

ORDINANCE Number 27

State of Tennessee

City of Belle Meade

An ordinance to amend an ordinance adopted by the City of Belle Meade, Tennessee on third reading August 26, 1939 entitled, "An Ordinance to regulate, restrict and limit in the interest of public health, safety, comfort, convenience, prosperity and general welfare, the uses and locations of buildings and other structures, and the uses and maintenance of property. The height, bulk and location of buildings and other structures hereinafter erected or altered, including the lot area per family, set back building lines and the area to be devoted to open spaces; and to provide a method of administration, and to provide penalty for the violation thereof." So as to provide for the regulation by districts or zones of the location, height, number and size of building and other structures hereafter erected or altered, including the lot area per family, set back building lines, the area to be devoted to open spaces.

BE IT ORDAINED by the City of Belle Meade as follows:

SECTION I. Ordinance No. 9 adopted by the City of Belle Meade, Tennessee on third reading on the 26th day of August, 1939, entitled, "an ordinance to regulate, restrict and limit in the interest of public health, safety, comfort, convenience, prosperity and general welfare, the uses and locations of buildings, and other structures, and the uses and maintenance of property, the height, bulk and location of buildings and other structures hereinafter erected or altered, including the lot area per family, set back building lines, and the areas to be devoted to open spaces; and to provide a method of administration, and to provide penalties for the violation thereof," be and the same is hereby amended as follows:

Strike out all that part of Section I of said Ordinance No. 9 after the first sentence of sub-section "F" of Section I, which sentence ends with the words "light or fence posts is prohibited", and insert in lieu of the stricken out provision new sections as follows:

SECTION IX (a) In order to designate districts for the purpose of this Article, the city is hereby divided into the following districts:

Residence District A, which is more particularly described as follows:

RESIDENCE ZONE "A"

Beginning at a point on Harding Place 300 feet easterly of the East boundary of Jackson Blvd. and running thence westerly with Harding Place across Jackson Blvd., thence across Belle Meade Blvd. to a point 300 feet westerly of the west line of Belle Meade Boulevard; thence in a southerly direction and continuing at a distance of 300 feet from the west line of Belle Meade Blvd. to the city limits of the City of Belle Meade on Page Road.

Thence in a southeasterly direction following the city limits of the City of Belle Meade along Page Road until said city limits leave Page Road, and thence with the limits of the City of Belle Meade in a generally easterly direction and following the meanderings thereof to the southeast corner of the City of Belle Meade; thence continuing with the limits of the City of Belle Meade along the easterly boundary thereof to the intersection of said city limits with Tyne Blvd.; thence across Tyne

Blvd. to a point 300 feet north of the northerly boundary of Tyne Blvd.

Thence in a westerly direction 300 feet north of the boundary of Tyne Blvd. and parallel to it to a point 300 feet easterly from the intersection of Tyne Blvd. with Belle Meade Blvd., and thence in a northerly direction 300 feet from the east boundary of Belle Meade Blvd. to Jackson Blvd. and thence continuing in a northerly direction 300 feet from the east boundary of Jackson Blvd. and parallel thereto to the point of beginning on Harding Place.

RESIDENCE ZONE "B"

Which is more particularly described as follows: Beginning at a point on the Harding Road where the northerly limits of the City of Belle Meade intersect with the Harding Road and running thence in a southeasterly direction with the Belle Meade city limits to where said city limits turn somewhat southerly and continuing with said city limits to Abbott-Martin Road; running thence westerly with Abbott-Martin Road to the intersection of Lynnwood Blvd. therewith; running thence southerly with Lynnwood Blvd. to the intersection of Glen Eden Drive therewith; running thence westerly on Glen Eden Drive to the intersection of West View Ave. therewith.

Running thence southerly on Westview Avenue to Harding Place; running thence westerly on Harding Place across Jackson Blvd. and across Belle Meade Blvd. to a point 300 feet westerly of Belle Meade Blvd., the same being a corner of residence Zone "A"; running thence in a northerly direction 300 feet, westerly of the west boundary of Belle Meade Blvd. and parallel thereto 300 feet therefrom, to the intersection of Harding Road, and running thence northeasterly with the Harding Road to the point of beginning.

RESIDENCE ZONE "C"

Residence "C" District shall include all areas within the City limits of the City of Belle Meade not included in Residence Zone "A" and/or Residence Zone "B".

The boundaries of said Districts are hereby established upon the map which is designated "BUILDING ZONE MAP CITY OF BELLE MEADE, TENNESSEE" and is on file in the office of the City Recorder. Said Building Zone map with the boundary descriptions as set forth hereinabove appended thereto, is hereby made a part of this Ordinance and the designation of district as thereon indicated is hereby adopted. No building or structure shall be erected or altered, nor shall any building or premises be used for any purpose other than the use permitted in the district in which such building or premises is located. No building or premises shall be used so as to produce greater heights, smaller yards or less unoccupied area, and no building shall be occupied by more families than hereinafter prescribed for each building for the district in which it is located. No lot which is now or may hereafter be built upon as herein required, may be so reduced in area that the yard and open spaces will be smaller than prescribed by this Article, and no yard, court or open space provided about any building for the purpose of complying with the provisions hereof, shall again be used as a yard, court or other open space for any other building.

SECTION IX (b) Within any Residence "A" district no building or structure shall be erected which does not comply with the following requirements:

HEIGHT: No building shall exceed 35 feet, or two and one-half stories in height.

REAR YARDS: There shall be a rear yard on every lot which rear yards shall have a minimum depth of 70 feet for a one-story building, which depth shall be increased to 100 feet for a two or two-and-one-half story building.

Accessory buildings not over 15 feet high may be located in the rear yard, provided such buildings occupy no more than 25 per cent of the rear yard area, and also provided such accessory buildings come not nearer than 10 feet to any lot line.

In the case of a corner lot no wall of any accessory building shall be nearer to a side street line than the side line of the main building and it shall also be as far from the side street line as the set back line fixed by this Ordinance for building on the side street lots or as near thereto as the width of the lot will permit.

SIDE YARDS: There shall be a side yard on each side of every building and the minimum width of any side yard shall be 40 feet and the least sum of the widths of both side yards shall be 90 feet.

SET BACK LINES: No building shall be erected, reconstructed or altered so as to project in any manner beyond a line which is distant from the street line the average distance therefrom of the buildings fronting on the same side of the street within the block at the time of the passage of Ordinance No. 9, on August 26, 1939.

Where no building exists fronting on the same side of the street within a block, no new buildings shall be erected with the street wall or walls so as to project in any manner beyond the line which is distant from the street line, the average distance therefrom of the buildings on the same side of the street within one thousand (1,000) feet in each direction from the center of the building being constructed. In determining the average distance from the street of buildings within 1,000 (one thousand) feet, only buildings constructed prior to the adoption of this ordinance shall be considered.

Steps, uncovered porches and covered but unenclosed porches on the first story, which do not extend more than ten feet beyond the front wall of the building are exempt from the above provision.

LOT AREA: The minimum requirements shall be seventy thousand (70,000) square feet of lot area for each detached dwelling for only one family, or for one housekeeping unit, and one hundred and forty-thousand (140,000) square feet for a detached dwelling for two families, or two housekeeping units.

SECTION IX (c) Within any residence "B" district no building or structure shall be erected which does not comply with the following requirements:

HEIGHT: No building shall exceed 35 feet, or two and one-half stories, in height.

REAR YARDS: There shall be a rear yard on every lot, which rear yard shall have a minimum depth of 60 feet for a one-story building, which depth shall be increased to 85 feet for a two or a two-and-one-half story building.

Accessory buildings not over 15 feet high may be located in the rear yard, provided such buildings occupy no more than 25 per cent of the rear yard area, and also provided such accessory buildings come not nearer than 10 feet to any lot line.

In the case of a corner lot no wall of any accessory building shall be nearer to a side street line than the side line of the main building and it shall also be as far from the side street line as the set back line fixed by this Ordinance for building on the side street lots or as near thereto as the width of the lot will permit.

SIDE YARDS: There shall be a side yard on each side of every building, and the minimum width of any side yard shall be 30 feet and the least sum of the widths of both side yards shall be 70 feet.

SET BACK LINES: No building shall be erected, reconstructed or altered so as to project in any manner beyond a line which is distant from the street line the average distance therefrom of the buildings fronting on the same side of the street within the block, at the time of the passage of Ordinance No. 9 on August 26, 1939.

Where no building exists fronting on the same side of the street within the block no new buildings shall be erected with the street wall or walls so as to project in any manner beyond the line which is distance from the street line the average distance therefrom of the buildings on the said side of the street within 1,000 feet in each direction from the center of the building being constructed. In determining the average distance from the street of buildings within 1,000 feet, only buildings constructed prior to the adoption of this ordinance shall be considered.

Steps, uncovered porches and covered but unenclosed porches on the first story which do not extend more than 10 feet beyond the front wall of the building are exempt from the above provision.

LOT AREA: The minimum requirements shall be forty thousand (40,000) square feet of lot area for each detached dwelling for only one family, or for one housekeeping unit, and eighty thousand (80,000) square feet for a detached dwelling for two families, or two housekeeping units.

SECTION IX (d) Within any Residence "C" district no building or structure shall be erected which does not comply with the following requirements:

HEIGHT: No building shall exceed 35 feet, or two and one-half stories in height.

REAR YARDS: There shall be a rear yard on every lot, which rear yard shall have a minimum depth of 48 feet for a one-story building which depth shall be increased to 72 feet for a two and one-half story building.

Accessory buildings not over 15 feet high may be located in the rear yard, provided such buildings occupy no more than 25 per cent of the rear yard area, and also provided such accessory buildings come not nearer than 10 feet to any lot line.

In the case of a corner lot no wall of any accessory building shall be nearer to a side street line than the side line of the main building and it shall also be as far from the side street line as the set back line fixed by this ordinance for building on the side street lots or as near thereto as the width of the lot will permit.

SIDE YARDS: There shall be a side yard on each side of every building, and the minimum width of any side yard shall be 20 feet and the least sum of the widths of both side yards shall be 50 feet.

SET BACK LINES: No building shall be erected, reconstructed or altered so as to project in any manner beyond a line which is distant from the street line the average distance therefrom of the buildings fronting on the same side of the street within the block, at the time of the passage of Ordinance No. 9 on August 26, 1939.

Where no building exists fronting on the same side of the street within the block no new buildings shall be erected with the street wall or walls so as to project in any manner beyond the line which is distant from the street line the average distance therefrom of the buildings on the same side of the street within 1,000 feet in each direction from the center of the building being constructed. In determining the average distance from the street of buildings, within 1,000 feet, only buildings constructed prior to the adoption of this Ordinance shall be considered.

Steps, uncovered porches and covered, but unenclosed porches on the first story which do not extend more than 100 feet beyond the front wall of the building are exempt from the above provision.

LOT AREA: The minimum requirements shall be twenty thousand (20,000) square feet of lot area for each detached dwelling for only one family, or for one housekeeping unit, and forty thousand (40,000) square feet for a detached dwelling for two families, or two housekeeping units.

SECTION IX (e) All provisions of Ordinance No. 9 adopted by the City of Belle Meade on the 26th day of August, 1939, not herein specifically repealed shall remain in full force and effect and shall apply to the provisions of this amendatory ordinance which shall be construed as part of Ordinance No. 9.

SECTION IX (f) The Commissioners of the City of Belle Meade hereby certify that this amendment to the zoning ordinance to-wit, Ordinance No. 9, having been submitted to and approved by the Planning Commission of the City of Belle Meade, and a public hearing thereon having been held after at least 15 days notice of the time and place of said meeting was published in a newspaper of general circulation in the City of Belle Meade, that an emergency exists because of the fact that unless restricted by this ordinance, buildings will be erected within the City of Belle Meade and premises will be used within the City of Belle Meade otherwise than as authorized, and permitted by this Ordinance, which construction and use will be detrimental to or is liable to be detrimental to the health, morals, comforts, safety, convenience and welfare of the inhabitants of the City of Belle Meade, for the following reasons:

(a) There is no sewerage system in the City of Belle Meade and sewage disposal must be made entirely by septic tanks or some similar arrangement. The soil varies in different sections of the City of Belle Meade as to its ability to absorb waste from septic tanks and the construction of large number of houses without adequate areas for sewage disposal constitutes a menace to the health and well being of the citizens of the City of Belle Meade.

(b) The development of the City of Belle Meade has progressed along definite lines in different sections and in certain sections of the city the houses are uniformly, or almost uniformly built on larger lots than in other sections of the city. In order to promote the orderly development of the city and to protect the property values it is desirable and necessary that further development in the city be so directed and guided as to be in harmony with existing development. At the present time it appears that unless immediately prevented, much construction not in harmony with the existing development will occur in the city.

(c) The City of Belle Meade has no organized fire department and in the present great activity in home constructing there is immediate danger of constructing groups of houses in such close proximity that a conflagration could sweep through a wide area.

(d) Substantially all of the citizens of the City of Belle Meade work or have their businesses in the City of Nashville, and in many instances have moved to Belle Meade to avoid the smoke nuisance which has been so detrimental to property values in the City of Nashville. The continued development in construction of new homes in the City of Belle Meade is threatening to create a very severe smoke nuisance there, and this is especially true of the type of houses where there is no stoker or other smoke

prevention device. It is therefore particularly essential to avoid smoke nuisance that new construction be so regulated as not to create congested area.

In view of the foregoing, this ordinance shall take effect upon the date of its final passage.

Walter B Howell
Recorder

Jo Gibson Jr
Mayor

J. H. Mitchell
Vice-Mayor

[Signature]
Commissioner

Passed 1st Reading
July 2, 1946.

Passed on 2nd Reading
July 12, 1946

Passed on third reading,
and adopted.
July 23, 1946.