

ORDINANCE 2017-1

AN ORDINANCE AMENDING TITLE 14 OF THE CITY CODE TO CHANGE THE MANNER IN WHICH THE CITY REGULATES THE SIZE OF RESIDENTIAL STRUCTURES TO RELY UPON THE STANDARD OF "FLOOR AREA RATIO" RATHER THAN VOLUME, AND TO AMEND THE CODE AS REQUIRED BY THAT CHANGE IN REGULATION

WHEREAS, the City of Belle Meade has adopted a Zoning Code, Title 14-201 *et seq* of its Code, which governs the construction and improvement of structures within the City;

WHEREAS, the City of Belle Meade has determined to simplify and change the manner in which it regulates the size of residential structures to adopt "Floor Area Ratio" as the standard that governs the size of structures, and to amend the code as might be necessary to conform other provisions of the code as may be required by this change;

WHEREAS, the Commissioners have determined further to simplify the square footage limitations on the regulation of other improvements, including accessory uses and conditional uses, by implementing a "hardscape" ratio that combines prior limitations on patios, pools etc. into a single, aggregated ratio of "hardscape" to the Lot square footage; and

WHEREAS, the Commissioners, in order to effect the intent described above, desire to modify the appropriate sections of the Zoning Code to accomplish these changes:

NOW, THEREFORE, it is accordingly ordered that Title 14 shall be modified as follows:

In order to implement the use of "floor area ratios" to control the size of a residential structure, the Commissioners shall define the terms "floor area ratio" and "gross floor area," as well as "hardscape" and "hardscape ratio," and to renumber the definitions in Section 14-201(2) to preserve the alphabetical listing of the terms used in the Zoning Code. Accordingly, Section 14-201(2)(f-j), that now reads, beginning with subparagraph "(f)", as follows:

- (f) "Front Building Line." That portion of the Dwelling defined by its exterior wall, which is closest to the front lot line.
- (g) "Footprint." All ground areas occupied or covered by a dwelling or other structure, whether enclosed or not.
- (h) "Front yard." A required area of open space on a lot, unobstructed by man-made buildings or structures, located between the Front Building Line and the Front Lot Line.
- (i) "Gazebo." A structure, usually open, used for outdoor entertainment.
- (j) "Green space." The undeveloped portion of a lot planted with grass, trees, flowers, shrubs or other vegetation.

Shall be amended, and its numbering changed, to include the definitions of "Floor Area Ratio," "Gross Floor Area," "Hardscape," and "Hardscape Ratio," to read as follows:

- (f) "Floor Area Ratio." That ratio that is defined by the numerator of "Gross Floor Area" as divided by the square footage of the Lot.

- (g) "Front Building Line." That portion of the Dwelling defined by its exterior wall, which is closest to the front lot line.
- (h) "Footprint." All ground areas occupied or covered by a dwelling or other structure, whether enclosed or not.
- (i) "Front yard." A required area of open space on a lot, unobstructed by man-made buildings or structures, located between the Front Building Line and the Front Lot Line.
- (j) "Gazebo." A structure, usually open, used for outdoor entertainment.
- (k) "Green space." The undeveloped portion of a lot planted with grass, trees, flowers, shrubs or other vegetation.
- (l) "Gross Floor Area" The total square footage of conditioned space of any Building, including such space under a roof that could be used as living space and garage space, whether conditioned or not, as measured to the outside walls as further defined as follows:
 - (i) The sum of all areas on all floors of a residential structure, including the square footage of the floor in the attic (regardless of whether the attic is accessible) with a clear height of more than five feet and six inches, and including all vertical penetration areas for circulation and shaft areas that connect one floor to another.
 - (ii) "Gross Floor Area" is the square footage as computed by physically measuring from the outside face of exterior walls, disregarding cornices, pilaster, buttresses, etc. that extend beyond the exterior wall surfaces.
 - (A) Gross Floor area does not include areas below the natural grade of the Lot.
- (m) "Hardscape." Any improved area of any Lot that is not included in the definition of "Gross Floor Area," including all Accessory Uses and Conditional Uses, as well as any element of the residential structure that is not included in the "Gross Floor Area" such as roof overhangs of more than 24 inches, covered porches, balconies, decks, patio, pool area (the water surface being included in the "Hardscape" but limited as a proportion to the square footage of the lot), exterior walkways, etc.
- (n) "Hardscape Ratio." The ratio of the square footage of Hardscape to the square footage of the Lot.
- (aa) "Volume." The cubic measure of all areas covered by a structure above finish grade within the main body of the building, including but not limited to covered terraces, porte cocheres, areas below raised decks (when more than 3 feet above adjacent grade), accessory structures (excluding doghouses, children's tree houses and playhouses) and all other areas not open to the sky above, as determined by the City Building Official. Volume under overhangs of 24 inches or less shall be excluded from these calculations.

As the use of "Floor Area Ratio" instead of "volume" renders obsolete the definition of "volume," that definition, which follows, shall be deleted from the Code:

But for the deletion of the definition of "Volume," that section would have been renumbered as a result of the additional four definitions inserted above as number "dd;" accordingly, as a result of the renumbering of the definitions, the following definition of "Zoning Map" is now numbered "dd" such that the definitions found in Section 14-201 of the Code shall be renumbered in alphabetical order such that the definitions begin with "(a) Accessory Use or Building" and end with "(dd) Zoning Map."

Additionally, the adoption of "Floor Area Ratios" and "Hardscape Ratios" requires revision of certain sections of Article 14-204 entitled "Area, set back, yard, height and parking requirements." The Commissioners having determined that the size of Buildings should be regulated by Floor Area Ratio rather than Volume, those portions of the code that regulate volume shall be amended and restated such that Section 14-204(1)(d)(i-ii) that currently begins:

- (d) Dwelling area and allowable volume.
 - (i) The allowable footprint area of a dwelling above the natural grade of the site, plus the area of all garages, shall not exceed 8 percent of the total lot area in Estates "A" district and 12 percent of the total lot area in all other zoning districts.
 - (ii) The total volume of a dwelling shall not exceed 18 times the allowable footprint area for such dwelling on the lot....

Shall be deleted and the following substituted in its place:

- (d) Dwelling area as Limited by Floor Area Ratio.
 - (i) The allowable footprint area of a dwelling above the natural grade of the site, plus the area of all garages, shall not exceed 8 percent of the total lot area in Estates "A" district and 12 percent of the total lot area in all other zoning districts.
 - (ii) The allowable Floor Area Ratio on a residential structure shall be defined as function of the "Gross Floor Area" divided by the total square footage of the Lot, such that the Maximum Floor Area Ratio for Buildings on a lot shall be:
 - (A) For lots of more than 40,000 square feet, the Floor Area Ratio is .196.
 - (B) For lots of 40,000 square feet or less, the Floor Area Ratio shall be .225.

Additionally, subsection (v) of section 14-204(d), which limits the minimum square footage of any residence shall be amended to refer to Gross Floor Area. As it currently reads:

- (v) In no zoning district shall a dwelling, regardless of height, have a total area of less than two thousand square feet.

Shall be amended to read as follows:

- (v) In no zoning district shall a dwelling, regardless of height, have a Gross Floor Area of less than two thousand square feet.

Finally, with respect to Section 14-204(d), subsection (vi) that provides that:

- (vi) A roof overhang of more than twenty-four inches (24"), covered porches, porte cocheres and other similar areas, shall be included in area and volume calculation.

Shall be deleted since such areas are not included in the calculation of the "Gross Floor Area" but shall be included in the definition of "Hardscape." In order to assure clarity in measuring the Gross Floor Area as defined in Section 14-201(2)(1) above and "Hardscape" as defined in Section 14-201(2)(m), Section 14-204(e) shall be amended. Section 14-204(e) of the Zoning Code, which currently reads:

- (e) Exempt lateral projections. The lateral projection of
- (i) uncovered porches or covered but not enclosed porches, in front yards only, having a total area of 60 square feet or less,
 - (ii) window sills and other ornamental features,
 - (iii) chimneys not more than 2 feet beyond the nearest wall of the main building or structure, and
 - (iv) steps, not extending more than 6 feet or 10 percent of the distance from the building line to the front lot line, whichever is less, beyond the wall of the main building nearest the street lot line shall be considered as exempt from the provisions regulating side and front yard set back lines as hereinafter established.

Shall be amended and restated, and shall be revised to include a modified version of Section 14-204(d)(vi), which was deleted above, such that it shall now read:

- (e) "Gross Floor Area" versus "Hardscape;" Exempt lateral projections.
- (i) The following improvements of a Lot shall not be included in the measurement of the "Gross Floor Area Ratio" but shall be included in the measurement of "Hardscape:"
 - (A) The lateral projection of uncovered porches or covered but not enclosed porches;
 - (B) Chimneys not more than 2 feet beyond the nearest wall of the main building or structure, and
 - (C) A roof overhang of more than twenty-four inches (24"), covered porches, porte cocheres and other similar areas.
 - (ii) Steps, not extending more than 6 feet or 10 percent of the distance from the building line to the front lot line, whichever is less, beyond the wall of the main building nearest the street lot line shall be:
 - (A) considered as exempt from the provisions regulating side and front yard set-back lines as hereinafter established; provided, however:
 - (B) Such steps shall be included in the measurement of "Hardscape."

As a part of the revisions of the Zoning Code, the Commissioners have determined to renumber the subsections of Section 4-204(1)(h), subsections (ii) through (x), as sections with equal dignity in priority as sections (a) – (h), and to modify those subsections as required by the adoption of Floor Area Ratio and Hardscape Ratio in regulating the size of improvements on a Lot. Accordingly, the Commissioners make and adopt the following edits and re-numbering of Section 14-204(1)(h) as follows:

The Commissioners, in an effort to simplify the calculation of percentage of a Lot that can be covered by “Hardscape” as defined above in 14-201(2)(m), also amend the provisions of Section 14-202(h)(vi-ix), which currently read:

- (vi) Maximum swimming pool area ratio. The square footage of the water in a swimming pool as compared to the lot size shall not exceed 2 percent of lot area.
- (vii) Maximum tennis court area. A tennis court shall not exceed 9 percent of lot area.
- (viii) Maximum accessory areas. The combination of subsections 0 and (B) above and any other accessory structures or uses shall not exceed 15 percent of lot area.
- (ix) Maximum deck and terrace areas. The area on any lot devoted to terraces and decks shall not, in the aggregate, exceed 4% of lot area.

The Commissioners, having determined to define “Hardscape” in an effort to simplify the percentage of a Lot that can be covered by swimming pools, decks, terraces as well as other Accessory Uses and Conditional Uses, restate and renumber these provisions of the Zoning Code as follows:

- (vi) Maximum Hardscape Ratio: The square footage of Hardscape, which shall include the Maximum Swimming Pool Area, as compared to the lot size shall not exceed 8% of the lot area.
 - (A) Maximum swimming pool area ratio. The square footage of the surface area of the water in a swimming pool as compared to the lot size shall not exceed 2 percent of lot area.
 - (B) Maximum tennis court area. A tennis court shall not exceed 9 percent of lot area.
 - (C) Maximum accessory areas. The combination of Hardscape and the Maximum tennis court area shall not exceed 15 percent of lot area.

As subsections (vii-ix) above have been subsumed in subsection (vi), subsection (x) entitled “Parking” shall be renumbered as subsection “(vii) Parking.” PROVIDED, HOWEVER, that after effecting these changes, the original organization of Section 14-204(1)(h) would include subsections (i) through (vii); however, the Commissioners, having determined that these provisions of the code should be organized with equal dignity to sections (a) – (h) of Section 14-204(1), have renumbered these sections as (i) through (n) as follows:

- (i) Corner Lots. ... (otherwise unchanged by this Ordinance)

- (j) Lots split between districts. ... (otherwise unchanged by this Ordinance)
- (k) Lot lines. ... Otherwise unchanged by this Ordinance.
- (l) Lots with no rear property line. ... Otherwise unchanged by this ordinance.
- (m) Maximum Hardscape Ratio: The square footage of Hardscape, which shall include the Maximum Swimming Pool Area, as compared to the lot size shall not exceed 8% of the lot area.
 - (i) Maximum swimming pool area ratio. The square footage of the surface area of the water in a swimming pool as compared to the lot size shall not exceed 2 percent of lot area.
 - (ii) Maximum tennis court area. A tennis court shall not exceed 9 percent of lot area.
 - (iii) Maximum accessory areas. The combination of Hardscape and the Maximum tennis court area shall not exceed 15 percent of lot area.
- (n) Parking. ... (Otherwise unchanged by this Ordinance.)

FURTHER, as a consequence of this change in methodology to regulate the size of a residential structure, the Commissioners have determined further to modify the process to apply for a building permit to delete references to volume and to delegate to the applicant the duty to provide the information necessary for evaluation of the Floor Area Ratio and Hardscape Ratio. Accordingly, Section 14-208 of the Zoning Code, which now reads:

14-208. Plats and other information to accompany applications for permits.

- (a) Each application for a building permit shall be accompanied by a plat (the "Plat"), drawn to scale of 1 inch equals 30 feet, or such larger or smaller scale as the city building official shall, in a given case, deem appropriate, showing
 - (i) the actual dimensions and square footage of the building site and building envelope, together, in the case of an application for a building permit for the construction of a new house or structure, or an addition to an existing house or structure, with a topographical survey of the site and building envelope.
 - (A) the location, square footage and volume of the proposed buildings, including all walls and fences and all driveways, parking areas and other paved surfaces, upon the site, and
 - (B) the precise dimensions, floor plans and drawings showing elevations of the proposed buildings on all sides, and such other information as may reasonably be required by the city building official to assure compliance with the provisions of this and all other applicable ordinances. It shall be the responsibility of the applicant to verify all set back lines shown on the plat.

....

Shall be amended to delete the requirements related exclusively to volume and to add those requirements necessary to the determination of the Floor Area Ratio and Hardscape Ratio, such that it shall now read:

14-208.

Plats and other information to accompany applications for permits.

- (a) Each application for a building permit shall be accompanied by a plat (the "Plat"), drawn to scale of 1 inch equals 30 feet, or such larger or smaller scale as the City Building Official shall, in a given case, deem appropriate, showing
 - (i) the actual dimensions and square footage of the building site and building envelope, together, in the case of an application for a building permit for the construction of a new house or structure, or an addition to an existing house or structure, with a topographical survey of the site and building envelope,
 - (ii) the location, square footage, Gross Floor Area and Floor Area Ratio of the proposed buildings, including all walls and fences and all driveways, parking areas and other paved surfaces, upon the site,
 - (iii) the location and square footage of all Hardscape, including, without limitation, Accessory Uses and planned Conditional Uses, the "Hardscape Ratio" and, insofar as it is relevant, the Maximum Accessory Uses, and
 - (iv) the precise dimensions, floor plans and drawings showing elevations of the proposed buildings on all sides, and such other information as may reasonably be required by the City Building Official to assure compliance with the provisions of this and all other applicable ordinances. It shall be the responsibility of the applicant to verify all set back lines shown on the plat.

....

As these changes to the Zoning Code render moot the illustration of the calculation of volume that is contained in the appendix found at Section 14-210 (5) "Appendix E," (g) entitled "Vertical Illustration of allowable square footage and volume," it shall be deleted in its entirety. Accordingly, the following section is deleted:

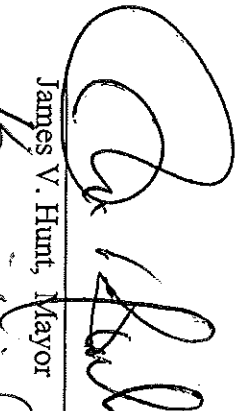
And the subsequent Appendix E (5)(h) entitled "Examples of wall heights." shall be renumbered Appendix E (5) (g).

Passed on first reading:

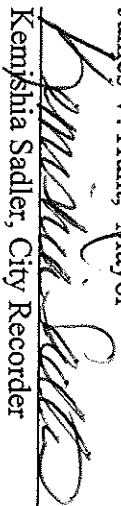
January 18, 2017

Passed on Second Reading:

February 22, 2017



James V. Hunt, Mayor



Kemisha Sadler, City Recorder