

ORDINANCE 2001-5

An Ordinance amending Chapter Two, Title 14 of the Belle Meade Code

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

ITEM 1

Belle Meade Code Section 14-204(1)(e) is amended to read as follows:

“(e) ‘Side Yard’

(i) The minimum width of any side yard shall be 20% of the lot at the front setback line; provided, however, that the sum of the widths of both side yards shall be at least 50% of the lot width at the front setback line, and provided further that, in the case a lot having an irregular front lot line, the width of the lot shall be measured at the midpoint of the front setback line.

(ii) Between any driveway and the nearest property line there shall be a minimum 5-foot “green space” to be devoted to grass or other vegetation.”

ITEM 2

Belle Meade Code Section 14-201(2)(l) is amended to read as follows:

“(l) ‘Lot, Plot or Site.’ One contiguous piece or parcel of land, not divided or separated by property of any third party or by any street, walkway or other public right-of-way, which is occupied or proposed to be occupied by one main or principal building or use and its accessory buildings and uses, and which includes within its boundaries the open spaces required by this Chapter, and which is either (i) defined as a single lot on a recorded subdivision plan or plat of record in the Register’s Office for Davidson County, Tennessee, or (ii) separately described as a single tract in a property deed recorded in the Register’s Office for Davidson County, Tennessee, prior to the enactment of Ordinance No. 39 on August 16, 1950.

ITEM 3

Belle Meade Code Section 14-206(1)(f)(D) is amended to read as follows:

“(D) The erection, construction, development, arrangement or use of (i) accessory buildings, including buildings, structures or other uses listed or described in Section 14-202(1)(d)(vii), (ii) detached garages, (iii) living quarters as described in Section 14-202(1)(d)(ii), (iv) parking areas and/or driveways in excess of the amounts permitted in Section 14-204(1)(a)(iv), (v) fences and walls which do not conform to the requirements, as to height or location, of Section 14-204(1)(d) and/or other accessory buildings or uses listed and/or described elsewhere in this Ordinance (collectively, the ‘Proposed Use’); provided that the Board shall determine that:

(1) the proposed use 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;

(2) 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;

(3) the physical characteristics of the proposed use or 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;

(4) the proposed use will be carried out under such conditions and safeguards as the Board may direct to protect the character of the community.”

ITEM 4

Belle Meade Code Section 14-206(1)(f)(E) is amended to read as follows:

(E) 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 ordinance, or eligible for consideration by the Board under the provisions of § 14-206(1)(g) of this Ordinance; provided that the Board shall first determine that:

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

(2) 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;

(3) 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;

(4) 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;

(5) 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

ITEM 5

Belle Meade Code Section 14-202(1)(d)(vii)(A)(3)(d) is amended by inserting after the words “swimming pools” the words “except hot tubs, spas and ornamental pools.”

ITEM 6

Belle Meade Code Section 14-202(1)(d)(vii) is amended by adding a new subsection (G) thereto, as follows:

“Hot tubs, spas and ornamental pools having a depth of more than 18 inches and constructed with a lockable cover or enclosed by a fence or wall not less than 6 feet in height above the exterior adjoining grade may be constructed within the building envelope as a matter of right or outside the building envelope with the approval of the Board of Zoning Appeals.”

ITEM 7

Belle Meade Code Section 14-201(2) entitled Terms and Definitions is amended by renumbering Section (x) as Section (y) and adding a new Section (x) to the same, as follows:

“(x) ‘Volume.’ The cubic measure of all areas covered by a structure above finish grade within the main body of the building, including but not limited to covered terraces, porte cocheres, areas below raised decks (when more than 3 feet above adjacent grade), accessory structures (excepting doghouses, children’s tree houses and playhouses) and all other areas not open to the sky above, as determined by the City Building Official. Volume under overhangs of 24 inches or less shall be excluded from these calculations.”

ITEM 8

Belle Meade Code Section 14-202(1)(d)(vii)(A)(3)(d) is amended to read:

“Swimming pools, together with all mechanical equipment necessary to the operation of the same.”

ITEM 9

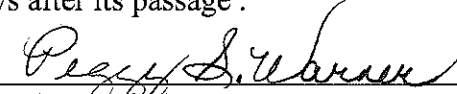
Belle Meade Code Section 14-202(1)(d) is amended by adding to the same a new subparagraph (viii) as follows:

“(viii) All compressors, generators or other equipment necessary to the operation of the heating, ventilating and air conditioning equipment and/or other mechanical systems included in any building or structure shall be located at ground level within the Building Envelope in which such building or structure is also located”.

ITEM 10

This Ordinance shall become effective fifteen days after its passage .

Passed on first reading:
May 16, 2001



Mayor Peggy S. Warner

Passed on second reading:
June 19, 2001



City Recorder Dorothy L. Wheeler