

ORDINANCE 2012-5

AN ORDINANCE AMENDING THE ZONING CODE,
SECTIONS 14-204 and 14-206
OF THE BELLE MEADE MUNICIPAL CODE, ENTITLED

BE IT ORDAINED BY THE CITY OF BELLE MEADE, as follows:

On the recommendation of the Commissioners and the Municipal Planning Commission, the City of Belle Meade acts to amend its Zoning Code to modify the provisions governing the volume, and therefore visual mass, of structures within the City to provide guidelines that apply to a Lot, plot or site of less than the minimum requirement of the Zoning Code Municipal Code, Title 14. The purpose of this amendment is to provide certainty as to the limitations on the volume of structures erected in the City of Belle Meade by accommodating Lots, plots and sites of less than 40,000 square feet while limiting the Board of Zoning Appeals' power to exceed those limitations through the use of a Special Exception.

Furthermore, on the recommendation of the Commissioners and the Municipal Planning Commission, the City of Belle Meade acts to amend its Zoning Code to modify the provisions governing the power of the Board of Zoning Appeals to grant a variance by re-defining what constitutes a "variance."

Accordingly, Section 14-204 of the Zoning Code of the Belle Meade Municipal Code that currently reads as follows:

14-204(1)(d) Dwelling Area-

- (ii) The total volume of a dwelling shall not exceed eighteen (18) times the allowable footprint area for such dwelling on the lot.

Is hereby amended to read as follows:

14-204(1)(d) Dwelling Area and Allowable Volume

- (ii) The total Volume, as defined by §14-201(2)(aa) of the Belle Meade Municipal Code, shall not exceed the "Allowable Volume." The "Allowable Volume," whether new construction or an existing dwelling or other structure on which the homeowner is seeking to build an addition, shall be a function of the size of the lot, plot or site as calculated in accordance with the following:

- (a) The "Base Allowable Volume" is defined as eighteen (18) feet times the allowable footprint area, as defined by §14-204(1)(d)(i) of the Belle Meade Municipal Code.
- (b) For lots of 40,000 square feet or more in size, the Allowable Volume is the Base Allowable Volume.
- (c) For lots of less than 40,000 square feet, then the Allowable Volume is the Base Allowable Volume

increased by an "Allowable Increase Factor," which shall be is determined as follows:

- a. The "Allowable Increase Factor" is calculated as follows:

$$1 + [(40,000 \text{ square feet minus lot size}) \times .00001]$$

- b. Such that the Allowable Volume for lot of less than 40,000 square feet is the Base Allowable Volume x Allowable Increase Factor.

e.g.: If a lot is 25,000 square feet in size, then the allowable footprint as determined by §14-204(1)(d)(i) is $.12 \times 25,000 = 3000$ square feet, which means that the Base Allowable Volume is:

1. 3000 square feet times 18 feet = 54,000 cubic feet, plus
2. The "Allowable Increase Factor" is 1.15, and is calculated as follows: $1 + (40,000 \text{ minus } 25,000) \times .00001 = 1.15$;
3. Such that the Base Allowable Volume for a lot of 25,000 square feet is

$$(3000 \times 18) \times (1.15) =$$

$$54,000 \times 1.15 = 62,100 \text{ cubic feet}$$

- c. For easy reference regarding the application of this formula to determine the Allowable Volume as a function of lot size, the table appended as Appendix G depicts on the x axis the range of lot sizes and on the y axis the corresponding Allowable Volume.

BE IT FURTHER ORDAINED that the provisions governing "Special Impact Areas" are hereby deleted so that the limitations on volume established by this Ordinance are seldom exceeded, except in the rare case of a special exception or variance, and accordingly:

14-206(3)(c)(i) that currently reads as follows:

- (i) The construction of new buildings, or the extension of or additional to existing buildings, under such conditions as the board may direct to safeguard the character of the community and as will not be out of harmony with existing development in the surrounding area, within the following special impact areas:

(A) Special Impact Area A. Bounded on the north by Jackson Boulevard from the eastern boundary of Deer Park Drive extending to the east to the western boundary of Deer Park Circle, on the east by the west boundary of Deer Park Circle from Jackson Boulevard to Deer Park Drive, and on the south and west by the north and east boundary of Deer Park Drive to Jackson Boulevard.

(B) Special Impact Area B. Bounded on the north by Carriage Hill, on the east by Park Hill, on the south by Leake Avenue and on the west by the west boundary of Parmer Avenue, the east and north boundaries of the property of Belle Meade Plantation, the east boundary of the property of the temple and by Bellevue Drive to the beginning.

(C) Special Impact Area C. The lots facing Glen Eden Drive between Westview Avenue and Lynwood Boulevard,

the lots facing Signal Hill Drive between Westview Avenue and Lynwood Boulevard, with the exception of the lots identified as Parcel 80 on Metropolitan Tax Assessor's Map 116-15 and Parcels 27 and 28 of Metropolitan Tax Assessor's Map 130-3, the lots facing Sunnybrook Drive between Westview Avenue and Lynwood Boulevard, with the exception of the lots identified as Parcel 40 on Metropolitan Tax Assessor's Map 130-3 and the eastern portion of Parcel 41 on Metropolitan Tax Assessor's Map 130-3, comprising Lot 10 and Lot 11 of Block 10 on the Plat of John Calhoun's Re-subdivision of a part of Royal Oaks Subdivision, of record in book 574, page 167, Register's Office for Davidson County.

Is hereby deleted; and,

14-206(3)(c)(ii-v) are re-numbered 14-206(3)(c)(i-iv).

BE IT FURTHER ORDAINED that the Volume on a Lot shall not exceed the Allowable Volume as defined by this Ordinance, and accordingly:

14-206(3)(c)(iv), as renumbered pursuant to this ordinance, that currently reads as follows:

The construction of an addition to an existing residential structure, or the replacement of an existing residential structure with a new residential structure, not otherwise permitted by this chapter, or eligible for consideration by the Board under the provisions of § 14-206-(1)(d) of this chapter; provide that the board shall first determine that:

(A) Any pre-existing non-conforming use, structure and/or variance from the provisions of this chapter will not be extended closer to the property line, by reason of the construction of such addition or new structure,

(B) The proposed addition or new residential structure 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;

(C) The granting of this special exception will not adversely impact abutting properties, including those located across street frontages, or other properties in the immediate area;

(D) 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;

(E) The addition or new residential structure will be constructed under such conditions and safeguards as the board may direct to protect the character of the community.

Is hereby amended to include a new subparagraph (A) to confirm the volume limitations imposed by this Code, and is re-lettered accordingly, to read as follows:

(A) The Volume does not exceed the Allowable Volume defined by 14-204(1)(d) entitled "Dwelling Area and Allowable Volume."

(B) Any pre-existing non-conforming use, structure and/or variance from the provisions of this chapter shall not be extended closer to the property line or otherwise expanded, by reason of the construction of

such addition or new structure, unless the owner establishes to the satisfaction of the Board that:

- a. There exists good cause for the expansion;
- b. The proposed addition or new residential structure 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;
- c. The granting of this special exception will not adversely impact abutting properties, including those located across street frontages, or other properties in the immediate area;
- d. 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;
- e. The addition or new residential structure will be constructed under such conditions and safeguards as the board may direct to protect the character of the community.

Be it further ordained that the provisions regarding the power of the Board of Zoning Appeals to grant a variance, that currently read as follows:

14-206(d)

(d) Variances. The Board of Zoning Appeals shall have authority to approve variances from the strict application of this chapter, where, by reason of exceptional narrowness, shallowness, shape, exceptional topographic conditions or other extraordinary and exceptional situation or condition of a specific piece of property on August 16, 1950, the strict application of the zoning regulations as contained in this chapter would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property, the Board of Zoning Appeals may grant a variance from such strict application so as to relieve such difficulties or hardship; provided that such relief may be granted without detriment to the public good and without substantially impairing the intent and purpose of the zoning plan and zoning ordinance of Belle Meade. For the purposes of this subsection, the Board of Zoning Appeals may treat a lot whose depth is at least three times its width as exceptionally narrow, or a lot whose depth is less than 175% its width as exceptionally shallow. Exceptional narrowness or shallowness may also be shown by other evidence, as well.

Are hereby amended to read as follows:

14-206(d)

If the property had on August 16, 1950, an extraordinarily unusual shape, size or topographic feature(s) as compared to other properties in the immediate neighborhood, then the BZA may grant a variance if it determines that such variance may be granted without:

- a. Detriment to the public good;
- b. Substantially impairing the intent and purpose of this ordinance;

and,

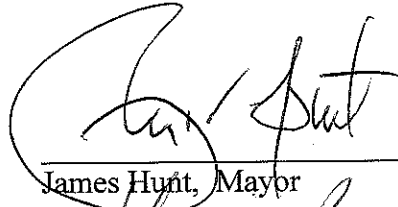
(c) the resulting home will not be out of harmony with the other homes in the neighborhood.

Section 2: This Ordinance shall become effective fifteen days after its passage.

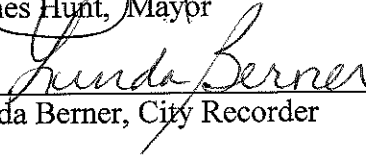
Passed on first reading:
December 19, 2012

Passed by the Municipal Planning Commission:
January 15, 2013

Passed on Second Reading:
January 16, 2013



James Hunt, Mayor



Linda Berner, City Recorder