

Final Draft

City of Murfreesboro

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CHAPTER 1
AUTHORITY—PURPOSE

SECTION 1. Authority.

Act 186 of 1957, as amended by the General Assembly of the State of Arkansas, empowers the city to engage in municipal planning, to adopt plans and ordinances, to regulate land use and development practices, and to provide for the administration, enforcement, and amendment thereof.

SECTION 2. PURPOSE.

A. The City Council of Murfreesboro, Arkansas, deems it necessary for the purpose of promoting the health, safety, morals, and general welfare of the City, to enact zoning regulations.

B. The City Council, pursuant to the provisions of Act 186 of 1957 of the General Assembly, as amended, has established a planning commission that has divided the city into districts and has prepared regulations pertaining to such districts in accordance with the General Plan for Land Use, Streets and Public Facilities, as amended.

C. These zoning regulations are designed: to lessen congestion in the streets; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other public requirements; to stabilize property for values, and to ensure orderly development of the community for the general welfare of the citizen.

D. The Zoning Regulations provide for zoning districts of suitable and harmonious uses with the purpose of conserving the value of building and encouraging the most appropriate use of land in the municipality.

CHAPTER 2 DEFINITIONS

SECTION 1. Definitions.

A. For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows:

1. The word shall is mandatory, the word may is permissive.
2. The word used or occupied includes the words intended, designed, or arranged to be used or occupied.
3. The word lot includes the words plot or parcel.
4. The present tense includes future tense, the singular tense includes the plural tense, and the plural tense includes the singular.

B. For the purpose of these regulations, the following terms or words defined as follows:

- ❖ Accessory Structure. A subordinate structure located on the lot with the principal structure. Where an accessory structure is attached to the principal structure in a subordinate manner, as by a roof, such accessory structure shall be considered as a part of the principal structure. The function, exterior appearance and use of accessory structure shall generally conform to the list of allowed uses for the applicable zoning district.
- ❖ Accessory Use. A use which is customarily incidental to the principal use, as in a garage for the storage of an automobile owned by the occupant of a residence. In a building restricted to residential use, the presence of a one-person office used in a

professional service that ordinarily does not generate customer traffic shall be deemed as accessory use.

- ❖ Alley. A minor or public right-of-way which is used primarily for vehicular service access to the side of property otherwise abutting on a street.

- ❖ Anchoring. A combination of external ties, cables, straps, and ground anchors or alternative systems certified by an engineer used to secure the home to the ground to resist displacement and movement by natural forces.

- ❖ Area. This term refers to the amount of land surface in a lot or parcel.

- ❖ Area Requirement. The yard, lot area, width and depth of a lot, and parking requirement as set forth in a specific district.

- ❖ Arterial Street. Those streets that serve major traffic movement primarily traffic carries between various sections of the community forming a network of through streets. Service to abutting properties and access to these properties are secondary functions. The thoroughfare Plan for the City of Murfreesboro, as maintained by the Arkansas State Highway and Transportation Department, defines the street classifications within the corporate limits.

- ❖ Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-ways, shorelines of waterways, or boundary lines of municipalities.

- ❖ Building Setback. A regulation that establishes the minimum amount of open space to be provided between building or structure and the street right-of-way.

- ❖ Bulk Storage. Facilities, yard or lots used for the storage of goods in large quantities, weather package or in raw form. Such goods to be used as feedstock, raw materials, fuel, or similar purpose.

- ❖ Compounding. The process of combining various materials either through a physical or chemical reaction to produce a product.

- ❖ Commercial Recreations and Entertainment. Business establishment offering the public or private membership the opportunity to take part in indoor and/outdoor activities such as contact sports, billiards, video games, table tennis, movies, plays, performances, dances, music, livestock arenas and related activities. Church and school activities are specifically exempt from this definition.

- ❖ Conditional Use. A use allowed in a zoning district only upon approval by the Planning Commission, and subject to such conditions as are determined to reasonable assure compatibility of appearance and function with other allowed use in that district.

- ❖ Dwelling Unit. A structure or portion thereof providing complete housekeeping facilities for one family. The term shall not be deemed to include motels or rooming houses.

- ❖ Excessive. For the purpose of this Ordinance the term excessive, when used in the context of defining or limiting noise, dust, fumes, odor, vibrations, light or other manifestations, shall be measured at the property line according to the established U.S. Department of Labor – Occupational Safety and Health Administration guidelines for exposure to unprotected workers according to the principles of reasonableness. In the case of noise, when an action on a site creates noises which interfere with ordinary conversation by two individual possessing normal hearing located on an adjoining property the City Building Official is instructed to interpret the noise as excessive. Judgement regarding what continues as objectionable high pitch noise, an unreasonable odor or other “subjective” judgement must be made by the City Building Official or his or her designee, with appeal to the Board of Zoning Adjustment.

- ❖ Existing. The established fact of the use of land or structure at the time of effective date of these regulations.

- ❖ Family. One or more persons occupying premises and living as a single, non-profit housekeeping unit provided that, unless all members are related by blood or marriage, the number of persons shall not exceed five.

- ❖ FEMA. The Federal Emergency Management Agency, the Federal agency issues flood insurance.

- ❖ Floor Area. The sum of the gross horizontal areas of all the floors of a building or buildings measured from the exterior faces of exterior walls or from the center line of walls separating two buildings.

- ❖ HUD Certification Label. A metal plate, issued by the U.S. Department of Housing and Urban Development (HUD) which includes the structure's serial number, that is required to be permanently affixed to the outside of manufactured homes verifying that at the time of manufacture the structure has met federal building code related to the standards of the manufactured home industry; and required of all manufactured after June 15, 1976.

- ❖ HUD Data Plate. A paper label, issued by the U.S. Department of Housing and Urban Development (HUD), that is required to be permanently affixed inside the home in a kitchen cabinet, an electrical panel, or a bedroom closet verifying the structure's serial number, Wind Zone, Snow Load, and Roof Load; and required of all manufactured homes manufactured after June 15, 1976.

- ❖ Installer. Any person, firm or corporation engaged in the business of installing manufacture homes for himself or on behalf of any other person.

- ❖ Light Fabrication. Manufacture and/or assembly of items not involving the excessive generation of noise, odor, vibration, dust or hazard.

- ❖ Lot. A distinct and separate undivided tract or parcel of land having frontage on a public street, which is or in the future may be offered for sale, conveyance, transfer or improvement as a building site.

- ❖ Lot of Record. A lot which is a part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

- ❖ Local Streets. Those streets whose primary function is to provide access to abutting property and upon which traffic movements should be discouraged.

- ❖ Lot, Corner. A lot located at the intersection of an abutting two (2) or more streets.

- ❖ Lot Line. A boundary of a zoning lot.

- ❖ Lot, Zoning. A piece, parcel, or tract of land which is located within a single block fronting on an improved and accepted street, and is occupied or utilized, or designated to be occupied, developed, or utilized as a unit, together with such open spaces as are required by this Ordinance.

- ❖ Manufactured Home. A detached dwelling unit fabricated in an off-site manufacturing facility for installation of assembly at a building site as a permanent residential structure with transport features removed, bearing a seal certifying that it is built in compliance with the current federal Manufactured Housing Construction and Safety Code.

- ❖ Manufactured Home Park. Any park, court, site, parcel or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for two or more manufactured homes and shall include all buildings

used or intended for use as part of the equipment thereof; whether or not a change is made for the use of the court and its facilities.

- ❖ Mobile Home. A detached dwelling unit fabricated similarly to a manufactured prior to the adoption and administration of the Federal Manufactured Housing Construction and Safety Code.
- ❖ Modular Home. A factory-built structure produced in accordance to state or local construction codes and standards and designed to be used as a dwelling unit.
- ❖ Minimum Storage Footage. Calculations of minimum square footage shall be reserved to the conditioned space inside the unit, and will not include attic, storage rooms and garages not designated for human occupancy.
- ❖ New Manufactured Home. A manufactured home that is not situated within the corporate limits of the city on the date of the passage of this ordinance.
- ❖ New Manufactured Home Park. A manufactured home park that is not established and operating in the corporate limits of the city on the date of the passage of this ordinance.
- ❖ Nonconforming Use. Any lawful use of building structured, or land which does not conform to the applicable use regulations for the district in which is located, either at the effective date of this Ordinance or as a result of a subsequent amendment thereto. No existing principal use shall be deemed nonconforming because of lack of required off-street parking or loading space.
- ❖ Open Space. Any unoccupied space on a lot that is open and unobstructed to the sky and occupied by no structures or portions of structures whatever.

- ❖ Parking Space. An on-lot space available for the parking of one motor vehicle and having as area of not less than two-hundred (200) square feet exclusive of space necessary to provide access to a street or alley.

- ❖ Place of Public Assembly. A meeting place for more than thirty-five (35) persons to which the public or membership groups are assembled regularly or occasionally, including but not limited to schools, churches, theaters, auditoriums, funeral homes, stadiums, and similar places of assembly. Classrooms within a school or schools without auditoriums or gymnasiums are not, for the purpose of these regulations, considered place of public assembly.

- ❖ Principal Use. The chief or main recognized use of a structure, of a lot, or of land.

- ❖ Property Line. The line bounding as a lot as defines herein.

- ❖ Retail Establishment. An establishment that sells or attempts to sell goods or articles individually to the consumer.

- ❖ Sign. A sign is any structure or part therefor, or any device attached to, painted on, or represented on a building or other structure, upon which is displayed or included any letter, work model, banner, flag pennant, insignia, decoration, device, or other attention directing device. A sign includes billboard, but does not include flag, pennant, or insignia of any state, city, or other political unit, or any political, charitable, educational, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event.

- ❖ Street. A public way which affords the principal means of access to abutting properties. Said street is considered a public way whether it was formally dedicated to the public use or has been customarily used by the public for an extended period of time (generally seven (7) years).

- ❖ Structure. Anything constructed or erected with a fixed location on the ground. Among other things, structures include building, walks, fences, billboards, and poster panels.

- ❖ Structure, Single Family. A detached residence designed for or occupied by one family only.

- ❖ Structure, Two Family. A detached residence designed for or occupied by two families, with separate housekeeping and cooking facilities for each.

- ❖ Structure, Multi-Family. A residence designed or occupied by three or more families, with separate housekeeping and cooking facilities for each.

- ❖ Subdivision. The process of dividing a parcel of land into lots for the purpose of sale, building, or developing.

- ❖ Tiny Houses. Tiny Houses will be defined as any structure built on site or transported by wheels, with square footage no less than 500 sq feet and being used as a permanent residence.

- ❖ Use of Land. The unoccupied portion of a lot shall be considered to be in the same use as is the principal structure located on the lot unless such land is utilized for open storage or agriculture outside of the structure, then the use of land shall be classified according to the nature of its use.

- ❖ Variances. A deviation from the zoning ordinance allowed by the Board of Zoning Adjustment for a particular zoning lot, that due to circumstances unique to the lot in question, would create an undue and serve hardship to fully and faithfully comply with the applicable district regulations and allow the owner to make reasonable and practical use of the property. The circumstances should in no case be of the applicant's making.

- ❖ Visual Distraction. In the context of residential exterior finishes, bright color, flashing lights, and/or siding materials grossly inconsistent with the exterior finishes of other properties in the vicinity are considered visual distractions. This provision is not intended to regulate temporary (less than 60 days) decorative lighting or display.

- ❖ Warehousing. The process of storing in structures merchandise, household goods, and/or agriculture products.

- ❖ Wholesaling. Those operations that are engaged in the business selling to retailers or distributors rather than consumers.

- ❖ Yard. A horizontal distance from a lot line to parallel designated line. A yard is an open space extending the full distance of the lot.

CHAPTER 3

ZONING DISTRICTS

SECTION 1. Zoning Map

A. Zoning Map.

1. The city is hereby divided into zoning districts as shown on the official Zoning Map which, together with explanatory information thereon, is hereby adopted by reference and declared to be part of these regulations.

2. The Official Zoning Map shall be identified by the signature of the Mayor attested by the city under the following word: “This is to certify that this is the Official Zoning Map referred to in Section ___ of the Ordinance Number ___ of the city of Murfreesboro, Arkansas” together with the date of adoption of the Ordinance.

SECTION 2. Residential District (R-1)

Development in this district shall meet all of the applicable provisions of the Zoning Code, all other rules, regulations and provisions of the City of Murfreesboro, and shall comply with the following:

A. **Permitted Uses.**

1. Single Family Structures.
2. Two Family Residences - Attached Duplex Units
3. Manufactured Home - Subject to the following:
 - a. Must meet the requirements for manufactured homes in Chapter 4, Section 7, of this code.
 - b. One manufactured home per legal lot.

- c. The owner of the manufactured home must own the home and own the lot on which the manufactured home is located.
4. Accessory structures and uses pertinent to the principle structure and use. Said accessory structure shall be limited through a calculation of total lot coverage, not to exceed thirty-five (35) percent of the gross land area for interior lots and forty (40) percent of the gross land area for corner lots.

B. Conditional Uses. The following uses are allowed in the Residential District (R-1) as conditional uses, subject to the review and approval by the Planning Commission. Design assurance and/or public dedication of items such as ingress and egress, drainage and/or street improvements, rights-of-way, signals and signage, light screens, noise barriers and natural or manmade buffers may be required in order to obtain compatibility with adjacent neighborhoods. Any expenses for such dedication and improvements shall be borne by the applicant/developer.

1. Churches
2. Parks, Playgrounds, etc.
3. Public elementary and secondary schools.
4. Kindergartens (public or private)
5. Home business occupations
6. Hospitals, nursing homes, doctors and dental clinics, etc.
7. Multi-family Residents-Apartments
8. Tiny Houses by definition may be allowed subject to zoning commission approval and will be no less than 500 square feet.

C. Lot Size.

1. Single Family Residence: Minimum lot area is five thousand (5,000) square feet.
2. Two Family Residence: Minimum lot area is seven thousand five hundred (7,500) square feet.
3. Maximum density for Multi-Family: Twelve (12) units per acre.

4. Minimum width of a lot at the front yard line or building line shall be fifty (50) feet for a single-family structure and seventy-five (75) feet for a two-family structure. For each additional unit over two (2), an additional twenty (20) feet shall be added to the minimum width requirement for two-family structures. Corner lots shall observe a minimum lot width at the building line of sixty-five (65) feet.
5. Minimum length of a lot shall be one hundred (100) feet.

D. Yard Setback Requirements.

1. Front Yard: Minimum twenty-five (25) feet from the front property line or fifty-five (55) feet from centerline of street, whichever is greater. Buildings on corner lots shall observe a front yard setback from both property lines that abut a street or public right-of-way.
2. Side Yard: Minimum five (5) feet from side property lines.
3. Side Yard Adjacent to a Street: Same as front yard if residence or structure faces side street, otherwise twenty-five (25) feet from side property line.
4. Rear Yard: Minimum fifteen (15) feet from rear property line or twenty-five (25) feet from center of alley or right-of-way, whichever is greater.

E. Lot Coverage.

1. Lot coverage shall not exceed thirty-five (35) percent of an interior lot and forty (40) percent of a corner lot for all buildings.
2. Rear yard open space must be a minimum of one thousand (1,000) square feet.

F. Public Street Frontage.

1. Each residential lot shall continually front a public street for at least thirty (30) feet.

G. Building Height.

1. The maximum height of a structure shall be two (2) stories above grade and not to exceed thirty-six (36) feet.

H. Off-Street Parking.

1. Single-family and two family: One (1) onsite parking space (10 feet by 20 feet or 200 square feet, minimum), shall be provided for each family unit.
2. Multi-Family: Off-street parking spaces shall have a paved surface and be designated to the units. All developments must be curbed and guttered and provide a solution to carry run-off water. The following guidelines apply for resident parking spaces:

<u>Units</u>	<u>Spaces Required</u>
1 bedroom.....	1 parking space
2-3 bedrooms.....	2 parking spaces
4 or more bedrooms.....	3 parking spaces

In addition to the said resident parking space guidelines, there shall be two (2) guest parking spaces for every five dwelling units.

- I. **Manufactured/Mobile Home Parks.** Manufactured/Mobile Home Parks are not considered as an allowed or conditional use in Residential District R-1 or R-2 in the City of Murfreesboro. Those facilities existing prior to the adoption of this ordinance may remain as a non-conforming use, subject to the provisions set forth in this ordinance regarding said uses. Manufactured/Mobile Home Parks shall be allowed as a conditional use in the Agricultural/Preservation District, subject to provisions in Chapter 4, Section 9, Agricultural/Preservation District.

SECTION 3. Residential District (R-2)

Development in this district shall meet all of the applicable provisions of the Zoning Code, all the other rules, regulations and provisions of the City of Murfreesboro, and shall comply with following:

A. Permitted Uses.

1. Single Family Structures.
2. Accessory structures and uses pertinent to the principal structure and use.

3. Said structures shall be limited through a calculation of total lot coverage, not to exceed thirty-five percent (35%) of the gross land area for interior lots and forty (40%) percent of the gross land area for corner lots.

B. Conditional Uses. The following uses are allowed in the Residential District (R-2) as conditional uses, subject to the review and approval by the Planning Commission. Design assurance and/or public dedication of items such as ingress and egress, drainage and/or street improvements, right-of-way, signals and made buffers may be required in order to obtain compatibility with adjacent neighborhoods. Any expenses for such dedication and improvements shall be borne by the applicant/developer.

1. Churches
2. Parks, Playgrounds, etc.
3. Public elementary and secondary schools.
4. Kindergartens (public or private)
5. Residential Duplex Units

C. Lot Size.

1. Minimum lot area is five thousand (5,000) square feet.
2. Minimum width of a lot at the front yard line or building line shall be fifty (50) feet. Corner lots shall observe a minimum lot width at the building line of sixty-five (65) feet.
3. Minimum length of a lot shall be one hundred (100) feet.

D. Yard Setback Requirements.

1. Front Yard: Minimum twenty-five (25) feet from the front property line or fifty-five (55) feet from the center line of the street, whichever is greater. Buildings on corner lots shall observe a front yard setback from both property lines that abut a street or public right-of-way.
2. Side Yard: Minimum five (5) feet from side property line.

3. Side Yard Adjacent to a Street: Same as front yard if residence or structure faces a side street, otherwise twenty-five (25) feet from side property line.
4. Rear Yard: Minimum fifteen (15) feet from rear property line or twenty-five (25) feet from center of alley or right-of-way, whichever is greater.

E. Lot Coverage.

1. Lot coverage shall not exceed thirty-five (35) percent of an interior lot and forty (40) percent of a corner lot for all buildings.
2. Rear yard open space must be a minimum of one thousand (1,000) square feet.

F. Public Street Frontage.

1. Each residential lot shall continually front a public street for at least thirty (30) feet.

G. Building Height.

1. The maximum height of a structure shall be two (2) stories above grade and not to exceed thirty-six (36) feet.

H. Off-Street Parking.

1. One (1) off-street parking space (10 feet by 20 feet or 200 square feet, minimum), shall be provided.

SECTION 4. Central Business District (CB)

Central Business District (CB) is the designation for the historic retail center of the community, as defined on the zoning map. A variety of retail, wholesale, professional and religious functions have developed over the past one hundred years. The intent of the CBD district regulations is to encourage a diversity of uses that sustain the historic character of the court house square of downtown Murfreesboro, Arkansas. Mixed use development is allowed with commercial use on the street with loft apartment above.

A. Permitted Uses.

1. Retail establishments provide goods and services.

2. Office and banking buildings and uses.
3. Commercial recreation and entertainment.

B. Conditional Uses. The following uses are allowed in the Central Business District (CB) as conditional uses, subject to the review and approval by the Planning Commission. Design assurance and/or public dedication of items such as ingress and egress, drainage and/or street improvements, right-of-way, signals and signage, light screens, noise barriers and natural or manmade buffers may be required in order to obtain compatibility with adjacent properties. Any expenses for such dedication and improvements shall be borne by the applicant/developer.

1. Loft Apartments
 - a. Loft apartments to be built in existing downtown buildings are permissible when meeting all the requirements of new construction.

C. Building Height.

1. The maximum height of structure shall be three (3) stories, not to exceed thirty-six (36) feet, unless provisions for fire protection devices such as sprinkler systems, water storage and fireproof construction techniques are provided to the satisfaction of the City Fire Chief.

D. Yard Setback Requirements.

1. Rear Yard: Minimum ten (10) feet from rear property line or twenty (20) feet from center line of alley or right-of-way, whichever is greater.

E. Loading and Unloading.

1. Loading and unloading facilities shall be provided so as not to block any public way.

SECTION 5. Commercial District (C)

This district is intended to provide space for certain retail activities and serves primarily to serve the motoring public. It is characterized by establishments such as motels, drive-in restaurants, automobile sales and service, gasoline service stations, professional offices, and retail and service shops.

A. Permitted Use.

1. Retail establishments providing goods and services.
2. Office buildings and uses.
3. Automotive sales, repair, services, etc.
4. Farm equipment sales, storage repairs, services, etc.
5. Motel tourist courts, etc.
6. Café, restaurants, drive-in café, etc.
7. Processing, fabrication, manufacturing that by reason of operations are not a nuisance in respect to noise, odor, dust, vibration, etc.
8. Wholesaling and warehousing.
9. Bulk storage of non-combustible.
10. Other uses deemed by the Planning Commission to be of a substantially similar nature of items 1 through 10.

B. Conditional Use. The following uses are allowed in the Commercial District (C) as conditional uses, subject to the review and approval by the Planning Commission. Design assurance and/or public dedication of items such as ingress and egress, drainage and/or street improvements, right-of-way, signals and signage, light screens, noise barriers and natural or man-made buffers may be required in order to obtain compatibility with adjacent properties. Any expenses for such dedication and improvements shall be borne by the applicant/developer.

1. Single Family Residence – Limited Use
 - a. No structure may be constructed for residential use, except for second story or rear quarters for managers, night time employees and owners, and occupants of motels, bed and breakfast facilities and similar uses.
 - b. No manufactured homes are permitted within the commercial district for residential use.
2. Bulk storage of combustible materials or products.
3. Recreational Vehicle Park

C. Yard Setback Requirements.

1. Minimum twenty-five (25) feet from all street property lines or fifty (50) feet from centerline of existing right-of-way, whichever is greater.
2. The Commercial District along Highway 27 and Highway 301 within the Murfreesboro city limits shall be a minimum of two hundred- ten (210) feet from the centerline of the highways. Requests for exceptions to this minimum limit should be discussed as a variance with the City Council.

D. Building Height.

1. The maximum height of a structure shall be three (3) stories above grade, not to exceed thirty-six (36) feet, unless provisions for fire protection devices such as sprinkler systems, water storage and fireproof construction techniques are provided to the satisfaction of the City Fire Chief.

E. On-lot Parking Requirements.

1. On-lot parking facilities shall be provided for all employees.
2. Provisions shall be made for on-lot and customer parking to handle normal anticipated demand. A parking space demand analysis shall be submitted as part of the permit application.

3. All parking lots must be paved.

F. Loading and Unloading.

1. Loading and unloading facilities shall be provided so as not to block any public ways.

G. Buffers Required.

1. Where a lot or parcel located in the Commercial District (C) abuts residential, public, parks, hospitals, health care facilities, cemeteries, schools, churches, or public building uses or property zoned as residential districts buffers are required. Such buffers shall consist of privacy fences, earthen berms, and landscaped green spaces, wooded areas, hedges or similar methods designed to minimize visual distractions and any loud or high pitched noises, dust and fumes, odors or lights that emanate from the commercial use on neighboring properties, the materials, coloration, height and general appearance of said buffers shall meet with the approval of the Planning Commission. Failure to receive such approval shall cause the application to be forwarded to the Planning Commission as a Conditional Use. The Planning Commission shall enforce the intent of these provisions to ensure that adequate buffers are provided. Public dedication of such improvements shall be considered by the City Council on an individual basis. Maintenance and repairs, grounds keeping, mowing or other measures intended to assure the continued function and positive appearance of the buffer shall be required as a condition to the continued use of the property.
2. Existing industrial uses located in this zoning district shall not be required to furnish additional buffers unless operations of the industry changes in a manner to create a nuisance as defined by this ordinance.

SECTION 6. Industrial District (I)

This space is intended to provide space for manufacturing activities, wholesaling, warehousing, storage, assembling, packaging and similar uses.

A. Permitted Use.

1. The manufacturing, compounding, processing, packaging, assembling or storage of products, equipment and materials when it is found by the enforcement officer that the specific location and the safeguards provided will so reduce the noise, dust, odor, or vibration so as not to be detrimental or dangerous to the health, safety or general welfare of the community.
2. The storage of all bulk materials, when it is found by the enforcement officer that the specific location and the safeguards provided will reduce the danger of fire or explosion so as not to be dangerous to the health, safety or general welfare of adjacent properties and the general public.
3. Wholesaling and warehousing.

B. Conditional Uses.

1. Recreational Vehicle Park
2. Mobile Home Park

C. Prohibited Uses.

1. Residential Use: No structure may be constructed or altered for residential use.

D. Lot Coverage.

1. The area of the lot occupied by one or more structures shall not exceed fifty (50) percent of the total lot area.

E. Yard Setback Requirements.

1. All structures shall be built at least twenty-five (25) feet from all street property lines.
2. All structures shall be built at least twenty-five (25) feet from all property lines of areas zoned industrial annexed to the City after the effective date of these regulations.

F. Building Height.

1. The maximum height of a structure shall be three (3) stories and shall not exceed thirty-six (36) feet, unless provisions for fire protection devices such as sprinkler systems, water storage and fireproof construction techniques are proven to the satisfaction of the City Fire Marshal.

G. On-lot Parking Requirements.

1. On-lot parking facilities shall be provided for all employees.

2. Provisions shall be made for on-lot and customer parking to handle normal anticipated demand. A parking space demand analysis shall be submitted as part of the permit application.
3. All parking lots must be paved.

H. On-lot Loading and Unloading.

1. Loading and unloading facilities shall be provided so as not to block any public ways.

I. Buffers Required.

1. Where a lot or parcel zoned Industrial (I) abuts residential, public, parks, hospitals, health care facilities, cemeteries, schools, churches, offices or public building uses or property zoned as residential districts buffers are required. Such buffers shall consist of privacy fences, earthen berms, and landscape green spaces, wooden areas, hedges or similar methods designed to minimize visual distractions and any loud or high pitched noises, dust and fumes, odor or lights that emanate from the commercial use on neighboring properties. The materials, coloration, height and general appearance of said buffers shall meet with the approval of the Planning Commission. Failure to receive such approval shall cause the application to be forwarded to the Planning Commission as a conditional use. The Planning Commission shall enforce the intent of these provisions to ensure that adequate buffers are these provided. Public dedication of such improvements shall be considered by the City Council on an individual basis. Maintenance and repairs, grounds keeping, mowing or other measures intended to assure the continued function and positive appearance of the buffer shall be required as a condition to the continued use of the property.
2. Existing industrial uses located in this zone shall not be required to furnish additional buffers unless operations of the industrial use change in a manner to create a nuisance as defined by this ordinance.

SECTION 7. Agricultural/Preservation District (A/P)

The agricultural/preservation district is reflective of large tracts, predominantly undeveloped land used for agricultural pursuits, or areas containing expanses of wetlands, drainage ways and flood plains.

A. Permitted Uses.

1. Residential Single Family

2. Accessory Uses as described in R-2
3. Manufactured Homes, subject to conditions stated in R-1
4. Agricultural activities
5. Parks, wildlife sanctuaries, hunting preserves
6. Public water supplies, waste treatment facilities.

B. Conditional Uses.

The following uses are allowed in the A/P district as conditional uses, subject to the review and approval by the Planning Commission. Design assurances and/or public dedication of items such as ingress and egress, drainage and/or street improvements, right-of-way, signals and signage, light screens, noise barriers and natural or manmade buffers may be required in order to obtain compatibility with adjacent neighborhoods. Any expenses for such dedications and improvements shall be borne by the applicant/developer.

1. Churches
2. Parks, playgrounds, etc.
3. Public elementary and secondary schools
4. Kindergarten (public and private)
5. Home occupations
6. Mobile Home Park
7. Recreational Vehicle Park
8. Residential subdivisions. All requirements of Ordinance 05-05 shall be adhered to when developing a residential subdivision.

C. Lot Size.

1. Minimum lot size is one (1) acre.

D. Yard Setback Requirements.

1. All structures shall be built at least twenty-five (25) feet from all street property lines.

E. Building Height.

1. The maximum height of a structure shall be three stories, not to exceed thirty-six (36) feet, unless provisions for fire protection devices such as sprinkler systems, water storage and fireproof construction techniques are proven to the satisfaction of the City Fire Marshal.

CHAPTER 4

GENERAL REGULATIONS

SECTION 1. Building Permit Requirements

The following development standards, design specifications, and site plan information shall be the basis for the approval of a building permit within the appropriate zoning district. All new places of public accommodation and commercial facilities in the Commercial and Central Business District are required to be designed, constructed, and altered in compliance with the accessibility standards of the American Disabilities Act of 1990, as amended. All submissions, development and building plans shall be reviewed by the Planning Commission within thirty (30) days of the submittal of plans.

A. Development Standards and Review Guidelines.

The following development standards and design specifications shall be the basis for the approval of a building permit within the appropriate zoning district:

1. The design, location and operating plans shall be such that the safety of the public is protected.
2. The proposed land use shall not adversely affect nearby property.
3. The size and shape of the site and the size, shape and arrangement of structures meet the minimum requirements of this ordinance.
4. The entrances and exits, internal street system, off-street parking, loading facilities and pedestrian walks are adequate for the purpose proposed.

5. Nearby property shall be protected from excess fumes, lighting, noise, glare, dust and odor.
6. Necessary landscaping and screening required to meet the intent of this ordinance shall be provided by the owner.
7. Open space shall be maintained by the owner.
8. Signage will not be obtrusive or distracting so as to distract from the character of the neighborhood or be a nuisance to those living or working therein.

B. Minimum Site Plan Information.

The required site plan shall be drawn to scale and shall, at a minimum, contain the following information:

1. The land to be included in the proposed use along with a written legal description and plat of the land.
2. The zoning classification of all adjacent land within three hundred (300) feet.
3. The location and dimensions of all public right-of-ways on or abutting the planned area.
4. Existing and proposed finished grades of the site.
5. Existing and proposed vehicular and pedestrian circulation systems, including streets, alleys, walkways, service areas and loading areas, location and arrangement of off-street parking areas and all points of vehicular entrance and exit.
6. A description of outdoor surfacing and paving for all parking and loading areas.
7. A proposed perimeter treatment of the property, with indication of screening materials to be used, including fences, walls and plants together with a description of uses, setbacks and the relationship to surrounding area.
8. A schematic landscape plan showing proposed treatment of the areas designated as either buffers or open space.
9. The location and dimensions of all existing and proposed easements and public improvements within the site.
10. The location of all structures and structural dimensions, dimension distances between buildings, and distances from structures to property lines.
11. The location and description of all signs, including those flat on building facades.

12. The indication of proposed use of all structures along with height, floor areas, entrances and loading areas.
13. The proposed location and description of facilities for garbage and waste disposal and pick-up.

SECTION 2. Completion of Existing Buildings.

- A. Nothing herein contained shall require any change in the plan construction, or designated use of a building actually under construction at the time of the adoption of these regulations.
- B. Nothing herein contained shall require any change in the plan, construction or designated use of a building for which a building permit has been issued within thirty (30) days prior to the adoption of these regulations, provided construction is started on said building within 120 days after adoption if these regulations.

SECTION 3. Annexed Area.

- A. Territory annexed to the City of Murfreesboro after the adoption of these regulations shall be given district designations within ninety (90) days after the effective annexation date in accordance with the amendment procedures of these regulations. The zoning district for undeveloped parcels annexed to the City shall be A/P unless a request for a more intensive use designation is filed concurrently with the annexation petition and approved by the City Council within the ninety (90) day period.
- B. Before official district designation is made after annexation, all requests for building permits other than allowed uses in A/P or R-1 shall be referred to the City Planning Commission or a committee thereof. The Planning Commission or its designated committee may recommend issuance of the permit if said use conforms to the land use plan and the structure meets the requirements of the zone in which it is to be located.

SECTION 4. Areas not to be diminished.

- A. No part of a yard, or other open space, or off-street parking or loading space required in connection with any building or use for the purpose of complying with these regulations shall be included as a part of a yard, open space, or off-street parking or loading spaces similarly required for any other building or use.

- B. No yard or lot existing at the time of passage of these regulations shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of these regulations shall meet at least minimum requirements established by these regulations.

SECTION 5. Home Occupations: Occupations Permitted in Residential Structures Utilized for Residential Purposes in Residential Districts.

- A. An occupation may be carried on in a residential structure in a residential district only if the following are complied with:
1. It does not involve the use of commercial vehicles operating from the residence.
 2. It does not require the use of more than two rooms otherwise normally considered as living space.
 3. It does not require the use of an accessory building or of yard space or an activity outside the main structure not normally associated with residential uses.
 4. It does not have a sign in excess of two square feet to denote the business, occupation, or profession, and such sign must be attached to the structure and may not utilize flashing lights iridescent colors or obscene language.
 5. It does not involve the external display of goods and services.
 6. The occupation must be carried on only by a member of the family residing in the dwelling unit.
 7. The occupation must be of a nature that does not cater to the day to day needs of the general public, i.e., the merchandising of convenience goods, such as groceries, sundries, etc.
 8. The occupation must comply with all other regulations, ordinances, or statues in effect.

SECTION 6. Nonconforming Uses.

A. Intent.

1. Within the districts established by these regulations or amendments that may be later adopted, there exist lots, structures, and uses of land and structures, which were lawful before these regulations were passed, but which would be prohibited, regulated, or restricted under the term of these regulations.

2. Such uses are declared to be compatible with permitted uses in the district involved, so long as said uses remain of the same intensity of use, are well maintained are not significantly altered in appearance, frequency of use and floor area. For purposes of clarification, “significantly” is defined as the following:

(i) Appearance: generally of the same or similar exterior materials and color schemes, including paint, siding, brick and brick veneer, roofing materials and accessory uses.

(ii) Frequency of Use: consistent number of occupants, employees, visitors and/or days and hours of operation.

(iii) Floor Area: No increase allowed of more than twenty-five percent (25%) is usable floor area resulting from remodeling, expansion or replacement due to natural or man-made disasters.

“Well maintained” is defined as a facility or piece of property that:

(i) Regularly receives maintenance in the form of washing, painting, and yard maintenance to prevent overgrowth of weeds, brush and other plant life.

(ii) Regularly receives maintenance of similar nature as (i) above for all outbuildings, shrubbery, fencing and walls.

B. Non-conforming Use of Land.

1. Where, at the effective date of these regulations, a lawful use of land exists that is no longer permissible after the enactment of these regulations, such use may be

continued so long as it remains otherwise lawful, subject to the following provisions of this Section.

2. If any such non-conforming use of land cease for any reason for a period of more than 30 days, any subsequent use of such land shall conform to the regulations specified by these regulations for the district in which such land is located.
3. Any change in use must be a conforming one.

C. Non-conforming Structures.

1. When a lawful structure exists at the effective date of these regulations that could not be built under the requirements of these regulations by reason of restriction on area, lot coverage, or other characteristics of the structure or its location on the lot, such structures may be continued so long as it remains otherwise lawful, subject to the following provisions of this Section.
2. No such structure may be enlarged or altered in a way, which increase its non-conformity except as provided in Section A-2- (iii) above.
3. Any structure or portion of structure declared unsafe by a proper authority may be restored to a safe condition.

D. Non-Conforming Use of Structure.

1. If a lawful use of a structure, or of structures and land in combination, exists at the effective date if these regulations, that would not be allowed in the district under the requirements of these regulations, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions of this Section.

2. Any non-conforming use may be extended throughout any parts of a structure which were manifestly arranged or designed for such use at the time of adoption of these regulations.
3. If no structure alterations are made, non-conforming use of a structure, or structure and land, may be changed to another non-conforming use provided that the Planning Commission, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use.
4. Once changed to conforming use, the non-conforming use may not thereafter be resumed.
5. Should a structure containing a non-conforming use be destroyed by any means to an extent of more than $66 \frac{2}{3}$ percent of its replacement cost at time of destruction, the owner may request permission of the Board of Adjustment to reconstruct the structure and to continue the non-conforming use. The Board of Adjustment may grant or deny a request to reconstruct such a structure. In granting a request to reconstruct the structure, the Board may require conformance to yard requirements, on-lot parking space, adequate screening for adjacent uses and such other items deemed appropriate to the district in which located.
6. When a non-conforming use of a structure is discontinued for 12 consecutive months, the structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.

E. Repairs and Maintenance.

1. Any building devoted in whole or part to any non-conforming use may have ordinary repairs, or repair and replacements of non-bearing walls, fixtures, wiring or plumbing, to an extent not to exceed ten percent (10%) if the replacement value of the building in any twelve-month period, provided that the size of the building is not increased.

2. Nothing in these regulations shall be deemed to prevent the strengthening or resorting to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting public safety, upon order of such official.

SECTION 7. Manufactured Homes

A. Effective.

- (1) All new manufactured homes brought into the corporate limits of the city, moved within the corporate limits of the city, or structure which ownership has changed after January 1, 2017, must comply with all city related building and occupancy regulations; including the regulations established in this section for manufactured homes.
- (2) The manufactured homes situated in the corporate limits of the city after January 1, 2017, must comply with all city related building and occupancy regulations; including the regulations established in this section for manufactured homes.

B. Building and occupancy permits.

- (1) No new manufactured homes brought into the corporate limits of the city or moved within the corporate limits of the city shall be granted building or occupancy permits if the structure has been manufactured more than 10 years before the date of the application.
- (2) Building permits for manufactured homes shall be valid for sixty (60) days from the date of its issue. In that time, the manufactured home should be properly installed, inspected, approved for compliance with all regulations in the article, and issued an occupancy permit. If occupancy permit is not applied for and issued within sixty (60) days from the date of the building permit issue, the building permit will be void.

C. Manufactured home lots.

All manufactured homes situated in the corporate limits of the city shall be located on a clearly defined lot with an area of not less than five thousand (5,000) square feet and a width of fifty (50) feet. The lot should not be any less in size than the minimum size of the zone requirements for manufactured homes in the zones where manufactured homes are allowed.

D. Placement of manufactured homes.

- (1) No manufactured home, including attached structures such as porches, steps, etc., shall be located any closer than ten (10) feet to any building, structure or private road or drive.

- (2) No manufactured home, including attached structures such as porches, steps, etc., shall be located closer than twenty-five (25) feet to any public street or highway; or such other distance as may be established by ordinance or regulation as a front yard or setback requirement with respect to conventional buildings in the areas in which the manufactured home is located.
- (3) Manufactured homes will be placed on lots parallel to improved city streets.

E. Manufactured home installations.

- (1) All manufactured homes must be properly installed by a manufactured home installer licensed with the Arkansas Manufactured Home Commission.
- (2) All manufactured home installations must be in compliance with federal building codes and the installation standards of the Arkansas Manufactured Home Commission.

F. Adequate supports and manner of anchoring.

All manufactured homes must be properly anchored in compliance with federal building codes and the installation standards of the Arkansas Manufactured Home Commission.

- (1) The manufactured home support shall not heave, shift or settle unevenly under the weight of the manufactured home due to frost action, inadequate drainage, vibration, or other forcing acting on the structure.
- (2) Anchors or tie-downs, such as cast-in place concrete dead men, eyelets imbedded in concrete screw augers, or arrowhead anchors shall be placed at least at each corner of the manufactured home and each device shall be able to sustain a minimum load of 4,800 pounds. Anchors or tie-down design shall be equal to or better than that recommended by the Arkansas Manufactured Home Commission.
- (3) One (1) onsite parking space (10 feet by 20 feet or 200 square feet, minimum), shall be provided for each family unit.

G. Adequate skirting or underpinning.

All manufactured homes must be properly skirted or have adequate underpinning in compliance with federal HUD regulations and the installation standards of the Arkansas Manufactured Home Commission.

H. Electrical outlets.

All manufactured homes must be supplied at least 220/240 single phase volts of electricity. Manufactured homes must be in compliance with all state electrical codes.

I. Sanitary facilities.

All manufactured homes shall have one or more sanitation facilities, including a toilet and bathing capabilities. Manufactured homes must be in compliance with all state health codes related to water and sewer connection and disposal.

CHAPTER 5

MANUFACTURED/MOBILE HOME PARKS

SECTION 1. Location.

- A. Manufactured/Mobile Home Parks are permitted in the A/P zoning district as a conditional use. All permanent manufactured/mobile homes must follow installation regulations established in Chapter 4, Section 7, Manufactured Homes.
- B. New parks developed in this zone shall conform to all the requirements and conditions of the A/P zoning district.
- C. A parcel of land with two (2) or more manufactured/mobile homes is classified as a manufactured/mobile home park.

SECTION 2. Manufactured/Mobile Home Park Plan.

The manufactured/mobile home park shall conform to the following requirements:

- A. The park shall be located on a well-drained site, the property graded to insure rapid drainage and freedom from stagnant pools of water.
- B. Manufactured/Mobile home spaces shall be provided consisting of a minimum of 2,400 square feet for each space, which shall be at least 40 feet wide and clearly defined.
- C. Manufactured/Mobile homes including other structures and steps shall be so harbored on each space that there shall be at least a 30-foot clearance between homes, provided, however, that with respect to homes parked end-to-end, the end-to-end clearance may be less than 30 feet but shall not be less than 20 feet. No manufactured/mobile home shall be located closer than 20 feet to any building within the park and 25 feet to any property line bounding the park.
- D. All manufactured/mobile home spaces shall abut upon a driveway of not less than 20 feet in width, which shall have unobstructed access to a public street or highway.
- E. All driveways and walkways within the park shall be hard surfaced and lighted at night.
- F. An electrical outlet supplying at least 100 Amp service with a minimum of 220 volts shall be provided for each mobile home space.
- G. All streets within the park must meet the width and turn around requirements as stated in the subdivision regulations. All streets must accommodate emergency vehicles.
- H. Each manufactured/mobile home space shall have a minimum of two (2) off road ten (10) feet by twenty (20) feet all weather parking spaces.

SECTION 3. Water Supply.

An adequate supply of clean water for drinking and domestic purposes shall be supplied by pipes to all buildings and manufactured/mobile home spaces within the park to meet the requirements of the City. Each manufactured/mobile home space shall be provided with a cold-water tap at least four inches above the ground. An adequate supply of hot water shall be provided at all times in the service buildings for all bathing, washing, and laundry facilities.

SECTION 4. Sanitation Facilities.

A. Each manufactured/mobile home park shall provide sanitation facilities in compliance with the rules and regulations pertaining to manufactured/mobile home parks as adopted by the Arkansas Board of Health.

B. Service buildings housing sanitation facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations, and plumbing and sanitation systems.

SECTION 5. Sewage and Refuse Disposal.

A. Waste from showers, bath tubs, flush toilets, lavatories, sinks and laundries, in service and other buildings within the park shall be discharged into a public sewer system in compliance with applicable codes and ordinances or into a private sewer and disposal plant of such construction and in such manner as approved by the State Board of Health.

B. The sewer in each manufactured/mobile home space shall be connected to discharge the waste into a public sewer system in compliance with codes and ordinances or into a private sewer and disposal plant of such construction and in such manner as approved by the State Board of Health.

SECTION 6. Garbage Receptacles.

Garbage cans with tight-fitting covers shall be provided in quantities adequate to permit disposal of all garbage and rubbish, garbage cans shall be located not farther than 200 feet from any manufactured/mobile home space. The cans shall be kept in sanitary condition at all times. Garbage and rubbish shall be placed in enclosed facilities on each manufactured home/mobile park space. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to ensure that the garbage cans shall not overflow.

SECTION 7. Fire Protection.

Each park shall be equipped at all times with fire extinguishing equipment in good working order, or such type, size and number and so located within the park as to satisfy applicable, reasonable regulations of the Fire Department. Fire hydrants shall be placed in locations in manufactured/mobile home parks as required by the City of Murfreesboro Fire Department. No open fires shall be permitted at anyplace which may endanger life or property. No fires shall be left unattended at any time.

SECTION 8. ANIMALS AND PETS

No owner or person in charge of any dog, cat or other pet animal shall permit it to run at large or commit any nuisance within the limits of any manufactured/mobile home park.

SECTION 9. Register of Occupants.

It shall be the duty of each manufactured/mobile home park owner or operator to keep a register containing a record of all manufactured/mobile home owners and occupants located within the park. The register shall contain the following information:

- A. The name and address of each manufactured/mobile home occupant.
- B. The make, model, size, year and license number of each manufactured/mobile home.
- C. The state, territory or country issuing such licenses.
- D. The date of arrival and departure of each manufactured/mobile home.
- E. Each lot shall be numbered in accordance with the 911 emergency system.

SECTION 10. Supervision.

- A. The owner or operator, or a duly authorized attendant or caretaker, shall be in charge at all times to keep the manufactured/mobile home park, its facilities and equipment in a clean, orderly and sanitary condition.
- B. The owner of the manufactured/mobile home park shall be required to obtain from the City Clerk an annual license fee of fifty (50) dollars for each space.

CHAPTER 6

RECREATIONAL VEHICLES (RV) AND RECREATIONAL VEHICLE (RV) PARKS

SECTION 1. Purpose.

- A. The provision of these regulations is to achieve orderly development of recreational vehicle parks (RV Parks), to promote and develop the use of land to minimize possible impacts, and to promote health, safety and general welfare of the public.

SECTION 2. Prohibited Placement of Recreational Vehicles.

- A. The placement of a recreational vehicle for occupancy longer than fourteen (14) days shall not be permitted except in an approved recreational vehicle park. A recreational vehicle may be placed at an owner's residence as long as the RV is placed in the side or rear yard area and not used for occupancy longer than fourteen (14) days in a twelve (12) month period. City Council may allow exceptions to the prohibited placement of an RV upon application to and approval by City Council.

SECTION 3. Area Designated for RV Parks.

- A. An RV Park in the City shall be located in the Commercial or Agricultural Preservation zones.
- B. A Conditional Use Permit is required for the placement of an RV Park in the Commercial or Agricultural Preservation zones.

SECTION 4. Definitions.

- A. The following terms and/or definitions are solely intended for this chapter.
 - 1. Accessory structure – Any structural addition to the recreational vehicle or site, including awnings, cabanas, carports, porches, storage cabinets, storage sheds, and similar appurtenant structures.
 - 2. Code official – The official of the City or his/her designee charged with the enforcement of the provisions of this article. If there is no such official, then the City Mayor or his/her designee shall be the ex officio code official.
 - 3. Licensee or agent – A person who may or may not own the RV Park but is the person responsible for the day to day operations including records and license of the RV Park.
 - 4. Recreational Vehicle or RV – Any licensed camper trailer, travel trailer, motor home, fifth wheel designed to make it mobile and/or towable by a motor vehicle.

5. Recreational Vehicle Park or RV Park – Any lot, tract, or parcel of land upon which accommodation is provided for two (2) or more recreational vehicles used as living or sleeping quarters by the day, week, or month, whether a charge is or is not made. A recreational vehicle park is a unified development of recreational vehicle spaces providing for recreational vehicle use with or without community facilities and permitted permanent buildings.
6. Recreational Vehicle site - a lot for one RV within an RV Park.

SECTION 5. Site Development Plan.

- A. A site development plan shall be designed by a licensed professional showing how the development will comply with the RV Park requirements in this chapter. Four (4) copies of the site development plan shall be submitted by the property owner, licensee or owner's agent to the City for review and approval.

SECTION 6. Size and Density.

- A. Each RV Park must contain a minimum surface area of two (2) acres, a minimum of at least one hundred (100) linear feet on a side.
- B. The minimum size for each RV site within the RV Park shall be a surface area of at least one thousand (1,000) square feet; provided that tent areas shall have no minimum space size. The density for RV sites within an RV Park shall not allow for more RV sites than this minimum surface area requirement allows.
- C. Each RV site within the RV Park shall be clearly marked identifying RV site or space number.

SECTION 7. Minimum Setbacks Required.

- A. All RVs, together with their additions, appurtenant structures, accessory structures, and other structures on the site (excluding fences) shall observe the following setback requirements (excluding any hitch or towing fixture).
 1. A minimum twenty-five (25) foot wide buffer yard shall be established along that portion of the RV Park which adjoins a public road right-of-way.
 2. There shall be a minimum distance of five (5) feet between an individual RV unit and an adjoining interior RV Park street.
 3. There shall be a minimum distance of five (5) feet between an individual RV unit and the interior line of a perimeter buffer.
 4. There shall be a minimum distance of ten (10) feet between RV units, and between an RV unit and unattached structures.

SECTION 8. Drainage.

- A. The area designated for the placement of recreational vehicle parks shall be graded and designed to drain all storm and surface water in a safe efficient manner. Storm and surface water drainage plans shall be designed to meet the requirements of the City and shall be approved by the Public Works Director.

SECTION 9. Water Supply

- A. An RV Park may be provided with a connection to the City Water System only if the RV Park is in compliance with this Ordinance and other applicable City Codes. The City must approve all proposed water facility plans prior to construction of the RV Park. The RV Park is not entitled to any water services or connection until the facility plans have been approved.

SECTION 10. Sanitary Facilities.

- A. Toilet and bathing facilities shall be designed in accordance with the current Plumbing Code adopted by the State of Arkansas, with separate rooms or partitions to provide privacy and promote cleanliness.
- B. Toilet and bathing facilities shall be accessible.

SECTION 11. Wastewater Facilities.

- A. Each site within the RV Park shall be provided with a connection for city wastewater.
 - 1. The wastewater system and materials must be installed in accordance with applicable codes adopted by the City.
 - 2. The RV Park owner, licensee or agent shall have complete maintenance responsibility for the wastewater system within the RV Park. The responsibility of the City stops at the property line.
 - 3. All chemicals entering the City sewer shall be biodegradable in accordance with City Code.

SECTION 12. Street Access and Lighting.

- A. Each RV site within the RV Park shall have access to an internal private roadway, which shall have access to a public street. The entrance of the internal roadway shall have a pavement width of at least twenty (20) feet with an adequate curb radius.
 - 1. All internal streets shall be paved or concrete.
 - 2. All internal streets including entrance shall be approved by the Fire Chief.
 - 3. Adequate street lighting for the RV Park shall be approved by the City to prevent lighting from being a nuisance or a hazard.

SECTION 13. Fire Safety Standards; Fire Hydrants

- A. Open fires shall be allowed only in a manner and within a container approved by the Fire Chief. A portable fire extinguisher shall be accessible at each open fire location and shall be approved by the Fire Chief.
- B. A fire hydrant(s) must be placed or exist such that the furthestmost RV site is within three hundred (300) feet of the fire hydrant.

SECTION 14. Electrical Service.

- A. Each RV site within the RV Park shall be provided with electrical service in accordance with the National Electrical Code. All electrical service cable shall be installed underground in accordance with the National Electrical Code.

SECTION 15. Storage, Collection and Disposal of Refuse and Garbage.

- A. Each RV Park shall be provided with safe and adequate facilities for the collection and removal of waste and garbage. Storage, collection, and handling shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, or fire hazards.
- B. Individual or grouped refuse containers must be screened from view except on collection day by fences or walls and should be identified.

SECTION 16. Buffers, Recreation and Open Space.

- A. Buffering and screening shall be required if the RV Park is not compatible with the surrounding uses, as determined by the City Council. The purpose of the buffer yard is to

create an area providing landscape screening and fencing which is used to reduce visual, noise, light, and incompatibility impacts. The City Council will determine, on a case by case basis, the need and extent of screening and fencing necessary to mitigate these impacts. Buffering or screening may be achieved by installing walls or fences. All buffering and screening walls and fences shall be a minimum of six (6) feet in height. Natural screening and buffering should be encouraged when it is adequate. All planting of vegetation shall be maintained in a healthy living condition for the life of the RV Park.

- B. All RV Parks shall include a minimum of ten (10) percent of the gross area within the RV Park for open space and recreational use. Provided, that at least one outdoor recreational area within the RV Park shall contain at least two thousand five hundred (2,500) square feet. Roads, parking, sites, and required setbacks shall not be counted as open space and recreational areas for the purpose of calculating compliance with this section.

SECTION 17. Registration of Guests.

- A. Each person renting a site within a RV Park shall provide the following information to the owner, manager, operator or person in charge of the RV Park:
 - 1. Full Name
 - 2. Full address of permanent residence
 - 3. Automobile and recreational vehicle license plate number and state where registered
 - 4. Driver's license number or identification number of the vehicle owner, with a copy of the driver's license or identification card, as applicable
 - 5. The number or letter of the site being rented
 - 6. Date of arrival and anticipated departure
 - 7. A new Park register shall be initiated on January 1 of each year and the old register is retired. The old register shall be retained on the premises for at least three (3) years following retirement.

SECTION 18. Enforcement.

- A. This ordinance shall be administered and enforced by the Code Enforcement Officer, who shall have all necessary authority on behalf of the City Council to administer and enforce the provisions of this ordinance. The authority shall include the ability to order in writing, the remedy of any condition found in violation of this ordinance and the ability to institute legal

action with the City Attorney's office to insure compliance with the provisions, including injunction, abatement or other appropriate action or proceeding.

SECTION 19. Penalty for Violation.

- A. Any person, whether owner, lessee, principal agent, employee or otherwise, who shall violate any of the provisions of these regulations or fail to comply with any of the requirements thereof, or who shall build or alter any of the requirements thereof, or who establishes or uses any park in violation of any detailed statement of plan submitted by him/her and approved under the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be liable to a fine of not more than one hundred dollars (\$100.00). Each day such violation is permitted to exist shall constitute a separate offense.
- B. Any park established, expanded or improved contrary to any of the provisions of this ordinance and any use of any park in terms of operation and maintenance contrary to any of the provisions of this ordinance or permits issued pursuant thereto shall be and is hereby declared to be unlawful. The City Attorney is authorized to bring actions by any appropriate means to prevent the violation of this ordinance and enforce its provisions.
- C. The Code Enforcement Officer or assigned designee may, in writing, suspend or revoke a permit or approval required by this ordinance whenever the permit is issued in error or on the basis of incorrect information, or in violation of any ordinance or regulation or any provision of this ordinance, or where a park is being maintained in a manner contrary to the terms of the permit or approval.

SECTION 20. Severability Clause.

- A. If any section, paragraph, subdivision, clause, phrase, or provision of these regulations shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of these regulations as a whole or any part of provision thereof other than the part so decided to be invalid or unconstitutional.

SECTION 21. Future Separation of Park.

- A. The issuance of a park permit does not provide for future separation of the sites. If the sites are to be separated they shall go through the normal subdivision process as delineated in Murfreesboro Subdivision Regulations (adopted August, 2005), or other adopted regulations.

SECTION 22. Appeals.

- A. Appeals to additional requirements specified by the Planning Commission may be appealed to the Board.

SECTION 23. Variances.

- A. The purpose of a variance is strictly limited to granting relief to specific bulk, dimensional or performance standards set forth by this ordinance. The Board may grant a variance only if there are extraordinary or unique circumstances relating to the property such that strict compliance with this ordinance would impose unnecessary hardships on the applicant and thwart public interest. In the granting of all variance, consideration shall be given to the cumulative impacts of additional requests for like actions in the City. A variance may be granted by the Board if extraordinary or unique circumstances exist, and if the variation will not have the effect of nullifying the intent and purpose of this ordinance.

CHAPTER 7

BOARD OF ZONING ADJUSTMENT

SECTION 1. Organization.

A Board of Zoning Adjustment, hereinafter referred to as the Board, is hereby established in conformance with Act 186 of the 1957 General Assembly. The Board shall have no other functions or responsibilities except those specifically provided by Act 186 of 1957, as amended which stated:

“The zoning regulation shall provide for a board of zoning adjustment, which may either be composed of at least three (3) members of the planning commission as a whole may sit as the board of zoning adjustment.” It is deemed by this ordinance that the planning commission as a whole shall sit as the board of zoning adjustment as confirmed by the City Council. The Board of Zoning Adjustment shall have the following functions:

1. Hear appeals from the decision of the administrative officer related solely to the issue of zoning regarding the enforcement and application of this regulation: and may affirm or reverse, in whole or part, said decision of the administrative officer.
2. Hear requests for variance from the literal provisions of the zoning regulation in instances where strict enforcement of the zoning regulation would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances when it is demonstrated that such action will be in keeping with the spirit and intent of the zoning regulation.

Decisions of the Board of Zoning Adjustment in respect to the above shall be subject to appeal in a court of record having jurisdiction with thirty (30) days from the decision of the board.

SECTION 2. Appointments.

1. Upon appointment and annually thereafter the Board shall meet as a separately convening body from the Planning Commission. The Planning Commission Chairman shall serve as the Chairman of the Board of Adjustment and shall serve one year or until a successor duly qualifies. The Board may appoint a secretary from among its members.
2. Vacancies shall be filled for the un-expired term of any member in the same manner as the Planning Commissioner appointment.
3. New members shall be instructed in the legal separation of their responsibilities and duties as board members and as Planning Commissioners.

SECTION 3. Meetings.

A. Meetings of the Board shall be held at any time and at such place within the City of Murfreesboro as the Board may designate, and may meet at any time on call of the chairman. The Board may convene during recesses of Planning Commission meetings whenever such action is expeditious and clearly recognized by the members and announced to the public. The board shall keep minutes of its proceedings separate from Planning Commission minutes. The minutes of the meeting shall be filed by the secretary of the Board in the office of the City Clerk and shall be public record. These minutes shall contain as a minimum:

1. Time, date and place of meetings.
2. Names of members present.
3. Citation, by number and description, of appeal or application.
4. Pertinent facts of the case.
5. Names of persons appearing and their interest in the case.
6. Record of vote by name.
7. Authority for decision (cite ordinance or statute) and reason for conditions imposed.

B. The presence of a majority of the members shall be necessary to constitute a quorum. The concurring vote of all members present shall be necessary to reverse any order, requirement, decision, or determination of an enforcement officer, or to decide in favor of the applicant on any matter upon which it is required to pass under the Zoning Ordinance, or to authorize a variance from such regulation.

The Secretary of the Board shall notify each member of the Board of a scheduled or called meeting seven (7) days before the date of the meeting, by appropriate and convenient media.

SECTION 4. Appeals from Decision of Enforcement Officer.

A. The Board shall hear appeals from an administrative decision of the enforcement officer (designated by the City Council), concerning the interpretation of the zoning regulations and shall decide whether such interpretation was in error or not or if a hardship exists that if applied strictly would place an undue burden on the property owner.

SECTION 5. Variance.

A. The Board shall hear requests for variances from the stated provisions of the zoning regulations in instances where strict compliance with the provisions of the regulations would cause undue hardship, due to the existing circumstances unique to the individual

property under consideration. The exceptional or extraordinary circumstances or conditions do not result from the actions of the applicant. The Board shall schedule a public hearing on a petition for a variance within 30 days of the filed petition.

B. The Board may grant variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the zoning regulation.

C. The Board shall not permit as a variance any use in a zone that is not permitted under these regulations.

D. The Board may impose conditions in the granting of the variances to insure compliance and to protect adjacent property.

SECTION 6. Appeals from Decisions of the Board.

A. Appeals from the decisions of the Board shall be to a court of competent jurisdiction within 30 days from the decisions of the Board in accordance with Act 186 of 1957 as amended.

SECTION 7. Notice of Public Hearing.

A. Whenever an appeal from an administrative decision of the enforcement officer or an application for a variance is made to the Board, the Board shall cause to have published at the expense of the appellant or applicant a notice of the time and place of the public hearing upon such appeals or applicant, which notice shall be published at least once not less than seven (7) days preceding the date of such hearing in official paper or a paper of general circulation in Murfreesboro, said notice to designate the particular location with which the appeal or application is concerned, and a brief statement summarizing the appeal or application. The Board shall also give or cause to be given such additional notice of such hearing to interested persons and organizations, as it shall deem feasible and practicable.

B. The appellant or applicant shall be required to pay the City Clerk a filing fee of one-hundred dollars (\$100.00) as a minimum to cover such costs as may be incurred in connection with such appeal or application.

CHAPTER 8

AMENDMENTS TO ZONING REGULATIONS

SECTION 1. Amendment to Text

- A. The City Council may recommend to the Planning Commission amendments to the text of these regulations, or the Planning Commission may on its own motion initiate amendments.

- B. Propose amendments to the text shall be advertised in a paper of general circulation at least 15 days in advance of a public hearing to be conducted by the Planning Commission. After the public hearing, the Planning Commission shall make a report and recommendation to the City Council pertaining to the proposed amendment to the text. The City Council act on the report and recommendation shall be final.

SECTION 2. Changing in Zone Classification- (Map Amendment)

- A. A petition giving the legal description of the property involved and the zoning classification requested for the property shall be submitted to the Secretary or the Planning Commission by the property owner or his/her legally designated agent. The petition shall also include a statement and map explaining the proposed changes.

- B. The following procedures as set forth in Act 186 of 1957, as amended, shall be followed:
 - 1. The Planning Commission shall hold a public hearing on a proposed change in zone classification. Notice of the public hearing shall be published in a newspaper of general circulation in the city, at least one time fifteen (15) days prior to the hearing.
 - 2. Following the public hearing, the proposed change in zone classification may be approved as presented or in modified form by a majority vote of the Planning Commission and recommended for adoption by the City Council, with reasons for such recommendation stated in writing.
 - 3. If the Planning Commission disapproves a proposed change in zone classification, the reasons for such disapproval shall be given in writing to the petitioner within fifteen (15) days from the date of the hearing.
 - 4. The City Council, by majority vote of the entire membership, may by ordinance adopt the recommended change in zone classification submitted by the Planning Commission or may return the proposed change in zone classification to the Planning Commission for further study and recommendation. If the City Council does not concur with the

recommendation of the Planning Commission as submitted after re-study, the City Council may, by a majority vote of the entire membership amend this regulation by granting the requested change in zone classification in full or in modified form.

5. Following disapproval of a proposed change in zoning classification by the Planning Commission, the petitioner may appeal such disapproval to the City Council, provided that the petitioner states specifically in writing to the City Clerk why he/she considers the Planning Commission's findings and decisions to be in error. Such appeal shall be filed with the City Clerk within fifteen (15) days of receipt of notice of Planning Commission action.
6. No application for change of zoning for a given property may be resubmitted within twelve (12) months from the date of action by the commission or legislative body, whichever is later, unless the commission finds that a substantial reason exists for waiving this limitation.
7. Before action shall be taken as provided in this section, any person or persons proposing a change in the zoning classification of his/her property shall deposit with the City Clerk the sum of five hundred (\$500.00) to cover the appropriate cost of this procedure. Under no condition shall said sum or any part thereof be refunded for failure of said change to be approved by the Planning Commission and adopted by the City Council.

CHAPTER 9
ENFORCEMENT OFFICER, BUILDING PERMIT,
PENALTY FOR VIOLATION

SECTION 1. Designation of Enforcement Officer.

A. The provision of these regulations and the Arkansas State Fire Prevention Code shall be administrated by an enforcement officer designated by the City Council.

SECTION 2. Building Permit.

A. A building permit will be issued only when the application has been approved by the enforcement officer as meeting requirements of this Ordinance. All applications for building permits shall be accompanied by a plan in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected and its location on the lot, and such other information as may be necessary to provide for the enforcement of this Ordinance. Record of such application and plans shall be kept in the office of the City Clerk and are subject to review by the Planning Commission at their next regularly scheduled meeting.

SECTION 3. Certificate of Occupancy.

A. After the effective date of this ordinance, no new use of land or building shall be undertaken and no use of land or building shall be changed, except for single family purpose in any residential district, until a Certificate of Occupancy shall have been issued by the City Clerk or his/her designee, with approval of the designated enforcement officer stating that the proposed use of land or building complies with the provisions of this ordinance.

1. The Certificate of Occupancy shall be applied for coincident with the application for a Building Permit and shall be issued within ten (10) days after the erection or structural alteration of such building shall have been completed and inspected in conformity with provisions of this Ordinance. A record of all certificates shall be kept on file in City Hall and copies shall be furnished on request to any persons having a proprietary or tendency interest in the building or use affected.
2. Revocation of the certificate shall be accomplished by the City enforcement officer when it is found that the building or land does not conform to the use or conditions, if any, in the Certificate. Written notice of such revocation shall be given to the applicant.
3. An application fee for a Certification of Occupancy shall be fifty dollars (\$50.00), no part of which shall be refundable. A separate fee shall be required for replacement of a revoked Certification upon satisfaction of the requirements of this Ordinance.

SECTION 4. Penalty for Violation.

A. Any person or cooperation who shall violate any of the provisions of these regulations or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any of the requirements thereof, or who shall violate any of the provisions of these regulations or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than one hundred dollars (\$100.00). Each day such violation is permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof where anything in violation of these regulations shall be places, or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith and who may have assisted in the commission of any such violations, shall be guilty of a separate offense and upon conviction thereof shall be fined as hereinbefore provided. It is furthermore provided that in instances where the violation of this ordinance regarding willful or repeated lack of reasonable maintenance and upkeep of properties, fences, berms, green spaces or other buffer areas that were conditions of approval for the permit the City is empowered to place a lien against the property in an amount adequate to compensate for the provision of said maintenance and upkeep including the cost of all public notices, legal advertisements and related administrative actions. The Mayor and the City Council shall make all determinations of reasonableness.

SECTION 5. Severability Clause.

A. If any section, paragraph, subdivision, clause, phrase, or provision of these regulations shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of these regulations as a whole or any part of provision thereof other than the part so decided to be invalid or unconstitutional.