

ORDINANCE 2016-7

AN ORDINANCE AMENDING TITLE 14, SECTION 204(1)(h)(ii) and TITLE 14, SECTION 103 OF THE CITY CODE TO VEST THE PLANNING COMMISSION WITH AUTHORITY TO DESIGNATE A BUILDING ENVELOPE FOR CERTAIN "CORNER LOTS"

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 in Title 14, Section 204(1)(h)(ii) defines the setbacks that determine the building envelope for construction of Buildings on Corner Lots;

WHEREAS, the Commissioners of the City of Belle Meade have determined that there may be Corner Lots for which the front line setbacks defined by the intersecting streets so constrain the Building Envelope as to make the construction of a Dwelling impractical and, in such situations, desire to vest the Municipal Planning Commission with authority to specially designate a "building envelope" for such corner lot;

WHEREAS, the Commissioners, in order to effect the intent described above, desire to modify that section of the Zoning Code that governs corner lots, Title 14, Section 204(1)(h)(ii) to provide for the Municipal Planning Commission to specially designate a building envelope, and to modify Title 14, Section 103 of the Code that defines the authority of the Planning Commission to provide the conditions upon which the Planning Commission might designate a Building Envelope for a Corner Lot;

NOW, THEREFORE, it is accordingly ordered that Title 14, Section 204(1)(h)(ii) that currently provides:

(ii) Corner lots. For corner lots, the set back from the front lot line with which the residence is oriented or which the main entrance or front door of the residence faces, as designated by the owner, shall be determined as set forth in the front yard provisions applicable to the district in which the lot is located. The set back from the other of the two front lot lines shall be determined by the front yard provisions as set forth herein, or shall be of such lesser distance as may be determined by the board of zoning appeals after taking into consideration the pattern of development of similar corner lots within the city.

On any corner lot, no fence, wall, hedge, or other planting or structure that will materially obstruct vision between the height of two and one half feet and ten (10) feet above the centerline grades of the intersecting streets forming said corner shall be erected, placed, or maintained within the triangular area formed by the front lot or side lot lines at such corner lot and a straight line joining such front lot or side lot line at points which are thirty five (35) feet distant from the intersection of said lines and measured along said lines. In the case of rounded front or side lot lines at the intersecting streets, such measurements shall be made from the point of intersection of the tangents of the curve constituting the rounding.

Should be modified to provide that it applies except if the Planning Commission has specially designated the Building Envelope for a corner lot such that this section of the Zoning Code now

begins with the phrase, "Unless the Municipal Planning Commission otherwise designates a building envelope:"

(ii) Corner lots. Unless the Municipal Planning Commission otherwise designates a building envelope, for corner lots, the set back from the front lot line with which the residence is oriented or which the main entrance or front door of the residence faces, as designated by the owner, shall be determined as set forth in the front yard provisions applicable to the district in which the lot is located. The set back from the other of the two front lot lines shall be determined by the front yard provisions as set forth herein, or shall be of such lesser distance as may be determined by the board of zoning appeals after taking into consideration the pattern of development of similar corner lots within the city.

On any corner lot, no fence, wall, hedge, or other planting or structure that will materially obstruct vision between the height of two and one half feet and ten (10) feet above the centerline grades of the intersecting streets forming said corner shall be erected, placed, or maintained within the triangular area formed by the front lot or side lot lines at such corner lot and a straight line joining such front lot or side lot line at points which are thirty five (35) feet distant from the intersection of said lines and measured along said lines. In the case of rounded front or side lot lines at the intersecting streets, such measurements shall be made from the point of intersection of the tangents of the curve constituting the rounding.

AND NOW, in order to confirm the Planning Commission's authority to specially designate a building envelope for certain corner lots, be it further ordered that Title 14, Section 103 of the Municipal Code, which currently reads:

14-103. General plan. It shall be the function and duty of the planning commission to make and adopt an official general plan for the physical development of the city. The plan, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the planning commission's recommendations for the said physical development, and may include, among other things, a zoning plan for the regulation of the height, area, bulk, location, and use of private and public structures and premises and of population density; also the general location, character, layout, and extent of community centers and neighborhood units. The commission may from time to time amend, extend, or add to the plan or carry any part or subject matter into greater detail. (Ord. 5, § 3. 1987 Code, § 11-103)

Shall be modified to provide in Section "(a)" for "the plan" as currently provided in the Municipal Code and to add a new Section "(b)" that would grant the Planning Commission authority to specially designate a building envelope for corner lots, and to read as follows:

14-103. General plan. It shall be the function and duty of the planning commission to make and adopt an official general plan for the physical development of the city.

(1) The plan, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the planning commission's

recommendations for the said physical development, and may include, among other things, a zoning plan for the regulation of the height, area, bulk, location, and use of private and public structures and premises and of population density; also the general location, character, layout, and extent of community centers and neighborhood units. The commission may from time to time amend, extend, or add to the plan or carry any part or subject matter into greater detail. (Ord. 5, § 3. 1987 Code, § 11-103)

(2) Upon application by the owner of a Lot that is a corner lot and a determination by the Planning Commission that the standard provisions of Title 14, Section 204(1)(h)(ii) make it impractical to construct a Dwelling without first specially designating a Building Envelope that is particular to the applicant's Lot, the Planning Commission may create a building envelope that is specific to the applicant's lot, and, in its discretion:

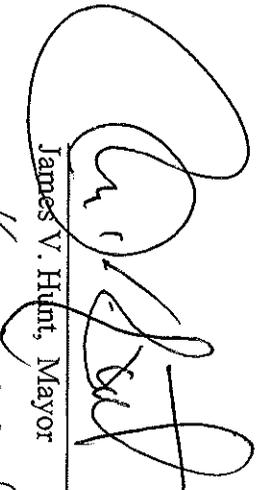
- (a) Designate the orientation of any Dwelling to be built on the lot;
- (b) Having designated the orientation of the Dwelling, designate the front, side and rear setback lines; and
- (c) Impose such conditions on the construction of any Dwelling within the designated building envelope as it deems necessary to assure that:
 - (i) Any pre-existing non-conforming use, structure and/or variance from the provisions of the Zoning Code will not be extended closer to the property line, by reason of the construction of such addition or new structure;
 - (ii) The proposed Dwelling will not be out of harmony with the existing development in the neighborhood, and is so designed and located that the public health, safety and welfare will be protected;
 - (iii) The designation of a building envelope will not adversely impact abutting properties, including those located across street frontages, or other properties in the immediate area;
 - (iv) The physical characteristics of the proposed addition or residential structure are architecturally compatible with other properties in the area, including building orientation, landscaping, drainage, access and circulation, bulk, height, scale and other like features; and
 - (v) The new Dwelling will be constructed under such conditions and safeguards as the Planning Commission may direct to protect the character of the community.

Passed on first reading:

August 17, 2016

Passed on Second Reading:

September 21, 2016

A large, stylized handwritten signature in black ink, appearing to read "James V. Hunt".

James V. Hunt, Mayor

A handwritten signature in black ink, appearing to read "Kemishia Sadler".

Kemishia Sadler, City Recorder