

ORDINANCE 2004-8

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 14-201(2)(j) is amended to read as follows:

“(j) **‘Height of building’**

The vertical distance from the average existing natural grade, without increase, modification or manipulation, along the front setback line or lines to the highest point of the roof surface of such building. In addition, the finished grade along any wall of the building may not be increased, at any point, by more than twenty-one (21”) inches above the natural grade.

In the application of the foregoing definition, walls extending not more than four (4’-0”) feet above and in line with the external walls of the main building, chimneys not extending more than twelve (12’-0”) feet above the point at which the chimney penetrates the roof of the main building, and cupolas, domes and spires, which do not cause the building to which they are attached to exceed the permitted height limits of such building or have been approved by the Board of Zoning Appeals, may be erected and considered as within the height limits for buildings herein established.

ITEM 2

Belle Meade Code Section 14-201(2), ENTITLED **Terms and Definitions** is amended by adding the following new sub-paragraph (t) and re-lettering the existing sub-paragraphs (t) through (y) as (u) through (z) respectively:

“(t) **‘RETAINING WALLS.’** Retaining Walls are walls constructed for the purpose of retaining earth or the existing grade elevation of a lot.

ITEM 3

Belle Meade Code Section 14-202(2), entitled **Prohibited Uses**, is amended by adding a new sub-section (i) at the conclusion thereof, as follows:

“(i) No change in the existing elevation of a lot, by excavation, fill, grading, the use of Retaining Walls, any combination of the foregoing or otherwise, in excess of twenty-one (21”) inches, may be accomplished without the approval, in advance, of the Board of Zoning Appeals.”

ITEM 4

Belle Meade Code Section 14-204(1) is amended by deleting sub-paragraph (d) thereof and substituting the following in lieu thereof:

“(d) Fences and walls. A fence or wall less than three (3) feet in height may be constructed at any location on a lot, except that multiple retaining walls must be

separated by terraces of at least six (6'- 0") feet in width, or such lesser distance as shall be approved by the Board of Zoning Appeals (the "Minimum Terrace Requirement").

Multiple Retaining Walls, if separated from each other by more than the Minimum Terrace Requirement, and having an individual height of three (3'- 0") feet or less, may be constructed as a matter of right so long as, in whole, they do not alter the average existing grade in excess of three (3'- 0") feet. Multiple Retaining Walls which alter the average existing grade in excess of three (3'- 0") feet will be treated as a single wall and may only be constructed with the approval of the Board of Zoning Appeals.

A fence or wall six (6) feet in height or less may be located

- (i) adjoining a rear lot line, or
- (ii) (i) parallel to the front lot line and extending from a side lot line to the rear corner of the dwelling on the premises, or an offset to the rear of such corner sufficient, in the opinion of the City Building Official, to provide a reasonable turning area for automobiles backing out of a garage located inside the rear corner of the dwelling, or (ii) adjoining a side lot line, in which latter case the side lot line, fence or wall shall extend no closer to the front lot line than its intersection with a line from it to the rear corner of the dwelling, located and/or offset as aforesaid. Walls and fences with changes of grade shall be measured from the finished grade on the lower side thereof.

ITEM 5

Belle Meade Code Section 14-208 entitled **Plats And Other Information To Accompany Applications For Permits**. Is amended by re-writing sub-paragraph (a) at the conclusion of sub-section (1) thereof, to read as follows:

- “(a) the actual dimensions and square footage of the building site and building envelope, together, in case of an application for a building permit for the construction of a new house or structure, or an addition to an existing house or structure, with a topographical survey of the building site and building envelope,”

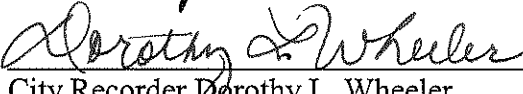
This Ordinance shall become effective fifteen days after its passage.

Passed on first reading:
December 15, 2004



Mayor George W. Crook

Passed on second reading:
March 2, 2005



City Recorder Dorothy L. Wheeler