ORDINANCE 13-O-65 amending the Murfreesboro City Code, Chapter 22—Planning Commission, creating Section 22-15, designating the Planning Commission the City's design review commission.

WHEREAS, the high-quality of development within the City's "Gateway" area is a result, at least in part, of the requirements and procedures of the Gateway Design Overlay District provisions which were added to the City Zoning Ordinance in 2004; and,

WHEREAS, the City desires to encourage a high standard for commercial, industrial, and multifamily development throughout the City; and,

WHEREAS, the City of Murfreesboro continues to be one of the fastest growing cities in the Southeast; and,

WHEREAS, the City is home to the largest undergraduate-enrollment university in the state; and,

WHEREAS, the City is home to numerous historically significant locations, including but not limited to the Stones River Battlefield, Oaklands, Murfree Spring, the East Main Historic District, and the Maney Avenue Historic District; and,

WHEREAS, the City desires to assure preservation of its past while encouraging continued growth in an orderly, aesthetically pleasing, and economically successful manner.

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

SECTION 1. Chapter 22, Planning Commission, of the Murfreesboro City Code is hereby amended by adding thereto Section 22-15, Design Guidelines, as follows:

SECTION 22-15   DESIGN GUIDELINES.

As authorized by T.C.A. Sec. 6-54-133, the Murfreesboro Planning Commission is designated the City's design review commission, with the authority to develop and adopt general guidelines for the exterior appearance of nonresidential property, multiple family residential property, and any entrance to a nonresidential development within the City of Murfreesboro.

(A) The Planning Commission may develop and adopt exterior appearance guidelines that are applicable throughout the City as well as exterior appearance guidelines that are applicable only to limited, specified zones or areas within the City.

(B) In adopting exterior appearance guidelines, the Murfreesboro Planning Commission should:

(1) encourage high quality development as a strategy for investing in the future of the City and all its residents;

(2) recognize the need for such guidelines to be realistic in a competitive economic environment;

(3) recognize and support the historical features and amenities within the City and to minimize to the extent reasonably practicable the negative effects of developments in proximity to them;

(4) require materials that are appropriate to the geography and climate of Middle Tennessee;

(5) provide for environmentally responsible materials and design elements;

(6) consider different requirements for design elements (e.g. roof lines, wall spans, window styles and locations) for buildings based on their size and use;

(7) require foundation designs and treatments that produce a sense of stability and balance;

(8) maintain and enhance the quality of life for Murfreesboro's citizens;

(9) reinforce civic pride through appropriate developments;

(10) increase awareness of aesthetic, social and economic values;

(11) recognize and enhance the natural environmental features in and around the City and to minimize to the extent reasonably practicable the negative effects of developments on the natural environment;

(12) provide property owners, developers, architects, engineers, builders, business owners and others with a clear and equitable set of regulations and expectations for developing and redeveloping land in Murfreesboro;

(13) enhance the City's sense of place and identity and to contribute to the sustainability and lasting value of the City;

(14) promote and support the reputation of the City and the surrounding area as a place to visit; and

(15) promote the health, safety and welfare of the City and all its inhabitants.

(C)(1) Any property owner affected by the guidelines for exterior appearance may appeal a decision under those guidelines to the City Council. The appeal shall be by a written notice to the City Manager, with a copy to the Planning Director, stating: the guideline at issue; the action desired to be taken (or not to be taken), as the case may be; and, the owner's reasons for seeking relief from the guideline.

(2) The owner shall provide drawings, illustrations, samples, engineer and/or architect support and such other data or materials as are sufficient to illustrate to the City Council the issue involved and the reasons the owner's desired action (or inaction) should be allowed. Cost alone shall not be a basis for non-compliance with a guideline unless the City Council deems the cost difference to be "excessive" in consideration of the costs of the overall project.

(3) The Planning Director may provide additional drawings, illustrations, samples, engineer and/or architect support and such other data or materials as may be appropriate for the City Council to understand the entirety of the situation and render a decision.

(4) The appeal shall be presented to the City Council as soon as the owner and the Planning Director have prepared their respective presentations. Unless there is agreement of both the owner and the Planning Director to extend the deadline, the appeal must be presented to the City Council within 45 days after the notice of appeal is delivered to the City Manager and the Planning Director.

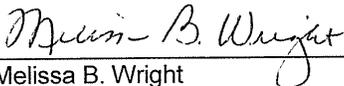(5) The decision of the City Council shall be final and binding.

SECTION 2. That this Ordinance shall take effect fifteen (15) days after its passage upon third and final reading, the public welfare and the welfare of the City requiring it.
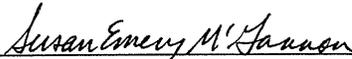
Passed:

1st reading _____December 5, 2013_____

2nd reading _____December 19, 2013_____

3rd reading _____January 9, 2014_____

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Tommy Bragg, Mayor

ATTEST:

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Melissa B. Wright
City Recorder

APPROVED AS TO FORM:

_____
Susan Emery McGannon
City Attorney

SEAL