

State of Tennessee)
)
 City of Belle Meade)

ORDINANCE NO. 9

AN ORDINANCE TO REGULATE, RESTRICT AND LIMIT IN THE INTEREST OF THE 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 PENALTIES FOR THE VIOLATION THEREOF.

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

Section 1. Within the limits of the City of Belle Meade, no building, structure or premises shall be used or arranged or designed to be used except for one or more of the following uses:

1. A dwelling for only one family or for one housekeeping unit.
2. A detached dwelling for two families, or two housekeeping units.
3. The taking of boarders and the leasing of rooms by a resident family provided the total number of boards and rooms does not exceed two, in any one family dwelling, nor does not exceed four in any two family dwelling.
4. Churches and other places of worship.
5. School buildings, constructed and operated by political sub-divisions of the State of Tennessee.
6. Accessory uses customarily incident to any of the above permitted uses, but not including the conduct of a business or industry.

(a) A private garage on the same lot with or in the buildings to which it is accessory and in which garage no business or industry is conducted. Garage space may be provided for two motor vehicles on any lot and garage space may be provided for one additional motor vehicle for each 5,000 square feet of lot area by which said lot area exceeds 20,000 feet. Only one commercial vehicle may be stored on any lot.

No part of any such garage shall be used for residence purposes except by domestic employees of the owner, lessee or occupants of the principal building and the family of such employee may have quarters in such garage.

(b) A private stable on the same lot with the building to which it is accessory and in which stable no business or industry is conducted. Provided, that said stable shall be so constructed that no part thereof is within 100 feet of the boundary of the lot on which it is constructed.

(c) The office or studio of a physician, dentist, musician, lawyer or other like professional person may be located in the dwelling used by such professional person as his residence, provided, there is no display visible from the street nor sign board used to advertise such use, except a name-plate of the customary type and size.

(d) Customary home occupations carried on in the residence of the occupant and not in an accessory building, provided, that not more than one-half of the floor area of one story is devoted to such uses.

(e) Signs pertaining to the lease, sale, or use of a lot or building may be placed thereon, provided the total area of all such sign does not exceed eight square feet. A non-conforming business use may have exterior signs aggregating no more than 24 square feet in the area of the lot.

(f) The erection, maintenance or use of bill-boards or other structures erected solely for advertising purposes is forbidden, and likewise the posting of signs on telephone, light or fence posts is prohibited.

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 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 not more than 25% of the rear yard area, and also provided such accessory buildings come not nearer than four feet to any lot line.

In the case of a corner lot no wall or any accessory building shall be nearer to a side street line than the side line of a 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 40 feet.

SET BACK LINE: 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 this Ordinance.

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.

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 20,000 square feet of lot area for each detached building of only one family, or for one housekeeping unit, and 40,000 square feet for a detached dwelling for two families, or two housekeeping units.

Section 2. Non-conforming uses.

The lawful use of any building or land existing at the time of the adoption of this Ordinance may be continued, although the use of such building or land, or the construction thereof, does not conform to the regulations of this ordinance. An existing non-conforming use of a building or premises may be changed to another non-conforming use only after resolution by Ordinance of the Board of Commissioners of the City of Belle Meade.

No non-conforming use may be re-established in any building or any premises where such non-conforming use has been discontinued for a period of at least two months. No addition shall be made or erected to any building now occupied or used under a non-conforming use if such addition would result in increasing the floor space of said building or the height of said building.

Any non-conforming structure damaged by fire, explosion, flood, riot, or act of God, may be reconstructed and used as before any such calamity provided the building has not been destroyed to an extent of more than one-half of its fair value, and provided such reconstruction takes place within six months of the calamity.

Section 3. General Provisions.

Parapet walls, not exceeding four feet in height, chimneys, ventilators, cupolas, domes and spires may be erected above the height limits herein established.

Every part of the yard herein required shall be open from the lowest point of the ground level to the sky, unobstructed, except for the ordinary projections of window sills and other ornamental features. Chimneys may be erected within the limit prescribed for yards, provided they do not extend more than two feet into such yard.

Section 4. Board of Appeals.

An administrative board is hereby created, such board to be known as the Board of Zoning Appeals. The Municipal Planning Commission shall be the Board of Zoning Appeals, and shall have full power and authority to hear appeals and determine the administration of these Ordinances and the details of the application thereof.

Any determination by the City Manager made in the enforcement of these Ordinances may be appealed to the Board of Zoning Appeals by any person deeming himself adversely affected by such decision.

No action shall be taken by the Board on any case until after public hearing and notice. The presence of five members shall constitute a quorum, and the concurring vote of a majority of the Board present at any meeting shall be necessary to reverse or modify any order, requirement, or decision of the City Manager or to decide in favor of the appellant any matter upon which the Board is required to pass, or to affect any variation.

Proper notice of a hearing before the Board shall be a written notice mailed to the owner or his agent at the address given on the appeal and to directly affected property owners or their agents at least five days prior to the date set for such proposed hearing, in such manner as the Board in its rules of procedure may prescribe, and by a notice posted on the bulletin board of the Belle Meade Country Club at least five days before the date set for such proposed hearing.

The Board of Zoning Appeals shall have such duties and powers as are set forth in the various sections of this Ordinance. The Board shall adopt such rules and regulations as it may deem necessary to carry into effect the provisions of this Ordinance. It shall hear and decide all questions brought before it by appeal from the refusal, granting, or revocation of permits by the City Manager under the provisions of this Ordinance; it shall also hear and decide all matters referred to it or upon which it is required to pass under this Ordinance. Within its powers, the Board may reverse or affirm, wholly or in part, or modify the Ordinance requirement, decision, or determination, as in its opinion ought to be made under the circumstances, and to that end shall have all powers of the officers from whom the appeal is taken, and it may issue, or direct the issuance of a permit.

The Board of Zoning Appeals shall have power to permit exceptions to and variations from the regulations as follows:

- (1) Permit the extension of an existing or proposed building in use under such conditions as will safe-guard the character of the community.
- (2) Grant a permit for a temporary building, or use, incidental to the residential development, such permit to be used for a period of not more than one year.
- (3) Grant a permit for the erection and the use of a building, or the use of premises for a telephone exchange or electric sub-station, or a post office, subject to such conditions and safe-guards as will protect the character of the community.
- (4) Where there are practical difficulties or un-necessary hardships in the way of carrying out the strict letter of the provisions of this Ordinance, the Board of Zoning Appeals shall have power in a specific case to vary the application of any such provision in harmony with the general purpose and intent of this Ordinance, so that the public health, safety, prosperity, moral and general welfare may be secured and substantial justice done.

Section 5. Definitions

Certain words and terms in this Ordinance are defined for the purpose thereof as follows:

(a) Words used in the present tense include the future. The singular includes the plural and the plural the singular. The lot includes the word "plot" and means that portion of land embraced in a contiguous area.

The word building includes the word structure, and shall include tents, lunch wagons, dining cars, camp car, trailer cars.

(b) Accessory use or building. An accessory use or building is a subordinate use or building, customarily incident to and located on the same lot with the main use or building.

(c) Dwelling. Any house or building or portion thereof which is occupied in whole or in part as the home, residence, or sleeping place of one or more persons, either permanently or transiently.

(d) Half Story. A story which is situated under the sloping roof, the floor area of which does not exceed $\frac{2}{3}$ of the floor area of the floor immediately below it.

(e) Height of Building. The vertical distance from the average elevation of the finished grade along the front of the building to the highest point of the roof surface.

(f) Lot. A piece or parcel of land occupied, or to be occupied, by one main building, and its accessory buildings, and including the open spaces required by this Ordinance.

1. Front Lot Line. The front lot line is the line separating the lot from the street.

2. Rear Lot Line. The lot line opposite and the most distant from the front lot line is the rear lot line. The rear lot line on any irregular or triangular lot shall, for the purpose of this Ordinance, be a line entirely within the lot, 10 feet long, and parallel to, the most distant from the front lot line.

3. Side Lot line. Any lot line not a front lot line or rear lot line shall be termed a side lot line. A side lot line separating a lot from the street is a side street lot line.

(g) Non-conforming use. A use of a building or land that does not agree with the provisions of this Ordinance.

(h) Set back line. The set back line is a line back of the street line between which and the street line no building or portion thereof, except as provided in this Ordinance, may be erected above the established side walk grade at the center of the front of the building.

(i) Yards. A yard is an existing or required open space on the same lot with the principal building and lying along the adjacent lot line, open, unoccupied, unobstructed from the ground to the sky, except as otherwise provided herein.

Section 6. Enforcement

The City Manager shall enforce the provisions of this Ordinance. No permits shall be issued for excavation or for construction or alteration of any building, structure, or part thereof, where the plans, specifications, or intended use indicate that the building or use would not conform in all respects with the provisions of this Ordinance.

Section 7. Plats.

Any application for a building permit shall be accompanied by a plat, drawn to scale, showing the actual dimensions of the parcel of land to be built upon, the size of the building to be erected, the position of the building upon the lot, the arrangement of the septic tank, and the proposed field for the discharge of the same, and such other information as may be deemed necessary to provide for the enforcement of these regulations.

Section 8. Occupancy Permits

No vacant lot and no building hereafter erected or altered shall be occupied or used, in whole or in part, nor shall any owner or tenant of any land or building hereafter change the use, classification, or enlarge the use in any building or in any premises without a certificate from the City Manager stating that the use of the building or premises complies with the provisions of this Ordinance.

Application for a certificate of occupancy shall be made with the application for building permit, or may be directly applied for where no building permit is necessary, and shall be issued or refused in writing within five days after the City Manager has been notified in writing that the building or premises is ready for occupancy.

A record of all such certificates shall be kept in the office of the City Manager and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the property.

Section 9. Violation Penalty

Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any of the provisions of this Ordinance, shall be fined not less than \$5.00 and not more than \$50.00. Each day such violation or failure to comply is permitted to exist after notification thereof shall constitute a separate offense.

Section 10. Amendments

Any owner of property desiring an amendment to this Ordinance shall proceed by filing with the Board of Commissioners of the City of Belle Meade his petition for such change. Upon receipt of such petition the Board of Commissioners shall cause notice of such request to be made by mailing a copy thereof to the owners and occupants of the immediately adjacent property, in so far as the same can be ascertained, who will be affected by such amendment; publishing and advertisement in a newspaper of general circulation in Davidson County, Tennessee, setting forth the proposed amendment, and stating the time set for hearing by the Board of Commissioners on the proposed change.

