-lot line development shall conform to the sidewalk policy as adopted or as it may be amended; and,

(14) there shall be a physical separation of the roof plane on attached dwellings.

(D) *Requirements specific to zero-lot line attached structures and developments*.

(1) The wall between the dwelling units must be bisected by the property line such that one-half (½) of the wall is on each of the adjoining lots.

(2) There shall be ten feet minimum spacing between structures.

(3) The developer of a zero-lot line development with attached structures shall establish covenants and restrictions for the purpose of resolving disputes involving maintenance of structures and lots. The developer shall provide a copy of the restrictions for review by the Planning Director prior to submitting a subdivision plat for the Director's signature necessary for recording the plat and shall record the restrictions and covenants prior to sale of any of the lots in the development. The covenants and restrictions shall provide for a form of dispute resolution so that maintenance of the structures within the development including but not limited to exterior painting, roof repair, lawn care, fence repair, etc. can be coordinated and accomplished in a timely and effective manner. The covenants and restrictions shall further provide that:

(a) if a fire wall is destroyed or damaged by fire or other casualty, any owner may restore it and if the other owners thereafter makes use of the wall, the other owner(s) shall contribute to the cost of restoration thereof in proportion to such use without prejudice to the right any such owner to call for a larger contribution from the other(s) under any rule of law requiring liability for negligent or contractual obligation;

(b) the owner(s) of either portion shall have an easement on the property of the

other for the purpose of reconstruction, maintenance, and protection of the remaining unit from the elements;

(c) if the correction of a maintenance problem in the dwelling unit on one portion necessitates construction work or access on the dwelling unit of the other portion, either portion owner shall have an easement on the property of the other for the purpose of this construction and maintenance and each party shall contribute to the cost of restoration thereof in proportion to such use without prejudice, however, to the right of any such owner to call for a larger contribution from the others under any rule or law requiring liability for negligent or willful acts or omissions; and,

(d) where utility lines extend across a lot or through a structure to provide services to another lot or unit, an easement shall be provided across the lot or through the structure for the benefit of the adjoining property owner for the purpose of reconstruction, maintenance, or protection of the utility line. Such easement shall be noted on the subdivision or resubdivision plat submitted for the purpose of creating the property lines between the attached units.

(E) Requirements specific to zero-lot line detached structures and developments.

(1) Single family zero-lot line detached structures shall be provided an easement a minimum of three feet wide on the lot adjoining the zero side yard line for the purpose of construction and maintenance of the structure. The area within this easement shall be restricted to remain free and clear of obstructions that will limit the ability to use the easement for its intended purpose. The area within this easement may be graded to assure proper lot drainage to prevent damage from storm drainage to the structure.

(2) No portion of a structure may project over a property line including but not limited to chimneys, flues, fire boxes, belt courses, leaders, sills, pilasters, lintels, cornices, eaves, gutters, fire escapes, outside stairways, awnings, canopies, decks, railings, balconies, air conditioning units, heating and air units, satellite reception dishes, television antennae and the like.

[Ord. No. 00-O-80 §6, 01-25-01]

SECTION 34. FLOODPLAIN ZONING.

ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

(A) *Statutory authorization.* The legislature of the State of Tennessee has, in Tennessee Code Annotated Sections 13-7-201 through 13-7-210 delegated the responsibility to local governmental units, to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

(B) *Findings of fact*.

(1) The Mayor and City Council wishes to maintain eligibility in the National Flood

Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found at Ch. 1, Section 60.3, of the Code of Federal Regulations Title 44, Ch. 1, Section 60.3.

(2) Areas of the City are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(3) These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities, by uses in flood hazard areas which are vulnerable to floods, or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

(C) *Statement of purpose.* It is the purpose of this ordinance to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. This ordinance is designed to:

(1) Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

(2) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation floodwaters;

(4) Control filling, grading, dredging, and other development which may increase flood damage or erosion; and,

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(D) *Objectives.* The objectives of this ordinance are:

(1) To protect human life, health, safety and property;

(2) To minimize expenditure of public funds for costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize prolonged business interruptions;

(5) To minimize damage to public facilities and utilities such as water and as mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;

(6) To help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize blight in flood areas;

(7) To ensure that potential homebuyers are notified that property is in a floodable area; and

(8) To maintain eligibility for participation in the National Flood Insurance Program.

ARTICLE II. DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted as to give them the meaning they have in common usage and to give this

ordinance its most reasonable application given its stated purpose and objectives.

Accessory structure shall represent a subordinate structure to the principal structure on the same lot and, for the purpose of this section, shall conform to the following:

(1) Accessory structures shall only be used for parking of vehicles and storage.
(2) Accessory structures shall be designed to have low flood damage potential.
(3) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
(4) Accessory structures shall be firmly anchored to prevent flotation, collapse and lateral movement which may result in damage to other structures.
(5) Service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

Addition (to an existing building) means any walled and roofed expansion to the perimeter or height of a building.

Appeal means a request for a review of the local enforcement officer's interpretation of any provision of this ordinance or a request for a variance.

Area of shallow flooding means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent (1%) or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. (Such flooding is characterized by ponding or sheet flow.)

Area of special flood-related erosion hazard is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

Area of special flood hazard (See *Special flood hazard area*.)

Base flood means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Basement means that portion of a building having its floor subgrade (below ground level) on all sides.

Building (See *Structure*.)

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

Elevated structure means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

Emergency flood insurance program or *emergency program* means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

Erosion means the process of the gradual wearing away of landmasses. This peril is not per se covered under the program.

Exception means a waiver from the provisions of this ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this ordinance.

Existing construction means any structure for which the start of construction commenced before July 18, 1983, the effective date of the first floodplain management ordinance adopted by the City as a basis for participation in the National Flood Insurance Program (NFIP).

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) was completed before July 18, 1983, the effective date of the first floodplain management ordinance adopted by the City as a basis for participation in the National Flood Insurance Program (NFIP).

Existing structures see *existing construction*.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or *flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters;
(2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood elevation determination means a determination by FEMA of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater

chance of occurrence in any given year.

Flood elevation study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of areas of special flood hazard have been designated as Zone A.

Flood Insurance Rate Map (FIRM) means an official map of a community, issued by the Federal Emergency Management Agency, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

Flood Insurance Study is the official report provided by the Federal Emergency Management Agency, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

Floodplain or *floodprone area* means any land area susceptible to being inundated by water from any source. (See *flooding*.)

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Flood protection system means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood-related erosion means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

Flood-related erosion area or *flood-related erosion prone area* means a land area adjoining

the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

Flood-related erosion area management means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and flood plain management regulations.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings and the hydrological effect of urbanization of the watershed.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

Historic structure means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
(3) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
(4) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
    (a) By an approved state program as determined by the Secretary of the Interior, or
    (b) Directly by the Secretary of the Interior.

Levee means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert

the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system, which consists of a levee, or levees, and associated structures, such as closure, and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term manufactured home does not include a recreational vehicle.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

Mean sea level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

National Geodetic Vertical Datum (NGVD) as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction means any structure for which the start of construction commenced after July 18, 1983, the effective date of the City's first floodplain management ordinance, and includes any subsequent improvements to such structure.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed after July 18, 1983, the effective date of the City's first floodplain management ordinance, and includes any subsequent improvements to such structure.

North American Vertical Datum (NAVD) as corrected in 1988 is a vertical control used as a reference for establishing varying elevations within the floodplain.

100-year flood see *base flood*.

Person includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

Reasonably safe from flooding means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

Recreational vehicle means a vehicle which is:
(1) Built on a single chassis;
(2) 400 square feet or less when measured at the largest horizontal projection;
(3) Designed to be self-propelled or permanently towable by a light duty truck; and
(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory flood-way means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special flood hazard area is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

Special hazard area means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the

main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State coordinating agency the Tennessee Department of Economic and Community Development's Local Planning Assistance Office as designated by the Governor of the State of Tennessee at the request of the Administrator to assist in the implementation of the National Flood Insurance Program for the state.

Structure, for purposes of this section, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

Substantial improvement means any repair, reconstruction, rehabilitation, addition, alteration or other improvement of a structure taking place during a 5-year period in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the Start of construction of the initial improvement. This term includes structures which have incurred Substantial damage, regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of Substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) any alteration of a Historic structure, provided that the alteration will not preclude the structures continued designation as a Historic structure.

Substantially improved existing manufactured home parks or subdivisions is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Variance is a grant of relief from the requirements of this section.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

ARTICLE III. GENERAL PROVISIONS

(A) *Application*. This ordinance shall apply to all areas within the incorporated area of the City.

(B) *Basis for establishing the areas of special flood hazard*. The areas of special flood hazard identified on the City, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47149CO 134H, 47149CO 140H, 47149CO 145H, 47149CO 161H, 47149CO 162H, 47149CO 163H, 47149CO 164H, 47149CO 235H, 47149CO 255H, 47149CO 260H, 47149CO 265H, 47149CO 270H, 47149CO 280H, 47149CO 290H, effective on January 5, 2007, along with all supporting technical data, are adopted by reference and declared to be a part of this ordinance.

(C) *Requirement for development permit*. City permits demonstrating required conformity with this ordinance shall be obtained prior to the commencement of any development activities.

(D) *Compliance*. No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

(E) *Abrogation and greater restrictions*. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

(F) *Interpretation*. In the interpretation and application of this ordinance, all provisions shall be:

(1) considered as minimum requirements;

(2) liberally construed in favor of the governing body, and;

(3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

(G) *Warning and disclaimer of liability*. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(H) *Penalties for violation*. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute an offense punishable as other violations of City ordinances as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City from taking such other lawful actions to prevent or remedy any violation. To the extent permitted by law, any person who fails to comply with the requirements of this ordinance may be subject to a fine of not more than $500.00 and to the payment of all costs and expenses involved in adjudication of the case.

ARTICLE IV. ADMINISTRATION

(A) *Designation of ordinance Administrator*. The City Manager shall, by written designation, appoint a qualified employee to serve as the Administrator to implement the provisions of this ordinance.

(B) *Permit procedures*. Application for a development (land disturbance or building) permit shall be made prior to any development activities. These permits may include, but are not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

(1) *Application stage.*

(a) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.

(b) Elevation in relation to mean sea level to which any non-residential building will be flood-proofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.

(c) A FEMA Floodproofing Certificate from a Tennessee-registered professional engineer or architect that the proposed non-residential flood-proofed building will meet the flood-proofing criteria in Article IV, subsection (B).

(d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Proof of an ARAP permit for any alteration of the waters of the State will be required.

(2) *Construction stage*. Within approximate A zones, where base flood elevation data are not available, the Administrator shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. When floodproofing is utilized for a non-residential building said certification shall be prepared by or under the direct supervision of, a Tennessee professional engineer or Tennessee architect and certified by same.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(C) *Duties and responsibilities of the Administrator*. Duties of the Administrator shall include, but not be limited to:

(1) Review of all development permits and plans to assure that the requirements of this ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.

(2) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(3) Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse by the City, and submission of evidence of such notification to the Federal Emergency Management Agency.

(4) For any altered or relocated watercourse, require submission by the developer of engineering data/analysis within six months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the letter of map revision process. The developer shall assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained with any such submittal.

(5) Ensure that the developer records the elevation, in relation to mean sea level or the highest adjacent grade, where applicable of the lowest floor including basement of all new or substantially improved buildings, in accordance with Article IV subsection (B) on the site plan and building permit.

(6) Record the actual elevation in relation to mean sea level or the highest adjacent grade, where applicable, to which new or substantially improved buildings have been flood-proofed, in accordance with Article IV subsection (B) on the site plan and building permit.

(7) When flood proofing is utilized for a structure, the Administrator shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with Article IV subsection (B). This shall be noted on the site plan and building permit application form. The floodproofing plans shall be submitted as part of plans review. The elevation must be certified by an engineer or surveyor

at the framing stage.

(8) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Administrator shall make the necessary interpretation after consultation with the City Engineer and the developer's engineer of record. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance.

(9) When base flood elevation data and floodway data have not been provided by FEMA, obtain, review and reasonably utilize any base flood elevation and floodway data available from Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the City of Murfreesboro FIRM meet the requirements of this ordinance.

Within approximate A zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least one foot above the highest adjacent grade. All applicable data including elevations shall be recorded as set forth in Article IV subsection (C).

(10) All records pertaining to the provisions of this ordinance shall be maintained as directed by the Administrator and shall be open for public inspection. Permits issued under the provisions of this ordinance shall be maintained in a separate file or marked for expedited retrieval.

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

(A) *General standards*. In all floodprone areas the following provisions are required:

(1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(2) Manufactured homes shall be elevated to a level at least one foot (1') above base flood elevations and anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

(3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

(5) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(9) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance, shall meet the requirements of new construction as contained in this ordinance; and,

(10) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this ordinance, shall be undertaken only if said nonconformity is not further extended or replaced.

(B) *Specific standards*. These provisions shall apply to all areas of special flood hazard as provided herein:

(1) *Residential construction*. Where base flood elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one foot (1') above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls and to ensure unimpeded movement of floodwater shall be provided in accordance with the standards of Article V subsection (B).

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article II of this ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Article IV subsection (B).

(2) *Non-residential construction*. New construction and substantial improvement of any commercial, industrial, or non-residential building, when BFE data is available, shall have the lowest floor, including basement, elevated or floodproofed no lower than equal to or higher than above the level of the base flood elevation.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article II of this ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Article IV subsection (B).

Buildings located in all A zones may be flood-proofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural

components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Article IV subsection (B).

(3) *Elevated building*. All new construction and substantial improvements to existing buildings that include any fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above the highest adjacent grade, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

(a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.

[1] Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

[2] The bottom of all openings shall be no higher than one foot above the finish grade; and

[3] Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(b) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the elevated living area (stairway or elevator); and

(c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Article V subsection (E) of this ordinance.

(4) *Standards for manufactured homes and recreational vehicles.*

(a) All manufactured homes placed, or substantially improved on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.

(b) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

[1] When base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower, than one foot above the level of the base flood elevation; or,

[2] Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three feet in height above the highest adjacent grade.

(c) Any manufactured home, which has incurred substantial damage as the result of a flood or that has substantially improved, must meet the standards of Article V subsection (B)(4) of this ordinance.

(d) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(e) All recreational vehicles placed on identified flood hazard sites must either:

[1] Be on the site for fewer than 180 consecutive days;

[2] Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions; or,

[3] The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of this section above if on the site for longer than 180 consecutive days.

(5) *Standards for subdivisions and proposed new developments.* Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding in accordance with the City's ordinances and Subdivision Regulations by the City Engineer and the Administrator. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to ensure that:

(a) All subdivision proposals shall be consistent with the need to minimize flood damage.

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(d) Base flood elevation data shall be provided for all subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) including but not limited to those that are greater than fifty lots and/or five acres in area on the subdivision plat.

(C) *Standards for areas of special flood hazard with established base flood elevations and with floodways designated*. Located within the areas of special flood hazard established in Article III subsection (B), are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

(1) Encroachments are prohibited, including earthen fill material new construction, substantial improvements or other developments within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, shall not result in any increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer

must provide supporting technical data and certification thereof.

(2) New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of Article V.

(D) *Standards for areas of special flood hazard Zones AE with established base flood elevations but without floodways designated*. Located within the areas of special flood hazard established in Article III subsection (B), where streams exist with base flood data provided but where no floodways have been designated, (Zones AE) the following provisions apply:

(1) No encroachments, including fill material, new structures and substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(2) New construction and substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Article V subsection (B).

(E) *Standards for streams without established base flood elevations or floodways (A Zones)*. Located within the areas of special flood hazard areas established in Article III, subsection (B), where streams exist, but no base flood data has been provided and where a floodway has not been delineated, the following provisions shall apply:

(1) The Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any Federal, State or other sources, including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Article V subsections (A) and (B).

(2) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data.

(3) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least one foot (1') above the highest adjacent grade (as defined in Article II). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Article IV subsection (B). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Article V subsection

(4) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20'), whichever is greater, measured from the

top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point with the City of Murfreesboro, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(5) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V subsections (A) and (B). Within approximate A Zones, require that those subsections of Article V subsection (B) dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

(F) *Standards for areas of shallow flooding (AO and AH Zones)*. Located within the areas of special flood hazard established in Article III subsection (B), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply in addition to those in Article V subsections (A) and (B):

(1) All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one foot (1') above the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated, at least three feet (3') above the highest adjacent grade. Openings sufficient for automatic equalization of hydrostatic flood forces on exterior walls of floodwaters shall be provided in accordance with standards of Article V subsection (B), and elevated buildings.

(2) All new construction and substantial improvements of nonresidential buildings may be flood-proofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely flood-proofed to at least one foot (1') above the specified FIRM flood level, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified, the lowest floor, including basement, shall be floodproofed to at least three feet (3') above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the Administrator as set forth above and as required in Article IV subsection (B).

(3) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

(4) The Administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

(G) *Standards for areas protected by flood protection system (A-99 Zones)*. Located within

the areas of special flood hazard established in Article III are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A-99 Zones) all provisions of Article IV and Article V subsection (A) shall apply.

(H) *Standards for unmapped streams*. Located within the City are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams the following provisions shall apply:

(1) In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the locality.

(2) When new elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood proofed to elevations established in accordance with Article IV.

ARTICLE VI. VARIANCE PROCEDURES

The provisions of this subsection shall apply exclusively to areas of special flood hazard.

(A) *Board of Zoning Appeals.*

(1) The BZA shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(2) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed, repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this ordinance to preserve the historic character and design of the structure.

(3) In passing upon such applications, the BZA shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

(a) The danger that materials may be swept onto other property to the injury of others;

(b) The danger to life and property due to flooding or erosion;

(c) The susceptibility of the proposed facility and its contents to flood damage;

(d) The importance of the services provided by the proposed facility to the community;

(e) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;

(f) The availability of alternative locations, not subject to flooding or erosion damage for the proposed use;

(g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(h) The safety of access to the property in times of flood for ordinary and emergency

vehicles;

(i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;

(j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(4) Upon consideration of the factors listed above, and the purposes of this ordinance, the BZA may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this ordinance.

(5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(B) *Conditions for variances.*

(1) Variances shall be issued upon a determination that, the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.

(2) Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(3) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.

(4) The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

ARTICLE VII. LEGAL STATUS PROVISIONS

(A) *Conflict with other ordinances.* In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the City, the most restrictive shall in all cases apply.

(B) *Severability.* If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.

[Ord. No. 06-O-63 §3, 12-14-06; Ord. No. 09-O-41 §1, 01-21-10; Ord. No. 15-O-10 §1, 04-02-15]

CHART 1. USES PERMITTED BY ZONING DISTRICT.

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USES PERMITTED[3]	ZONING DISTRICTS																								
	RS 15	RS 12	RS 10	RS 8	RS 4	RD	RM 12	RM 16	RM 22	RZ	R MO	OG R[2]	OG[2]	CL[2]	CF[2,14]	CH[2]	MU[2]	CBD[2]	HI[2]	LI[2]	CM-RS-8[2]	CM-R[2]	CM[2]	CU	P
DWELLINGS																									
Single-Family detached	X	X	X	X	X	X	X	X	X	X		X		X							X	X		X	
Single-Family attached						X	X	X	X	X		X		X								X		X	
Two-Family						X	X	X	X			X		X								X		X	
Three-Family							X	X	X			X		X								X		X	
Four-Family							X	X	X			X		X								X		X	
Multiple-Family							X	X	X								X	X						X	
OTHER HOUSING																									
Accessory Apartment	S[8]	S[8]	S[8]	S[8]	S[8]					S[8]															
Accessory Dwelling Unit												X[1]	X[1]	X[1]	X[1]	X[1]	X	X[1]	X[1]	X[1]					
Assisted-Care Living Facility[15]						S	X	X	X	X		X		X	X	X	X	X			X	X	X	S	
Bed-and-Breakfast Homestay	S	S	S	S		S	S	X	X	S		S		X	X	X		X			S	S	S	X	
Bed-and-Breakfast Inn	S	S	S	S		S	S	S	S	S		S		S	X	X		X			S	S	S	S	
Boarding House[15]						S	S	X	X			S		X	X	X		X				S	S	X	
Emergency Shelter	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Extended Stay Hotel/Motel																X	X								
Family Crisis Shelter												S		S	S	S			S	S		S			
Family Violence Shelter							S	S	S			S	S	S	X	X			X	X		X	S	S	
Fraternity/Sorority												S		S	S	S						S	S	S	
Group Shelter							S	S	S			S	S	S	S	S			S						
Class I Home for the Aged [15]	S	S	S	S	S	S	X	X	X	X		X		X	X	X		X			S	S	S	S	
Class II Home for the Aged [15]	S	S	S	S		S	S	S	S	S		S		X	X	X		X			S	S	S	S	
Class III Home for the Aged [15]							S	S	S			S		S	X	X	X	X			S	S	S	S	
Hotel																X	X	X	X	X					
Mission[10]																			S	S					
Mobile Homes											X														
Motel																X	X		X	X					
Rooming House						S	S	S	S									X				S	S	X	
Student Dormitory								S	S															X	
Transitional Home						S	S	S	S			S	S									S	S		
INSTITUTIONS																									
Adult Day Care Center	S	S	S	S	S	S	S	S	S	S		X	X	X	X	X	X		X	X	S	X	X		
Adult Day Care Home	S	S	S	S	S	S	S	S	S	S	S	X	S	X	X	X		X	X	X	X	X	X		
Airport, Heliport	S	S	S	S	S	S	S			S						S			S	S	S	S	S	S	S

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.

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USES PERMITTED[3]	ZONING DISTRICTS																								
	RS 15	RS 12	RS 10	RS 8	RS 4	RD	RM 12	RM 16	RM 22	RZ	R MO	OG R[2]	OG[2]	CL[2]	CF[2,14]	CH[2]	MU[2]	CBD[2]	HI[2]	LI[2]	CM-RS-8[2]	CM-R[2]	CM[2]	CU	P
Cemetery, Mausoleum	S	S	S	S	S	S	S	S	S	S	S	S	S			S			S	S					
Church[13]	S	S	S	S	S	S	X	X	X	S	S	S	X	X	X	X	X	X	X	X	S	S	X	X	
College, University												X	X				X					X		X	
Day-Care Center						S	S	S	S		S	S	S	X	X	X	X	X	X	X	S	S	S		
Family Day-Care Home	S	S	S	S	S	S	S	S	S	S	S	S		X	X	X		X	X	X	S	S	S	X	
Group Day-Care Home	S	S	S	S	S	S	S	S	S	S	S	S		X	X	X		X	X	X	S	S	S	X	
Hospital												X	X				X		X	X	X	X	X		
Lodge, Club, Country Club[13]	S	S	S	S	S	S	S	S	S	S	S	S	S	S	X	X	X	X	X	X	S	S	S		
Mental Health Facility												X	X	X		X	X		X	X		X	X		
Morgue																X	X			X		X	X		
Museum						S	S	S	S			S	S	S	X	X	X	X	X	X	S	S	S	X	S
Nursing Home												X	X	S	S	S	X		X	X	X	X	X		
Nursery School						S	S	S	S		S	S	S	S	S	S	X		S	S	S	S	S	X	
Park	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Philanthropic Institution						S	S	S	S			X	X	X	X	X	X	X	X	X	X	X	X	X	
Pet Cemetery	S	S	S												S	S			S	S					
Public Building[13]	S	S	S	S	S	S	S	S	S	S	S	S	S	X	X	X	X	X	X	X	S	S	S	X	
Recreation Field[13]	S	S	S	S	S	S	S	S	S	S	S	S	S	X	X	X	X		X	X	S	S	S	X	X
Senior Citizens Center	S	S	S	S	S	S	X	X	X	S		X	X	X	X	X	X		X	X	S	X	X		
School, Public or Private, Grades K - 12[13]	S	S	S	S	S	S	S	S	S	S	S	S	S	X	X	X	X	X	X	X	S	S	S	X	
Student Center							S	S	S			S	S	S	S	S	X					S	S		
AGRICULTURAL USES																									
Customary General Farming	X[6]	X[6]	X[6]	X[6]	X[6]	X[6]	X[6]	X[6]	X[6]	X[6]	X[6]				X[6]	X			X	X				X	X
Crop, Soil Preparation Agricultural Services	S	S	S	S	S	S	S	S	S	S	S				X	X			X	X				X	X
Farm Labor and Management Services												X	X	X	X	X		X	X	X				X	
Fish Hatcheries and Preserves																X			X	X					
Grain, Fruit, Field Crop and Vegetable Cultivation and Storage	X	X	X	X	X	X	X	X	X	X	X								X	X				X	
Hunting, Trapping, and Game Propogation																									
Livestock, Horse, Dairy, Poultry, and Egg Products	S	S	S	S	S	S	S	S	S	S									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.

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USES PERMITTED[3]	ZONING DISTRICTS																								
	RS 15	RS 12	RS 10	RS 8	RS 4	RD	RM 12	RM 16	RM 22	RZ	R MO	OG R[2]	OG[2]	CL[2]	CF[2,14]	CH[2]	MU[2]	CBD[2]	HI[2]	LI[2]	CM-RS-8[2]	CM-R[2]	CM[2]	CU	P
Timber Tracts, Forest Nursery, Gathering of Forest Products	S	S	S	S	S	S	S	S	S	S	S								X	X					
COMMERCIAL																									
Adult Cabaret																			X[9]						
Adult Entertainment Center																			X[9]						
Adult Motel																			X[9]						
Adults-Only Bookstore																			X[9]						
Adults-Only Motion Picture Theater																			X[9]						
Amusements, Commercial Indoor															X	X	X	X	X	X				S	
Amusements, Commercial Outdoor excluding Motorized																X	X		X	X				S	S
Amusements, Commercial Outdoor Motorized except Carnivals																			S	S					
Animal Grooming Facility															X	X	X		X	X					
Antique Mall															X	X	X	X	X	X					
Antique Shop <3,000 sq. ft.												X	X	X	X	X	X	X	X	X		X			
Apothecaries (pharmaceuticals only)												X	X	X	X	X	X	X	X	X	X	X	X		
Art or Photo Studio or Gallery												X	X	X	X	X	X	X	X	X		X		X	
Automotive Repair [12]																X	X		X	X					
Bakery, Retail														X	X	X	X	X	X	X					
Bank, Branch Office												X	X	X	X	X	X	X	X	X					
Bank, Drive-Up Electronic Teller												X	X	X	X	X	X	X	X	X					
Bank, Main Office																X	X	X	X	X					
Barber or Beauty Shop												X	X	X	X	X	X	X	X	X		X			
Beer, Packaged														X	X	X		X	X	X					
Boat Rental, Sales, or Repair																X			X	X					
Book or Card Shop												X	X	X	X	X	X	X	X	X		X			
Business School												X	X		X	X	X	X	X	X					
Business and Communication Service												X	X	X	X	X	X	X	X	X					
Campground, Travel-Trailer Park																X			X	X					
Carnivals																S			S	S					S
Catering Establishment												X	X	X	X	X	X	X	X	X		X			
Clothing Store														X	X	X	X	X	X	X					
Coffee, Food, or Beverage Kiosk														X	X	X	X		X	X					
Commercial Center														X	X	X	X		X	X					

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USES PERMITTED[3]	ZONING DISTRICTS																									
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Convenience Sales and Service, maximum 5,000 sq. ft. floor area														X	X	X	X	X	X	X					
Crematory																			S	S					
Delicatessen														X	X	X	X	X	X	X					
Department or Discount Store															X	X	X	X	X	X					
Drive-In Theater																X			X	X					
Dry Cleaning														X	X	X	X	X	X	X					
Dry Cleaning Pick-Up Station														X	X	X	X	X	X	X					
Financial Service												X	X	X	X	X	X	X	X	X					
Fireworks Public Display																									X
Fireworks Retailer																S			S	S					
Fireworks Seasonal Retailer														S		S			S	S					
Flower or Plant Store												X	X	X	X	X	X	X	X	X		X			
Funeral Home														S		X	X		X	X					
Garage, Parking																X	X	X	X	X					
Garden and Lawn Supplies															S	X	X	X	X	X					
Gas--Liquified Petroleum, Bottled and Bulk																X			X	X					
Gas Station														X	X	X	X	X	X	X					
General Service and Repair Shop																X	X	X	X	X					
Glass--Auto, Plate, and Window																X	X		X	X					
Glass--Stained and Leaded														X	X	X	X	X	X	X					
Greenhouse or Nursery																X	X		X	X					
Group Assembly, <250 persons												S	S		X	X	X	X	X	X	S	S	S		
Group Assembly, >250 persons												S	S		S	S	X	S	S	S	S	S	S		
Health Club												X	X	X	X	X	X	X	X	X		X			
Ice Retail															X	X		X	X	X					
Interior Decorator												X	X	X	X	X	X	X	X	X		X			
Iron Work																X			X	X					
Janitorial Service															X	X	X	X	X	X					
Karate, Instruction															X	X	X	X	X	X					
Kennels																X			X	X					
Keys, Locksmith															X	X	X	X	X	X					
Laboratories, Medical												X	X		X	X	X		X	X	X	X	X		
Laboratories, Testing															X	X	X		X	X					
Laundries, Self-Service														X	X	X			X	X					

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USES PERMITTED[3]	ZONING DISTRICTS																								
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Lawn, Tree, and Garden Service																X			X	X					
Liquor Store															X	X	X	X	X	X					
Livestock, Auction																			X	X					
Lumber, Building Material																X			X	X					
Manufactured Home Sales																			X						
Massage Parlor																			X[9]						
Mobile Home Sales																			X						
Motor Vehicle Sales																X	X		X	X					
Motor Vehicle Service [12]																X	X		X	X					
Music or Dancing Academy															X	X	X		X	X					
Offices												X	X	X	X	X	X	X	X	X	X[5]	X[5]	X[5]		
Optical Dispensaries												X	X		X	X	X	X	X	X	X	X	X		
Pawn Shop																X		X	X	X					
Personal Service Establishment														X	X	X	X	X	X	X					
Pet Crematory																			S	S					
Pet Funeral Home															X	X			X	X					
Pet Shops															X	X	X	X	X	X					
Pharmacies												X	X	X	X	X	X	X	X	X	X	X	X		
Photo Finishing														X	X	X	X	X	X	X					
Photo Finishing Pick-Up Station														X	X	X	X		X	X					
Radio, TV, or Recording Studio																X	X	X	X	X					
Radio and Television Transmission Towers															S	S		S	S	S				S	
Rap Parlor																			X[9]						
Reducing and Weight Control Service												X	X	X	X	X	X	X	X	X	X	X	X		
Restaurant and Carry-Out Restaurant														X	X	X	X	X	X	X					
Restaurant, Drive-In																X			X	X					
Restaurant, Specialty														X	X	X	X	X	X	X					
Restaurant, Specialty -Limited												S	S	X	X	X	X	X	X	X	S	S	S		
Retail Shop, other than enumerated elsewhere															X	X	X	X	X	X					
Salvage and Surplus Merchandise																X			X	X					
Sauna																			X[9]						
Sheet Metal Shop																X			X	X					
Shopping Center, Community																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.

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USES PERMITTED[3]	ZONING DISTRICTS																								
	RS 15	RS 12	RS 10	RS 8	RS 4	RD	RM 12	RM 16	RM 22	RZ	R MO	OG R[2]	OG[2]	CL[2]	CF[2,14]	CH[2]	MU[2]	CBD[2]	HI[2]	LI[2]	CM-RS-8[2]	CM-R[2]	CM[2]	CU	P
Shopping Center, Neighborhood															X	X	X		X	X					
Shopping Center, Regional																X	X		X	X					
Specialty Shop												X	X	X	X	X	X	X	X	X		X			
Tavern																X		X	X	X					
Taxidermy Studio																S			S	S					
Telephone or Telegraph Facility	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	X	S	S	S	S	S	S	S	S
Towing [12]																X			X	X					
Veterinary Office												X	X	X	X	X	X		X	X		X			
Veterinary Clinic															X	X	X		X	X					
Veterinary Hospital																X	X		X	X					
Vehicle Sales																X	X		X	X					
Vehicle Wash														X		X	X		X	X					
Video Rental														X	X	X	X	X	X	X					
Warehousing, Transporting																X			X	X					
Wholesaling																X		X	X	X					
Wrecker Service [12]																X			X	X					
Wrecker Service Storage Yard [12]																X			X	X					
INDUSTRIAL																									
Manufacture, Storage, Distribution of:																									
Abrasive Products																			X						
Animal or Poultry Slaughter, Stockyards, Rendering																			S						
Asbestos Products																			S						
Automobile Dismantlers and Recyclers[7]																			S[7]						
Automobile Manufacture																			X						
Automobile Parts and Components Manufacture																			X						
Automobile Seats Manufacture																			X						
Bakery Goods																			X	X					
Boat Manufacture																			X						
Bottling Works																			X	X					
Brewery																			X						
Candy																			X	X					
Canned Goods																			X						
Chemicals																			X						
Composting Facility																			S					S	

X = Use permitted by right.
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Chart 1
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USES PERMITTED[3]	ZONING DISTRICTS																								
	RS 15	RS 12	RS 10	RS 8	RS 4	RD	RM 12	RM 16	RM 22	RZ	R MO	OG R[2]	OG[2]	CL[2]	CF[2,14]	CH[2]	MU[2]	CBD[2]	HI[2]	LI[2]	CM-RS-8[2]	CM-R[2]	CM[2]	CU	P
Contractor's Storage, Indoor																X		X	X	X					
Contractor's Yard or Storage, Outdoor																X		X	X	X					
Cosmetics																			X	X					
Custom Wood Products																		X	X	X					
Electrical or Electronic Equipment, Appliances, and Instruments																			X	X					
Explosives																			S						
Fabricated Metal Products and Machinery																			X	X					
Fertilizer																			X						
Fireworks																			S						
Food and Beverage Products except animal slaughter, stockyards, rendering, and brewery																			X						
Furniture and Fixtures																			X						
Jewelry																			X	X					
Leather and Leather Products except tanning and finishing																			X	X					
Leather and Leather Products, Tanning and Finishing																			X						
Lumber and Wood Products																			X						
Metal or Rubber Stamps																			X	X					
Mobile Home Construction																			X						
Musical Instruments																			X	X					
Novelties																			X	X					
Office/Art Supplies																			X	X					
Paints																			X						
Paper Mills																			S						

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.

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USES PERMITTED[3]	ZONING DISTRICTS																								
	RS 15	RS 12	RS 10	RS 8	RS 4	RD	RM 12	RM 16	RM 22	RZ	R MO	OG R[2]	OG[2]	CL[2]	CF[2,14]	CH[2]	MU[2]	CBD[2]	HI[2]	LI[2]	CM-RS-8[2]	CM-R[2]	CM[2]	CU	P
Paper Products excluding paper and pulp mills																			X						
Petroleum, Liquified Petroleum Gas and Coal Products except refining																			S						
Petroleum and Coal Products Refining																			S						
Pharmaceuticals																			X	X					
Photographic Film Manufacture																			X						
Pottery, Figurines, and Ceramic Products																			X	X					
Primary Metal Distribution and Storage																			X						
Primary Metal Manufacturing																			X						
Printing and Publishing																X	X	X	X	X					
Pulp Mills																									
Radioactive Materials																			S						
Rubber and Plastic Products except rubber or plastic manufacture																			X						
Rubber and Plastic Products, Rubber and Plastic Manufacture																			X						
Saw Mills																			X						
Scrap Processing Yard																			S						
Scrap Metal Processors																			S						
Scrap Metal Distribution and Storage																			S						
Secondary Material Dealers																			S						
Silverware and Cutlery																			X	X					
Small Moulded Metal Products																			X						
Soap																			X						
Sporting Goods																			X	X					
Stone, Clay, Glass, and Concrete Products																			X						
Textile, Apparel Products, Cotton--Factoring, Grading																			X	X					
Textile, Apparel Products, Cotton Gin																			X						
Tire Manufacture																			X						
Tobacco Products																			X						
Toiletries																			X	X					
Toys																			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.

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Chart 1
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USES PERMITTED[3]	ZONING DISTRICTS																								
	RS 15	RS 12	RS 10	RS 8	RS 4	RD	RM 12	RM 16	RM 22	RZ	R MO	OG R[2]	OG[2]	CL[2]	CF[2,14]	CH[2]	MU[2]	CBD[2]	HI[2]	LI[2]	CM-RS-8[2]	CM-R[2]	CM[2]	CU	P
Transportation Equipment																			X	X					
TRANSPORTATION AND PUBLIC UTILITIES																									
Freight, Service Facility																S			X	X					
Bus Terminal or Service Facility																X			X	X					
Garbage or Refuse Collection Service																			X						
Refuse Processing, Treatment, and Storage																			S						
Gas, Electric, Water, Sewerage Production and/or Treatment Facility																			X	S					
Landfill																			S						
Post Office or Postal Facility														X	X	X	X	X	X	X					
Railroad Switching Yard, Terminal, Piggyback Yard																			X	S					
Telephone Service Center															X	X	X	X	X	X					
Telephone Switching Center, Electric Transmission, Gas Piping, Water Pumping Station	S	S	S	S	S	S	S	S	S	S	S	S	S	X	X	X	X	X	X	X					
Taxicab Dispatch Station																X			X	X					
Truck or Motor Freight Terminal, Service Facility																X			X	X					
OTHER																									
Advertising Sign																X			X	X					
Automobile graveyard																			S						
Home Occupations	S[11]	S[11]	S[11]	S[11]	S[11]	S[11]	S[11]	S[11]	S[11]	S[11]	S[11]	S[11]		X			X				S[11]	S[11]	S[11]		
Junkyard																			S						
Metal, Sand, Stone, Gravel, Clay, Mining, and other related processing																			S						
Recycling center																S			X	X					
Self-Service Storage Facility [16]														S	S	X	S		X	X					
Warehouse																X			X	X					
Wholesale Establishments																X		X	X	X					
Temporary Mobile Recycling Center															S	S			S	S				S	

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.

CHART 1 ENDNOTES. USES PERMITTED BY ZONING DISTRICT.

1. In the OG-R, OG, CL, CF, CH, MU, CBD, H-I, and L-I zones a single dwelling unit shall be permitted as an accessory use in conjunction with a commercial or industrial use if such dwelling unit is attached to or located within the commer-cial or industrial building and is occupied by an employee of the business estab-lishment occupying the commercial or industrial building.
2. Any development of one or more acres or five thousand square feet of floor area to be located in a nonresidential district shall require a site plan approval by the Murfreesboro Planning Commission.
3. Reserved.
4. Reserved.
5. Office uses in the CM-R Medical District Residential or CM Medical District Commercial shall be restricted to medical, dental, and other related profession-als.
6. Customary general farming uses, gardens, grazing, and buildings incidental thereto shall be permitted in the RS-15, RS-12, RS-10, RS-8, RS-4, RD, RM-12, RM-16, RZ, R-MO, and CF districts; provided, however, that no permit shall be issued for commercial animal or poultry farms and kennels except with the writ-ten approval of the Board of Zoning Appeals and subject to such conditions as the BZA may require in order to preserve and protect the character of the district in which the proposed use is located. Swine are not permitted. Regulations re-garding animal population may be adopted and shall be applicable to existing farm operations.
7. Automobile dismantlers and recyclers shall not be located within one thousand five hundred feet (1500 ft.) of the Central Business District (CBD).
8. An accessory apartment may be created in owner-occupied single-family dwell-ings in the RS-15, RS-12, RS-10, RS-8, RS-4, and RZ districts upon approval by the Board of Zoning Appeals subject to the standards and criteria of Section 9 of Appendix A – Zoning.
9. See Section 32 for regulations regarding sexually oriented adult businesses.
10. Reserved.
11. Home occupations may be permitted by special use permit provided, however, if home occupation approval is requested in order for the applicant to establish an address necessary for obtaining a business license and can meet the following standards, the special use permit for the home occupation may be issued by the Planning Director. In the event the Director has doubt regarding the compatibil-ity of the proposed home occupation with adjoining land uses, the Director shall deny approval. The applicant may apply to the Board of Zoning Appeals as pro-vided in Sections 8 and 9 of Appendix A-Zoning. The standards mentioned above are as follows:

(a) No person who is not a resident of the dwelling unit may be employed in connection with the home occupation at the dwelling unit or on the prop-erty.

(b) No business signs shall be permitted.

(c) There shall be no alteration of the residential building which changes the character thereof as a dwelling. No display of products shall be visible from the street.

(d) The home occupation shall be incidental and subordinate to the residen-tial use of the dwelling unit. No more than twenty-five percent (25%) of the area of a residential dwelling unit and accessory structure, if used as part of the home occupation, shall be devoted to the home occupation. In the event the home occupation is to be conducted totally from within an accessory structure, no more than five hundred square feet of area may be devoted to such home occupation. No more than one home occupa-tion shall be permitted per residential dwelling unit.

(e) No mechanical or electrical equipment may be used in a residential dwelling unit or accessory structure in connection with a home occupa-tion except such types as are customary for domestic, household, or hob-by purposes; personal computers and facsimile machines may be used. Machinery that causes noise likely to be heard by neighbors or interfer-ence with radio or television reception shall be prohibited.

(f) There shall be no storage outside a dwelling unit or accessory structure of equipment or materials used in connection with the home occupation.

(g) Any request for a home occupation which would potentially generate traf-fic or a demand for on or off-street parking shall not be approved by the Planning Director and shall require application to the Board of Zoning Appeals as provided in Sections 8 and 9 of Appendix A - Zoning.

(h) There shall be no group instruction in connection with the home occupa-tion. For the purposes of this subsection, instruction shall be group in-struction if it involves more than two students at any time.

(i) The following activities and land uses shall not be approved by the Plan-ning Director administratively:

(1) automotive repair (body or mechanical), upholstery or painting;

(2) kennel;

(3) barber or beauty shop;

(4) taxi service;

(5) professional office;

(6) artist studio; or,

(7) charter bus service.

(j) The Planning Director may place conditions on the approval in order to assure

compliance with the provisions of this subsection. If the condi-tions so placed are unacceptable to the applicant, the applicant may ap-peal the Planning Director's administrative decision as provided in Sec-tion 12 of Appendix A - Zoning. Should it be learned later that the admin-istrative approval was in error for any reason or that the use has changed so as not to conform with the foregoing standards, the administrative ap-proval shall be voidable, subject to a due process hearing before the Board of Zoning Appeals.

12. Sites used for the storage of wrecked or partially dismantled vehicles, whether as principal, accessory, or ancillary use, used in conjunction with automotive re-pair establishments, motor vehicle service establishments, wrecker or towing services, or wrecker service storage yards, shall provide at a minimum a type D buffer zone as described in Section 27 of Appendix A - Zoning for screening of the area used for the storage of wrecked or partially dismantled vehicles. Provid-ed, however, the screening requirement shall not be for the entire site unless otherwise required by Appendix A - Zoning and shall be applicable to only those areas used for such storage. It is the intent of this requirement to screen such storage areas from the view of any adjacent property and from the view of any public right-of-way adjacent to the site.

13. Institutional group assembly uses, including recreational fields, public buildings, public and private schools grades K-12, lodges, country clubs, clubs, churches, and other places of worship, where permitted by right, shall meet the following standards:

(a) Parking areas shall be designed and arranged so that backing from the site onto a public right-of-way will not be necessary and adequate space will be available for vehicles to turn around on-site. An on-site off-street area shall be provided for vehicles to load and unload passengers. Park-ing areas shall not be permitted in the required front yard.

(b) In all residential districts, institutional group assembly uses shall have a lot size not less than three times the minimum lot size permitted in the zoning district where the institutional group assembly use is proposed to be located. In the event the institutional group assembly use is proposed to be located on land that has two or more different zoning classifications, the minimum lot size shall be calculated by applying the larger required minimum lot size.

Examples:				
ZONING	MINIMUM LOT SIZE	MINIMUM LOT SIZE	X 3	ACRES
RM-12	7,500	.17	22,500	.52
RM-16	6,000	.14	18,000	.41
RM-22	5,000	.11	15,000	.34

(c) An institutional group assembly use may:

(1) conduct a use that is subject to separate definition under this zon-ing ordinance or regulation, e.g., childcare facility or mission for the homeless;

(2) use equipment producing noise audible upon residential property, e.g., outdoor speaker system, carillon, chimes, bells; or,

(3) construct exterior water, sewer, and electric utility connections for trailers or recreational vehicles only after a special use permit to that affect has been granted by the Board of Zoning Appeals.

14. See Section 21 – CF, Commercial Fringe District for use regulations which shall be applicable to any use in the CF district.

15. In all zones where “boardinghouses;” “homes for the aged, class I;” “homes for the aged, class II;” “homes for the aged, class III;” and “assisted-care living facili-ties” are permitted by right the following standards shall apply:

(a) A minimum of two thousand square feet of lot area shall be provided for each boarding room.

(b) Parking areas shall be asphalt, concrete or other smooth dustless surface and shall be located on-site in the rear of the proposed structure.

(c) Screening shall be provided along side and rear property lines where the property abuts property in the RS, RD or RZ classifications or the residen-tial portion of a planned development.

16. “Self-service storage facilities”, where permitted by right, shall meet the following standards:

(a) the following activities shall be prohibited:

[1] auctions; commercial, wholesale, or retail sales; and miscellaneous or garage sales;

[2] the servicing, repairing, or fabrication of motor vehicles, boats, trail-ers, lawn mowers, appliances, or other similar equipment;

[3] the operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equip-ment;

[4] the establishment of a transfer or storage business;

[5] the using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, live band, amplifiers, loudspeakers, or other machine or device for producing or reproducing sound in such a manner as to disturb the peace, quiet, and comfort of neighboring residents at any time with louder volume than is necessary for convenient hearing for the persons responsible for producing or reproducing such sound;

[6] any use of individual units for residential purposes, including but not limited to cooking or sleeping; or

[7] any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

Notwithstanding the foregoing, the owner or manager of the self-service storage facility may conduct auctions and repair and maintain the premises when rea-sonably required in the usual and customary operation of the self-service storage business.

(b) for self-service storage facilities that have a side or rear property line abutting a property used for single-family purposes or classified in the RS or RD classifications or the residential portion of a planned development, a minimum ten-foot wide landscape strip shall be provided which shall be planted in accordance with Section 27 of this article and at the discretion of the Planning Commission may include earth berms, masonry fences, or walls. The applicant or owner shall post a surety instrument satisfactory to the City Horticulturist to ensure that the landscaping and screening will be maintained the first three years;

(c) self-service storage facilities shall provide on-site a minimum ten-foot land-scape strip along the front property line abutting all public rights-of-way. This landscape strip shall be planted in accordance with Section 27 of this article and at the discretion of the Planning Commission may include earth berms, masonry fences, or walls;

(d) all storage shall be indoors. However, an area may be provided on-site to be used for outdoor storage of RVs, trailers, cars, and boats. Such area shall be used exclusively for this purpose and shall be screened from the view of adjoining residential areas. Such screening may include, at the discretion of the Planning Commission, earth berms, masonry fences, or walls.

[Ord. No. 85-4 §1, 01-03-85; Ord. No. 87-10 §§2, 3, 01-15-87; Ord. No. 87-25 §3, 05-14-87; Ord. No. 88-20 §1, 06-09-99; Ord. No. 89-20 §1, 05-25-89; Ord. No. 89-21 §1, 05-25-89; Ord. No. 89-33 §§1, 2, 07-27-89; Ord. No. 89-44 §§2, 3, 09-14-89; Ord. No. 90-20 §4, 04-26-90; Ord. No. 90-40 §1, 09-20-90; Ord. No. 91-53 §4, 11-07-91; Ord. No. 92-10 §3, 01-30-92; Ord. No. 92-O-12 §§4–6, 01-14-93; Ord. No. 93-O-07 §4, 05-27-93; Ord. No. 93-O-28 §1, 07-29-93; Ord. No. 93-O-49 §1, 01-06-94; Ord. No. 93-O-53 §§3–7, 01-13-93; Ord. No. 94-O-30 §9, 07-28-94; Ord. No. 95-O-21 §3, 04-27-95; Ord. No. 95-O-22 §§3, 4, 04-27-95; Ord. No. 95-O-24 §§2–4, 05-25-95; Ord. No. 95-O-48 §10, 09-14-95; Ord. No. 95-O-56 §§3, 4, 09-28-95; Ord. No. 95-O-59 §2, 11-09-95; Ord. No. 96-O-07 §3, 03-07-96; Ord. No. 97-O-09 §§2, 3, 04-10-97; Ord. No. 97-O-30 §§2–9, 07-17-97; Ord. No. 97-O-31 §3, 06-26-97; Ord. No. 97-O-64 §§1, 2, 11-20-97; Ord. No. 98-O-10 §1, 04-23-98; Ord. No. 98-O-23 §2, 06-04-98; Ord. No. 98-O-48 §2, 11-19-98; Ord. No. 98-O-60 §§4, 5, 8, 01-14-99; 99-O-37 §5, 08-12-99; Ord. No. 99-O-66 §11, 08-24-00; Ord. No. 00-O-67 §3, 11-16-00; Ord. No. 00-O-80 §1, 01-25-01; Ord. No. 02-O-70 §§2–6, 01-16-03; Ord. No. 05-O-79 §1, 12-15-05; Ord. No. 07-O-29 §1, 08-16-07; Ord. No. 09-O-16 §§34-41, 06-04-09; Ord. No. 09-O-29 §6, 08-27-09; Ord. No. 10-O-01 §7-13, 03-04-10; Ord. No. 10-O-19 §§1-2, 07-01-10; Ord. No. 10-O-31 §§8, 9, 10-14-10; Ord. No. 13-O-50 §7, 01-09-14; [Ord. No. 14-O-62 §3, 01-15-15; Ord. No. 17-O-10 §3, 05-04-17]

CHART 2. MINIMUM LOT REQUIREMENTS, MINIMUM YARD REQUIREMENTS AND LAND USE INTENSITY RATIOS.

Chart 2
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	Minimum Lot Requirements		Minimum Yard Requirements[5, 17, 25]					Land Use Intensity Ratios			
DISTRICT AND USE	Area (Sq. Ft.)	Width (Ft.)	Front (Ft.)	Side (Ft.)	Rear (Ft.)	Maximum Height[16] (Ft.)	Maximum Gross Density[2] (D.U./Acre)	Maximum F.A.R.	Minimum L.S.R.	Minimum O.S.R.	Maximum Lot Coverage (percent)
RS-15 DISTRICT											
1. Dwellings and other uses permitted	15,000	75[12]	40	12.5	30	35	2.9	none	none	none	25
RS-12 DISTRICT											
1. Dwellings and other uses permitted	12,000	70[12]	35	10	25	35	3.63	none	none	none	25
RS-10 DISTRICT											
1. Dwellings and other uses permitted	10,000	65[12]	35	10	25	35	4.4	none	none	none	25
RS-8 DISTRICT											
1. Dwellings and other uses permitted	8,000	55[12]	30[1]	5[10]	20	35	5.4	none	none	none	30
RS-4 DISTRICT											
1. Dwellings and other uses permitted	4,000	40[12]	25[1]	5	20	35	10.8	none	none	none	40
R-D DISTRICT											
1. Single-family detached dwellings and other uses permitted except	8,000	55[12]	30[1]	5[10]	25	35	5.4	none	none	none	30
2. Two-family dwellings	8,000	55[12]	30[1]	5[10]	25	35	10.9	none	none	none	30
3. Single-family with zero lot line[7]	4,000	27[12]	30	10[7]	25	35	10.9	0.3	0.48	0.7	none
RM-12 DISTRICT											
1. Single-family detached dwellings and other uses permitted except	7,500	50[12]	30[1]	5[10]	25	35	5.8	none	none	none	30
2. Two-family dwellings	7,500	50[12]	30[1]	5[10]	25	35	11.6	none	none	none	30
3. Three-family dwellings	11,250	50[12]	30[1]	5[10]	25	35	11.6	none	none	none	30
4. Four-family dwellings	15,000	50[12]	30[1]	5[10]	25	35	11.6	none	none	none	30
5. Single-family with zero lot line[7] attached or detached	3,750	18[12]	30[1]	10[7]	25	35	11.6	none	none	none	none
6. Multiple-family dwellings	FN[14]	50[12]	30[1]	FN[3]	25	45[11]	FN[14]	none	none	none	none

Chart 2
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DISTRICT AND USE	Minimum Lot Requirements		Minimum Yard Requirements[5, 17, 25]					Land Use Intensity Ratios			
	Area (Sq. Ft.)	Width (Ft.)	Front (Ft.)	Side (Ft.)	Rear (Ft.)	Maximum Height[16] (Ft.)	Maximum Gross Density[2] (D.U./Acre)	Maximum F.A.R.	Minimum L.S.R.	Minimum O.S.R.	Maximum Lot Coverage (percent)
RM-16 DISTRICT											
1. Single-family detached dwellings and other uses permitted except	6,000	50[12]	30[1]	5[10]	25	35	7.3	none	none	none	35
2. Two-family dwellings	6,000	50[12]	30[1]	5[10]	25	35	14.5	none	none	none	35
3. Three-family dwellings	9,000	50[12]	30[1]	5[10]	25	35	14.5	none	none	none	30
4. Four-family dwellings	12,000	50[12]	30[1]	5[10]	25	35	14.5	none	none	none	30
5. Single-family with zero lot line[7]	3,000	18[12]	30[1]	10[7]	25	35	14.5	none	none	none	none
6. Multiple-family dwellings	FN[9]	50[12]	30[1]	FN[3]	25	45[11]	FN[9]	none	none	none	none
RM-22 DISTRICT											
1. Single-family detached dwellings and other uses permitted except	5,000	50[12]	30[1]	5[10]	25	35	8.7	none	none	none	35
2. Two-family dwellings	5,000	50[12]	30[1]	5[10]	25	35	17.4	none	none	none	35
3. Three-family dwellings	7,500	50[12]	30[1]	5[10]	25	35	17.4	none	none	none	30
4. Four-family dwellings	10,000	50[12]	30[1]	5[10]	25	35	17.4	none	none	none	30
5. Single-family with zero lot line[7]	2,500	18[12]	30[1]	10[7]	25	35	17.4	none	none	none	none
6. Multiple-family dwellings	FN[8]	50[12]	30[1]	FN[3]	25	60	FN[8]	none	none	none	none
RZ DISTRICT											
1. Single-family detached and single-family with zero-lot line attached or detached	3,000	30[12]	30[1]	5	20	35	14.5	0.3	0.48	0.7	none
2. Other uses permitted	6,000	30[12]	30[1]	10	20	35	none	none	none	none	35
R-MO DISTRICT											
1. Mobile homes	4,000	40[12]	25[1]	10	15	12	10.9	none	none	none	none

Chart 2
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Revised: 04-20-17

DISTRICT AND USE	Minimum Lot Requirements		Minimum Yard Requirements[5, 17, 25]					Land Use Intensity Ratios			
	Area (Sq. Ft.)	Width (Ft.)	Front (Ft.)	Side (Ft.)	Rear (Ft.)	Maximum Height[16] (Ft.)	Maximum Gross Density[2] (D.U./Acre)	Maximum F.A.R.	Minimum L.S.R.	Minimum O.S.R.	Maximum Lot Coverage (percent)
CM-R DISTRICT											
1. Single-family detached	5,000	50[12]	30[1]	10	20	35	8.7	none	none	none	none
2. Two-family dwellings	5,000	50[12]	30[1]	10	20	35	16	none	none	none	none
3. Single-family with zero lot line[7]	2,500	25[12]	30[1]	10	20	35	16	none	none	none	none
4. Townhouse dwellings[10]	2,500	18[12]	30[1]	10	20	35	16[9]	0.3	0.48	0.7	none
5. Four-family dwellings	15,000	50[12]	30[1]	5[10]	25[4]	35	11.6	none	none	none	30
6. Medical offices, clinics, and other related uses	none	50[12]	30[1]	10	20	60	none	none	none	none	none
CM DISTRICT											
1. Medical offices, clinics, and other related uses	none	50[12]	30[1]	10	20	60	none	none	none	none	none
CM-RS-8 DISTRICT											
1. Single-family detached	8,000	50[12]	30[1]	10	20	35	5.4	none	none	none	none
2. Medical offices, clinics, and other related uses	none	50[12]	30[1]	10	20	60	none	none	none	none	none
OG-R DISTRICT											
1. Offices and other uses except	5,000	50[12]	30[1]	10	20	35	none	0.3	0.28	0.6	none
2. Single-family detached	5,000	50[12]	30[1]	10	20	35	8.7	none	none	none	none
3. Two-family dwellings	5,000	50[12]	30[1]	10	20	35	17.4	none	none	none	none
4. Three-family dwellings	7,500	50[12]	30[1]	10	20	35	17.4	none	none	none	30
5. Four-family dwellings	12,000	50[12]	30[1]	10	20	35	14.5	none	none	none	30
6. Single-family with zero lot line[7]	2,500	25[12]	30[1]	10	20	35	17.4	none	none	none	none
OG DISTRICT											
1. Offices and other uses	5,000	50[12]	30[1]	10	20	35	none	0.3	0.28	0.6	none

Chart 2
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Revised: 04-20-17

DISTRICT AND USE	Minimum Lot Requirements: Area (Sq. Ft.)	Minimum Lot Requirements: Width (Ft.)	Minimum Yard Requirements[5, 17, 25]: Front (Ft.)	Minimum Yard Requirements[5, 17, 25]: Side (Ft.)	Minimum Yard Requirements[5, 17, 25]: Rear (Ft.)	Maximum Height[16] (Ft.)	Maximum Gross Density[2] (D.U./Acre)	Land Use Intensity Ratios: Maximum F.A.R.	Land Use Intensity Ratios: Minimum L.S.R.	Land Use Intensity Ratios: Minimum O.S.R.	Maximum Lot Coverage (percent)
CL DISTRICT											
1. All commercial uses except	none	none[13]	42	10[6]	20	35	none	none	none	none	none
2. Single-family detached dwellings	7,500	50[12]	30[1]	5[10]	25	35	5.8	none	none	none	30
3. Two-family dwellings	7,500	50[12]	30[1]	5[10]	25	35	11.6	none	none	none	30
4. Three-family dwellings	11,250	50[12]	30[1]	5[10]	25	35	11.6	none	none	none	30
5. Four-family dwellings	15,000	50[12]	30[1]	5[10]	25	35	11.6	none	none	none	30
6. Single-family with zero lot line attached or detached	3,750	18[12]	30[1]	10[7]	25	35	11.6	0.3	0.48	0.7	none
CF DISTRICT											
1. All uses	none	none[13]	42	10[15]	20[15]	45	none	none	none	none	none
CH DISTRICT											
1. All uses	none	none[13]	42	10[6]	20	75	none	none	none	none	none
MU DISTRICT											
1. Multiple family dwellings	5 acres	100[20]	15[21]	10[22]	20[23]	75	25[24]	none	none	none	none
2. All commercial uses except mixed use	none	100[20]	15[21]	10[22]	20[23]	150	none	none	none	none	none
3. Mixed uses (vertical mix)	none	100[20]	15[21]	10[22]	20[23]	150	25[24]	none	none	none	none
CBD DISTRICT											
1. All uses except	none	none[13]	none	none	none	75	none	none	none	none	none
2. Multiple-family dwellings	none	none[13]	none	none	none	75	FN[8]	none	none	none	none
H-I DISTRICT											
1. All uses	none	50[13]	42	10	20	75	none	none	none	none	none
L-I DISTRICT											
1. All uses	none	50[13]	42	10	20	75	none	none	none	none	none
CU DISTRICT											
1. Single-family detached	10,000	65[12]	35	10	20	35	4.4	none	none	none	25
2. Two-family dwellings	10,000	65[12]	35	10	20	35	8.7	none	none	none	25
3. Three-family dwellings	15,000	65[12]	35	10	20	35	8.7	none	none	none	25
4. Four-family dwellings	20,000	65[12]	35	10	20	35	8.7	none	none	none	25
5. Multiple-family dwellings	25,000	65[12]	35	10[3]	20[4]	35	FN[9]	0.35	0.45	0.65	none
6. Educational institutions and other uses	25,000	65[12]	35	10	20	35	none	0.3	0.28	0.6	none
P DISTRICT											
1. All uses permitted	none	none[13]	none	none	none	none	none	none	none	none	none

Chart 2
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DISTRICT AND USE	Minimum Lot Requirements		Minimum Yard Requirements[5, 17, 25]					Land Use Intensity Ratios			
	Area (Sq. Ft.)	Width (Ft.)	Front (Ft.)	Side (Ft.)	Rear (Ft.)	Maximum Height[16] (Ft.)	Maximum Gross Density[2] (D.U./Acre)	Maximum F.A.R.	Minimum L.S.R.	Minimum O.S.R.	Maximum Lot Coverage (percent)
CL DISTRICT in CCO district											
1. All commercial uses	none	none[13]	5	5[6]	20	35	n/a	none	none	none	none
2. Single-family detached dwellings	7,500	30[12]	10[1]	5	25	35	5.8	none	none	none	35
3. Two-family dwellings	7,500	30[12]	10[1]	5	25	35	11.6	none	none	none	35
4. Three-family dwellings	11,250	30[12]	10[1]	5	25	35	11.6	none	none	none	35
5. Four-family dwellings	15,000	30[12]	10[1]	5	25	35	11.6	none	none	none	35
6. Single-family with zero lot line attached or detached	3,750	18[12]	10[1]	10[7]	25	35	11.6	none	none	none	none
7. Multiple-family dwellings	FN[14]	50[12]	10	FN[18]	20	45[11]	FN[14]	none	none	none	none
CH DISTRICT in CCO district											
1. All commercial uses	none	none[13]	5	0	20	75	n/a	none	none	none	none
2. Single-family detached dwellings	2,000	20[12]	10	5	20	35	21.7	none	none	none	45
3. Two-family dwellings	4,000	25[12]	10	5	20	35	21.7	none	none	none	45
4. Three-family dwellings	6,000	30[12]	10	5	20	35	21.7	none	none	none	45
5. Four-family dwellings	8,000	30[12]	10	5	20	35	21.7	none	none	none	45
6. Single-family with zero lot line attached or detached	2,000	20[12]	10	5[7]	25	35	21.7	none	none	none	none
7. Multiple-family dwellings	FN[8]	50[12]	10	FN[18]	20	60	FN[8]	none	none	none	none

Chart 2 Endnotes. Minimum Lot Requirements, Minimum Yard Requirements and Land Use Intensity Ratios.

1. The minimum yard set forth on Chart 2 shall be required unless the property abuts a major arterial road identified as such by the Murfreesboro Major Thor-oughfare Plan as adopted and as it may be amended from time to time, in which case the minimum front yard for a residential structure shall be that set forth on Chart 2 plus an additional ten feet.
2. Multiple family developments with more than seventy-five dwelling units shall provide a drive-up external commercial grade garbage compactor for use by a commercial garbage hauler as the preferred means of solid waste management.
3. The size of the required side yard shall be ten feet for single story buildings that are perpendicular to the side lot line and twenty feet for two story structures plus an additional five feet for each story over two. The size of the required side yard shall be twenty feet for one and two story buildings that are running parallel with the side lot line plus five feet for each additional story over two.
4. For four-family buildings in the CM-R district and for multiple-family buildings in the CU district, the size of the required rear yard shall be at a minimum as speci-fied in Chart 2 for those districts plus five feet for each additional story over two.
5. A corner lot used for single-family purposes shall have two front yards and two side yards (no rear yard). A corner lot used for nonsingle-family purposes shall have two front yards, one side yard, and one rear yard.
6. The minimum side yard shall apply only if the property abuts or is adjacent to property zoned or used for residential purposes or the residential portion of an approved planned development. Otherwise, no side yard is required.
7. In all districts where permitted, zero-lot line developments may have one zero-side yard and shall conform to the requirements of Section 33 of Appendix A - Zoning.
8. In calculating the density permitted for property in the RM-22 district and the CH district that is within the City Core Overlay (CCO) district, the following rules shall apply:

   (a) Developments of less than one acre shall have no less than two thou-sand five hundred square feet of lot area per dwelling unit.

   (b) Developments of one acre or more may have twenty-two dwelling units per acre.

   (c) When in calculating the total units permitted if a fraction of a unit results any fraction over one-half (0.500) shall permit an additional unit, but not when the fraction is one-half (0.500) or less.
9. In calculating the density permitted for property in the RM-16 district, the follow-ing rules shall apply:

(a) Developments of less than one acre shall have no less than three thou-sand square feet of lot area per dwelling unit.

(b) Developments of one acre or more may have sixteen dwelling units per acre.

(c) When in calculating the total units permitted if a fraction of a unit results any fraction over one-half (0.500) shall permit an additional unit, but not when the fraction is one-half (0.500) or less.

10. In the RS-8, RD, RM-12, RM-16, RM-22, CM-R, and CL districts where the mini-mum side yard shall be five feet on one side of the structure, the sum of the two side yards shall be no less than fifteen feet.

11. Buildings for multiple-family dwellings in the RM-12 and RM-16 districts may have a maximum height of 45 feet as defined by Appendix A - Zoning provided that no such building shall have more than three (3) stories.

12. In the RS-15, RS-12, RS-10, RS-8, RS-4, RD, RM-12, RM-16, RM-22, RZ, R-MO, CM-R, CM, CM-RS-8, OG-R, OG, and CU districts and for non-commercial uses in the CL district and the CL and CH distractions within the City Core Overlay (CCO), flag lots may be allowed as warranted by physical conditions or topogra-phy, existing lot pattern, unusual size or shape of the parcels or as approved by the Planning Commission. The narrow strip of land connecting the main portion of a flag lot to the street shall be not less than thirty feet wide at any point. The narrow portion (the flag pole) shall not be considered to satisfy the minimum lot area requirement of the zoning district.

13. In the CF, CH, CBD, P, L-I, and H-I districts and for commercial uses in the CL district and CL and CH districts within the City Core Overlay (CCO), flag lots may be allowed as warranted by physical conditions of land form, existing lot pattern, unusual size or shape of the parcels or as approved by the Planning Commis-sion. The narrow strip of land connecting the main portion of a flag lot to the street shall be not less than thirty feet wide at any point. The narrow portion (the flag pole) shall not be considered to satisfy the minimum lot area requirement of the zoning district. Provided, however, no lot shall be permitted along a major ar-terial road identified as such by the Murfreesboro Major Thoroughfare Plan as adopted and as it may be amended from time to time, which identified functional classification of streets, unless the lot has a minimum street frontage of fifty feet.

14. In calculating the density permitted for property in the RM-12 district and the CL district that is within the City Core Overlay (CCO) district, the following rules shall apply:

(a) Developments of less than one acre shall have no less than three thou-sand seven hundred fifty square feet of lot area per dwelling unit.

(b) Developments of one acre or more may have twelve dwelling units per acre.

(c) When in calculating the total units permitted if a fraction of a unit results any fraction over one-half (0.500) shall permit an additional unit, but not when the fraction is one-half (0.500) or less.

15. In the CF district, the minimum side yard or rear yard setback shall be as speci-fied in Chart 2 unless the property abuts property in the RS, RD, RZ, or PRD classification or the residential portion of land zoned in the PUD classification, in which case, the minimum setback shall be twenty-five feet from the common property line of the property in the RS, RD, RZ, or PRD classification or the resi-dential portion of land zoned in the PUD classification.

16. Ornamental towers for churches in the RS-15, RS-12, RS-10, RS-8, RS-4, R-D, RM-12, RM-16, RM-22, R-MO, RZ, CM, CM-R, OG, CL, CF, and CU zones shall be permitted a maximum height of seventy feet. Plans for ornamental towers shall be prepared by an engineer registered in the State of Tennessee and de-signed in accordance with the Standard Building Code.

17. The minimum front yard set forth on Chart 2 shall be measured from the existing front lot line, unless the property abuts a street or streets identified in the Murfreesboro Major Thoroughfare Plan as adopted and as it may be amended from time to time as requiring roadway widening, in which case the minimum front setback line shall be measured from the future right(s)-of-way according to the appropriate street cross-section identified in the Murfreesboro Major Thor-oughfare Plan for that street. No off-street on-site parking or landscaping re-quired by Appendix A - Zoning or any sign regulated by Murfreesboro City Code Chapter 25¼ shall be located in the area between the existing street and the fu-ture right(s)-of-way.

18. The size of the required side yard shall be ten feet for single and two story build-ings that are perpendicular to the side lot line plus an additional five feet for each story over two. The size of the required side yard shall be ten feet for single story buildings that are running parallel with the side lot line and twenty feet for two story buildings that are running parallel with the side lot line plus five feet for each additional story over two.

19. Reserved.

20. The minimum width set forth on Chart 2 for the MU district shall be required un-less the property abuts a major arterial, minor arterial, or collector street identified as such by the Murfreesboro Major Thoroughfare Plan as adopted and as it may be amended from time to time in which event the minimum width shall be 200 feet.

21. The minimum front yard set forth on Chart 2 for the MU district shall be required unless the property abuts a major arterial, minor arterial, or collector street identi-fied as such by the Murfreesboro Major Thoroughfare Plan as adopted and as it may be amended from time to time in which event the minimum front yard shall be 50 feet.

22. The size of the required side yard for the MU district shall be 10 feet unless the property abuts property zoned for single-family purposes in which event the side yard shall be 20 feet plus 10 additional feet for each story over two.

23. The size of the required rear yard for the MU district shall be 20 feet unless the property abuts property zoned for single family purposes in which event the rear yard shall be 20 feet plus 10 additional feet for each story over two.

24. Developments located in the MU (Mixed Use) district shall be allowed a maxi-mum gross density of 25 dwelling units per acre. When calculating the total units permitted if a fraction of a unit results, any fraction over one-half (0.500) shall permit an additional unit but not when the fraction is one-half (0.500) or less.

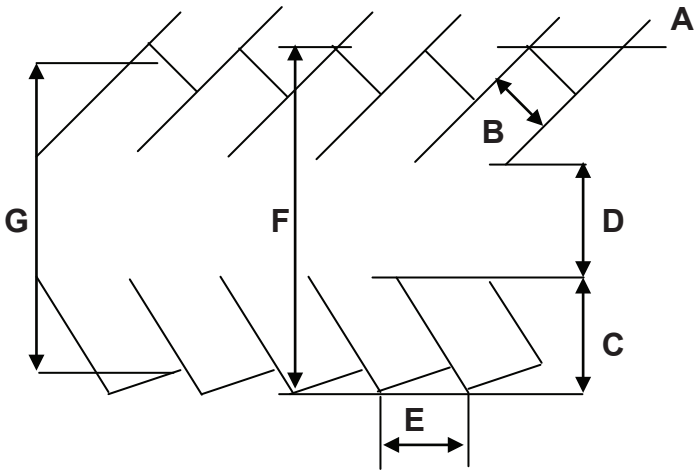
25. Canopies covering gasoline pump islands may extend to within three feet of the property line, provided the support columns are set back fifteen feet from the property line.

[Ord. No. 85-4 §1, 01-03-85; Ord. No. 87-25 §4, 05-14-87; Ord. No. 90-20 §4, 04-26-90; Ord. No. 90-40 §2, 09-20-90; Ord. No. 91-28 §§3, 4, 05-31-91; Ord. No. 91-29 §1, 05-30-91; Ord. No. 91-39 §2, 07-25-91; Ord. No. 91-53 §§5, 6, 11-07-91; Ord. No. 92-3 §§1–4, 01-15-92; Ord. No. 92-5 §5, 01-23-92; Ord. No. 92-10 §4, 01-30-92; Ord. No. 94-O-30 §10, 07-28-94; Ord. No. 95-O-48 §11, 09-14-95; Ord. No. 95-O-49 §§2, 3, 09-14-95; Ord. No. 95-O-59 §§3, 6–8, 11-09-95; Ord. No. 96-O-07 §4, 03-07-96; Ord. No. 98-O-61 §2, 01-14-99; Ord. No. 99-O-20 §1, 06-03-99; Ord. No. 99-O-37 §6, 08-12-99; Ord. No. 00-O-80 §§1, 3, 5, 01-25-01; Ord. No. 04-O-68 §3, 12-16-04; Ord. No. 05-O-79 §11, 12-15-05; Ord. No. 09-O-16 §§42-44, 06-04-09; Ord. No. 11-O-34 §4, 12-15-11; Ord. No. 12-O-34 §§3-5, 12-20-12; Ord. No. 12-O-35 §§3-4, 01-10-13; Ord. No. 13-O-50 §§8, 9, 01-09-14; Ord. No. 14-O-62 §3, 01-15-15; Ord. No. 17-O-10 §5, 05-04-17]

CHART 3. PARKING SPACE AND AISLE DESIGN REQUIREMENTS.

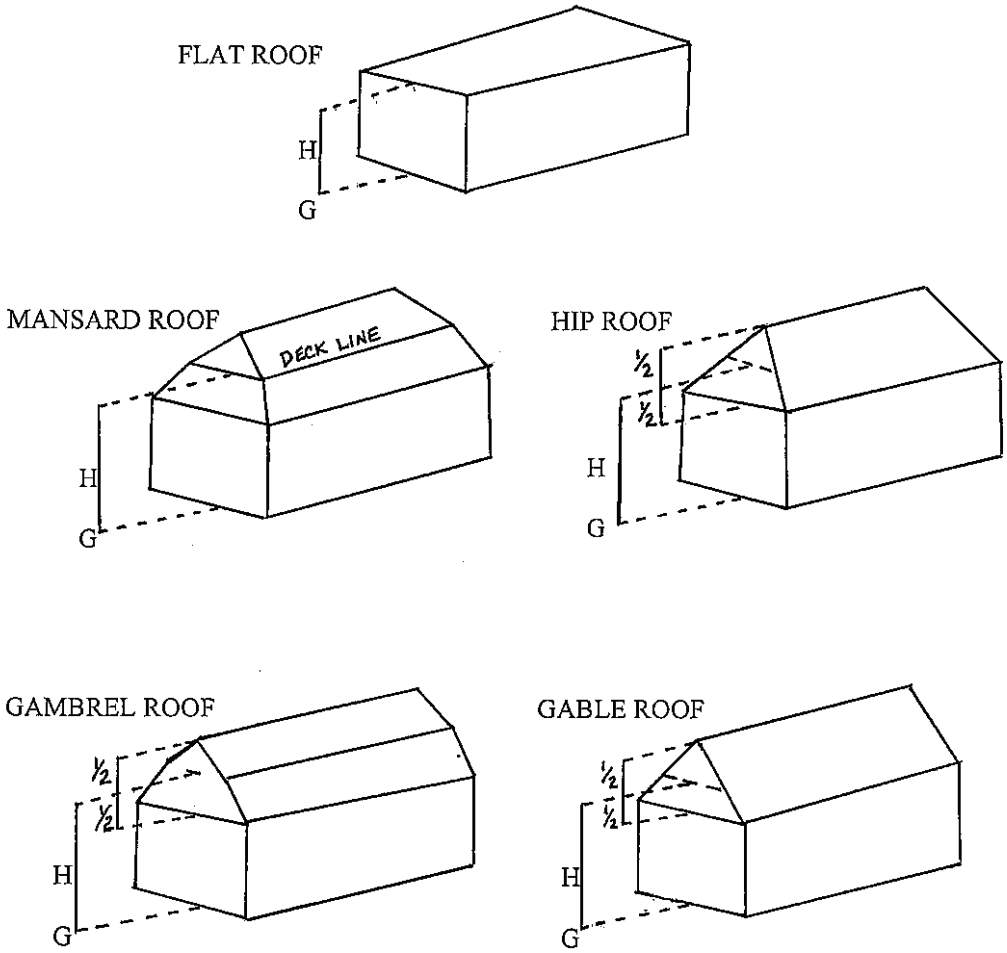
A	B	C	D	E	F	G
0	8.5	9.0	11.0	23.0	30.0	—
0	9.0	9.0	11.0	23.0	30.0	—
20	8.5	15.0	11.0	26.3	41.0	32.5
20	9.0	15.0	11.0	26.3	41.0	32.5
30	8.5	16.9	11.0	17.0	44.8	37.5
30	9.0	17.3	11.0	18.0	45.6	37.8
45	8.5	19.4	13.5	12.0	52.3	46.3
45	9.0	19.8	13.0	12.7	52.5	46.5
60	8.5	20.7	18.5	9.8	59.9	55.8
60	9.0	21.0	18.0	10.4	60.0	55.5
70	8.5	20.8	19.5	9.0	61.0	58.0
70	9.0	21.0	19.0	9.6	61.0	57.9
80	8.5	20.2	22.0	8.6	62.4	60.9
80	9.0	20.3	22.0	9.1	62.6	61.0
90	8.5	19.0	22.0	8.5	60.0	60.0
90	9.0	19.0	22.0	9.0	60.0	60.0
90	10.0	18.0	24.0	10.0	60.0	60.0

A Parking Angle (Degrees)
B. Stall Width
C. 19 Foot Stall to Curb
D. Aisle Width
E. Curb Length Per Car
F. Center to Center Width of Double Row with Aisle Between
G. Curb to Curb Stall Center



[Ord. No. 14-O-61 §1, 01-15-15]

FIGURE 1. ILLUSTRATION OF BUILDING HEIGHT.



Legend

H = Height of Building

G = Grade

[Ord. No. 03-O-53 §3, 01-08-04]

FIGURE 2. **ILLUSTRATION OF REQUIRED YARDS.**

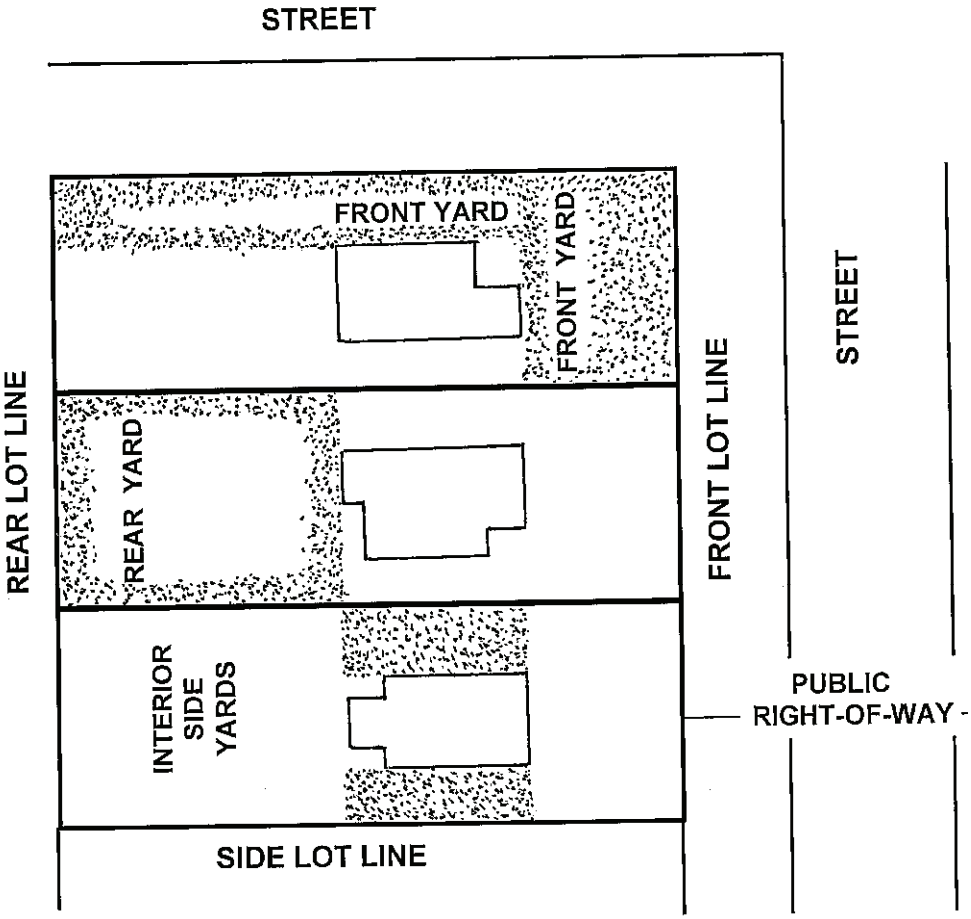
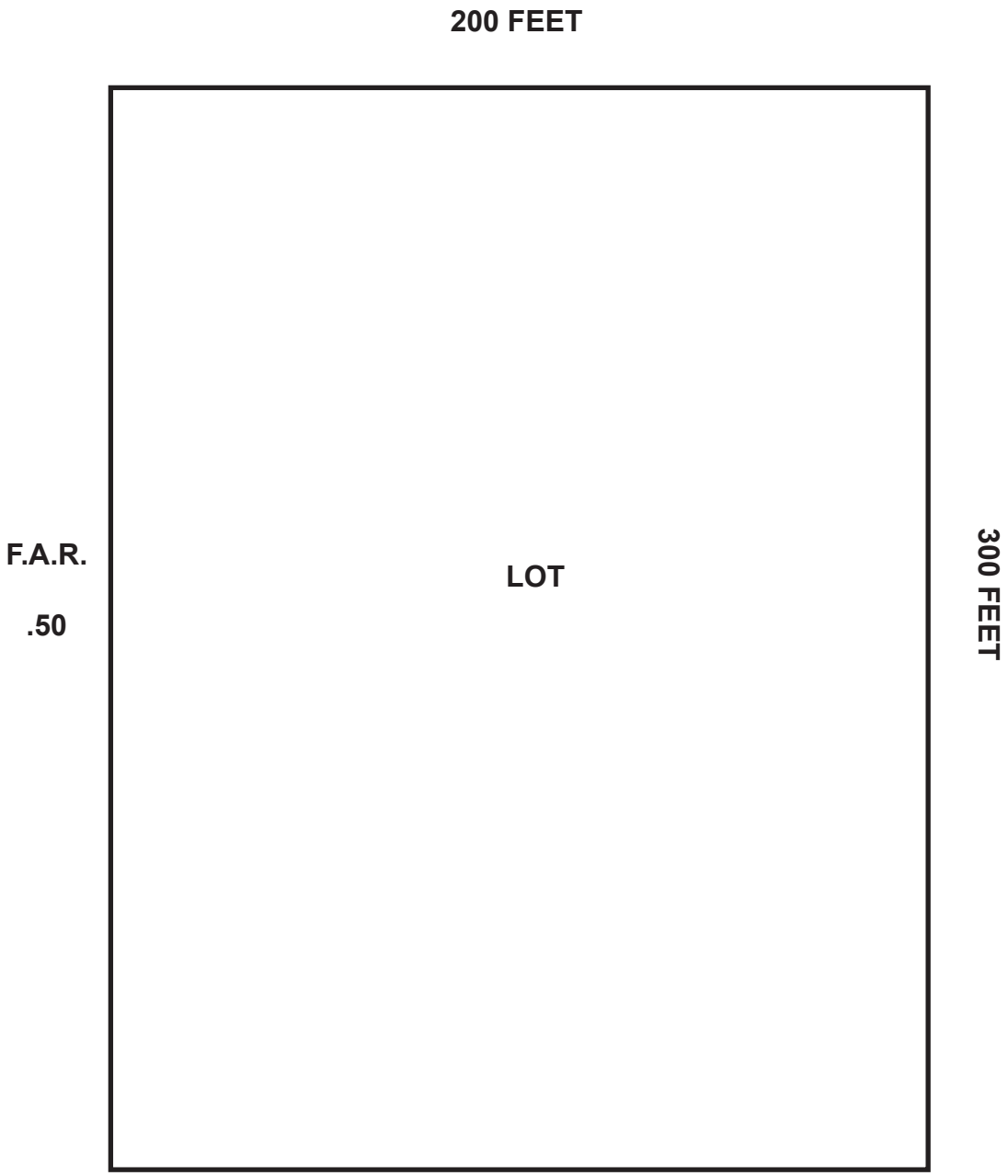


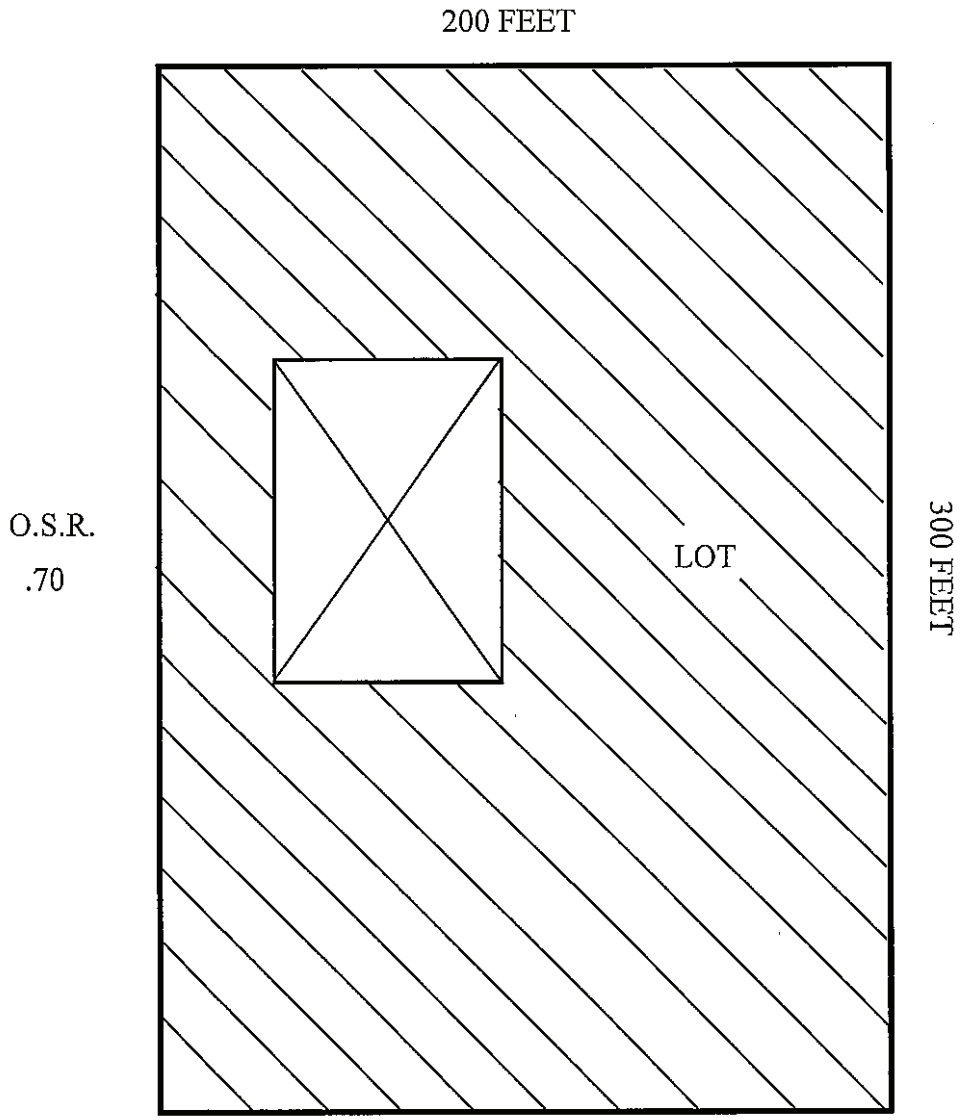
FIGURE 3. ILLUSTRATION OF FLOOR AREA RATIO (F.A.R.).



To determine maximum allowable total floor area on a lot:
Multiply F.A.R. x lot area = maximum total floor area

Example: .50 x 60,000 sq. ft. = 30,000 sq. ft. floor area

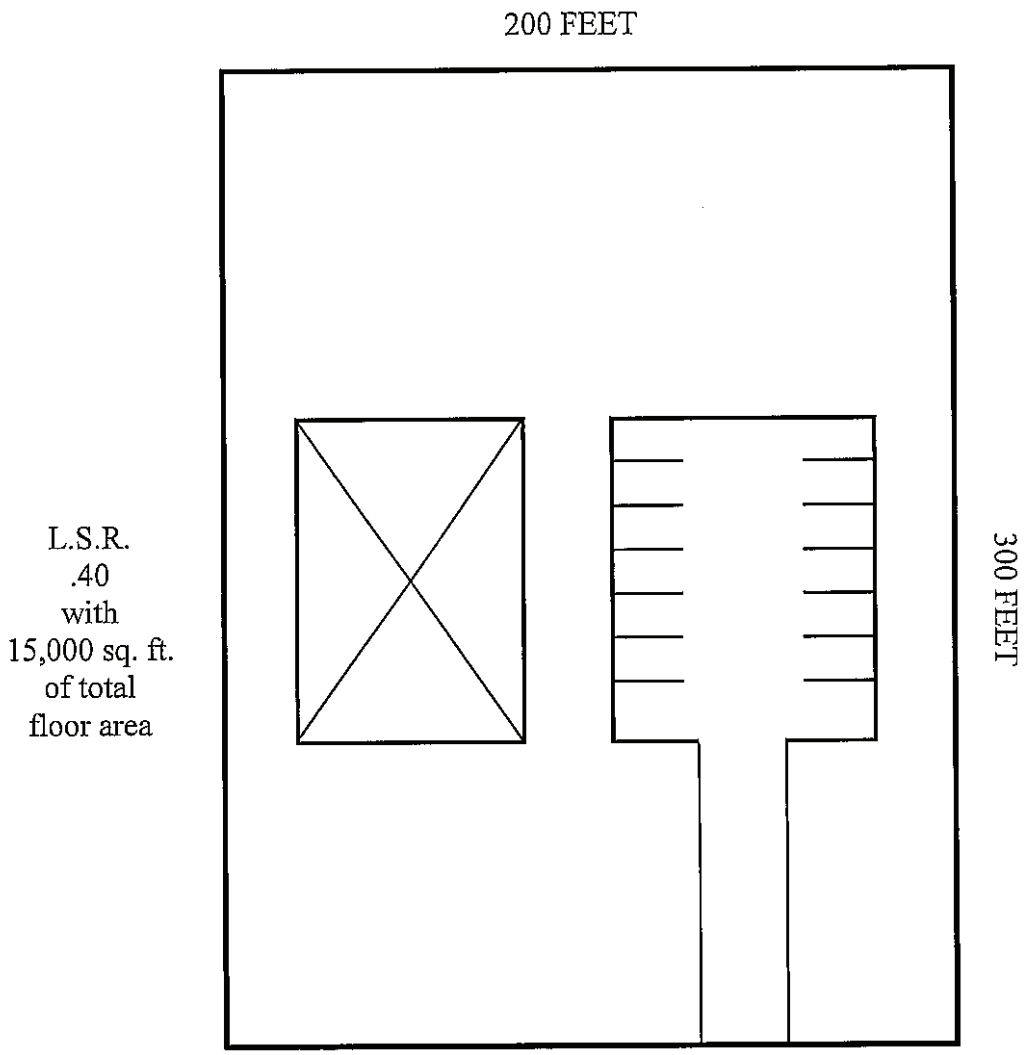
FIGURE 4. ILLUSTRATION OF OPEN SPACE RATIO (O.S.R.).



To determine maximum building coverage on a lot:
Multiply O.S.R. x lot area and subtract from lot area

Example: . 70 x 60,000 sq. ft. = 42,000 sq. ft.
60,000 sq. ft. - 42,000 sq. ft. = 18,000 sq. ft.
for maximum building coverage

FIGURE 5. ILLUSTRATION OF LIABILITY SPACE RATIO (L.S.R.).



To determine maximum livability or nonvehicular open space on a lot with 15,000 sq. ft. of total floor area:

Multiply L.S.R. x lot area

Example: .40 x 60,000 sq. ft. = 24,000 sq. ft.
60,000 sq. ft. — 15,000 sq. ft. = 45,000 sq. ft.
45,000 sq. ft. — 21,000 sq. ft* = 24,000 sq. ft.
of livability space

* for vehicular uses

TABLE 1. ADJACENT AND PROPOSED DISTRICTS.

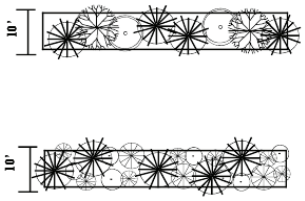
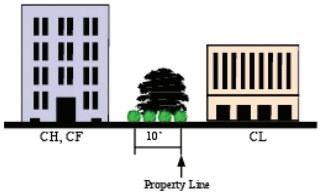
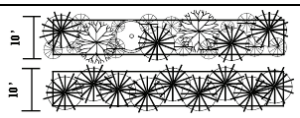
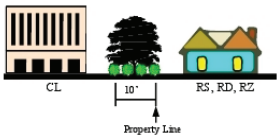
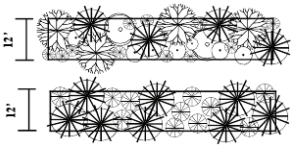
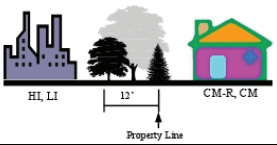
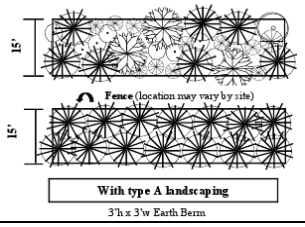
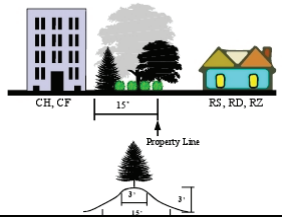
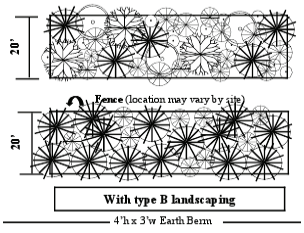
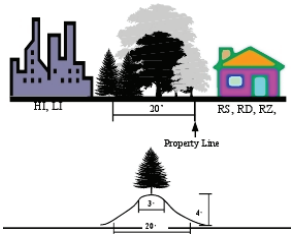
TABLE 1

ADJACENT DISTRICT

PROPOSED DISTRICT	RS R-D/RZ	RM	R-MO	CM-R/CM CM-RS-8 OG-R/OG	CL	CH / CF / MU	CU	H-I / L-I	P
RS / R-D / RZ Single-family detached, attached, zero lot line, and two family	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
RM Three, four, five family and greater	C	N/A[1]	C	A	A	A	A	A	A
R-MO Mobile homes	C	A	N/A	A	A	A	A	A	B
CM-R / CM / OG-R / OG / CM-RS-8 Medical offices, clinics, offices *Except single-family and two family uses	B	A	A	N/A[1]	A[1]	A	A[1]	A	B
CL Commercial uses *Except single-family and two family uses	B	A	A	A[1]	N/A[1]	A	A[1]	A	B
CH / CF / MU Commercial uses	D	C	C	A[1]	A[1]	N/A	A	A	C
CU Educational institutions *Except single-family and two family uses	C	A	A	A[1]	A[1]	A	N/A[1]	A	A
H-I / L-I Industrial uses	E	D	D	C	A	A	A	N/A	D
P Parks *All of the uses	A	A	A	A	A	A	A	A	N/A

Footnote: [1] If single family or two family exists use Type B.
[2] CBD Exempt.

TABLE 2. BUFFER ZONE REQUIREMENTS.

TYPE	ADJACENT LAND USES		TYPICAL PLAN VIEWS – 100-FOOT SEGMENTS *(not to scale)*	
	PROPOSED	**EXISTING**		
A	CH, CF, MU	CM, CM-R, CM-RS-8 OG-R, OG CL, CU, H-I L-I, P		
	CL	RM, R-MO, CM, CM-R CM-RS-8, OG-R, OG, CH CF, CU, H-I, L-I, P, MU		
	CU	RM, R-MO, CM, CM-R CM-RS-8, OG-R, OG, CH CF, H-I, L-I, P, MU		
	H-I – L-I	CL, CH, CF, CU, MU		
	CM, CM-R, CM-RS-8 OG-R, OG	RM, R-MO, CL, CH CF, CU, H-I, L-I, P, MU		
	RM	CM, CM-R, CM-RS-8, OG-R, OG CL, CH, CF, CU, H-I, L-I, P, MU		
	R-MO	RM, CM, CM-R, CM-RS-8, OG-R OG, CL, CF, CH H-I, L-I, P, MU		
B	CL	RS, R-D, RZ		
	CM, CM-R, CM-RS-8 OG-R, OG	RS, R-D, RZ		
C	CH, CF, MU	RM, R-MO		
	CU	RS, R-D, RZ		
	H-I, L-I	CM, CM-R, CM-RS-8 OG-R, OG		
	R-MO	RS, R-D, RZ, RM		
	RM	RS, R-D, RZ, R-MO		
D	CH, CF, MU	RS, R-D, RZ		
	H-I, L-I	RM, R-MO, P		
E	H-I, L-I	RS, R-D, RZ		

KEY

Shade Tree: A large tree growing to over 40' in height at maturity, usually deciduous, that is planted to provide canopy cover shade. **Minimum 2 ½ - 3 inch caliper at planting.**

Ornamental Tree: A small to medium tree, growing 15' to 40' in height at maturity, that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage. **Minimum 1 ½ inch caliper at planting**.

Evergreen Tree: A tree having foliage that remains green throughout the year, that is planted for aesthetic or screening purposes. **Minimum 6 ft. ht. at planting**.

Large Shrub: An upright plant growing 10' to 20' in height at maturity that is planted for ornamental or screening purposes. **Minimum 3 ft. ht. at planting**.

Medium Shrub: A plant growing 5' to 10' in height at maturity that is planted for ornamental or screening purposes. **Minimum 2 ft. ht. at planting.**

Small Shrub: A plant growing to less than 5' in height at maturity that is planted for ornamental or screening purposes. **Minimum 18 in. at planting.**

Evergreen Shrub: A shrub having foliage that remains green throughout the year, that in this instance is planted for screening purposes. **Minimum 4 ft. at planting**.