

ORDINANCE NO. 55-2

"AN ORDINANCE TO AMEND ORDINANCE NO. 39, AS AMENDED, BY MAKING IT LAWFUL TO USE PROPERTY FOR THE CONDUCT OF CERTAIN PRIVATELY OPERATED SCHOOLS AND FOR MUNICIPAL PURPOSES AND TO REGULATE THE ISSUANCE OF PERMITS TO BUILD, USE OR OCCUPY CHURCHES, OTHER PLACES OF WORSHIP, SCHOOLS, AND/OR ADDITIONS OR ALTERATIONS TO EXISTING CHURCHES, SCHOOLS AND/OR PLACES OF WORSHIP, AND TO PROVIDE MINIMUM SETBACK DISTANCES FOR SUCH STRUCTURES, AND TO ENLARGE THE JURISDICTION OF THE BOARD OF ZONING APPEALS WITH RESPECT TO SUCH PERMITS, AND TO PROVIDE FOR THE ADMINISTRATION THEREOF, AND TO LIMIT THE POWERS OF THE BUILDING INSPECTOR WITH RESPECT TO THE ISSUANCE OF PERMITS FOR ANY CLASS OF BUILDING, ALTERATION, ADDITION OR OCCUPANCY, AND TO REPEAL ALL ORDINANCES IN CONFLICT THEREWITH.

"BE IT ORDAINED BY THE CITY OF BELLE MEADE AS FOLLOWS:

SECTION 1. That Section 1, Sub-section 5 of Ordinance No. 39 of the City is amended by adding thereto, at the end thereof, the following words:

"or by private institutions, corporations or individuals, and buildings erected by the City of Belle Meade for municipal purposes."

SECTION 2. Be it further ordained by the City of Belle Meade, Tennessee, that Section 9, Sub-section b, of Ordinance No. 39 be amended by striking out said Sub-section b in its entirety, and by substituting therefor the following:

"b. Where application is made for a permit for the erection or occupancy of a church or other place of worship, or for conversion of an existing building to such use, or where application is made for a permit for the construction of a school, or conversion of an existing building to such use, or for additions, alterations, or changes in an existing church or school, such application shall be accompanied by a plat drawn to scale, showing the actual dimensions of the parcel of land to be built upon or used, the size of the building to be erected or converted, the position of the proposed or existing building upon the lot, the position of any future contemplated or projected buildings to constitute a part of said church or school, the arrangement of the septic tank and the proposed field for the discharge of same, the position and dimensions of any automobile parking area, immediate or projected in the future, and such other information as may be now or thereafter deemed necessary by the Building Inspector or by the Board of Zoning Appeals for consideration of the application; and such application together with the supporting documents and information furnished by the applicant, shall be filed with the Building Inspector who shall transmit the same for consideration to the Board of Zoning Appeals."

SECTION 3. Be it further ordained by the City of Belle Meade, Tennessee, that Section 9 of the said Ordinance No. 39 be amended by adding thereto Section "c" as follows:

"c. The Board of Zoning Appeals shall have the exclusive jurisdiction and power to grant a permit for the erection of school buildings and churches within residence A districts and residence B districts, provided it is the finding of the Board that such proposed use and/or buildings will not impair an adequate supply of light and air to adjacent property, or materially increase the congestion of public streets, or increase the public danger by reason

of fire, or impair the public safety, or tend to impair the public health by reason of inadequate sewage disposal and septic facilities, or otherwise, or tend to impair the public health by creating a smoke nuisance, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, and welfare of the community; and provided further that said Board of Zoning Appeals, in addition to any other specific requirements of the City Ordinances, may impose upon the granting of such permit such conditions and safeguards as will preserve the integrity and character of the district, and will prevent the proposed use from imposing any undue financial burden upon the City; and providing further that in exercising the foregoing power, the concurring vote of at least two-thirds of the members of the Board of Zoning Appeals shall be cast in favor of granting such permit; and the Building Inspector of the City of Belle Meade shall refer all applications for such permits to the Board of Zoning Appeals for its action under this section."

SECTION 4. Be it further ordained by the City of Belle Meade, Tennessee, that Section 9 of Ordinance No. 39 be amended by adding thereto Sub-section "d" as follows:

"d. The City Building Inspector shall issue no permit for the building, alteration or occupancy of any structure where the building, alteration or occupancy would, in his opinion, violate any provision of this or any other ordinance of the City of Belle Meade, or where in his judgment the proposed building, alteration, addition or occupancy would materially and adversely affect the public health, safety, comfort, morals, or welfare of the community."

SECTION 5. Be it further ordained by the City of Belle Meade, Tennessee, that Section 3, Sub-section a. of Ordinance No. 39 be amended by adding thereto at the end of the paragraph headed "Setback Lines" and immediately before the paragraph thereof headed "Lot Area", the following:

"No building shall be erected, constructed, or altered for use as a church or other place of worship, or for use as a school, which is so placed on the lot which it occupies as to be within 250 feet in any direction of the boundary of said lot, front, side or rear."

SECTION 6. Be it further ordained by the City of Belle Meade, Tennessee, that Section 3, Sub-section b of Ordinance No. 39 be amended by adding thereto at the end of the paragraph headed "Setback Lines" and immediately following the paragraph thereof headed "Lot Area", the following:

"No building shall be erected, constructed, or altered for use as a church or other place of worship, or for use as a school which is so placed on the lot which it occupies as to be within 250 feet in any direction of the boundary of said lot, front, side or rear."

SECTION 7. Be it further ordained by the City of Belle Meade, Tennessee, that all ordinances or parts thereof in conflict with the

provisions hereof are repealed.

SECTION 8. Be it further ordained by the City of Belle Meade, Tennessee, that on account of the proposal of the Board of Education of Davidson County to locate a school within the limits of the City, without reference to the building and zoning laws of the City and without having applied for or been granted a permit to build said school, that an emergency exists, and that this ordinance become effective on the day of its final passage.

Joe Eason Jr
MAYOR

Francis Brewster
VICE-MAYOR

Bill Full
COMMISSIONER

W. T. Mallison
RECORDER

Passed on First Reading
June 13, 1955

Passed on Second Reading
June 24, 1955

Passed on Third Reading
and Adopted
July 18, 1955