

CHAPTER 2

ZONING CODE

ORDINANCE NO. 2006-6

AN ORDINANCE TO AMEND CHAPTER 2, TITLE 14 OF THE BELLE MEADE CODE TO REGULATE, RESTRICT AND LIMIT, BY DISTRICTS OR ZONES OR OTHER DESIGNATED AREAS, IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY, CONVENIENCE, PROSPERITY AND GENERAL WELFARE, THE USES AND LOCATIONS OF BUILDING AND OTHER STRUCTURES, AND THE USES AND MAINTENANCE OF PROPERTY, THE HEIGHT, BULK, EXTENT AND LOCATION OF BUILDINGS AND OTHER STRUCTURES HEREAFTER ERECTED OR ALTERED, INCLUDING LOT AREA PER RESIDENCE OR PER FAMILY; THE AREAS TO BE DEVOTED TO OPEN SPACES IN FRONT, SIDE AND REAR YARDS; TO PROVIDE DEFINITIONS IN THE APPLICATION AND ENFORCEMENT HEREOF AND TO PROVIDE A METHOD OF ADMINISTRATION; TO PROVIDE FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS AND TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH.

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

ITEM 1

Belle Meade Code, Title 14, Chapter 2 is amended to read as follows:

CHAPTER 2

ZONING CODE

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14-201. Definitions. (a) General statement. Certain words, phrases, and terms shall be used hereinafter in this chapter, and in the administration and enforcement hereof. For such purposes, the following definitions and rules of interpretation of certain words, phrases, and terms set out hereinafter are hereby adopted:

- (1) The singular number includes the plural and the plural the singular.
- (2) The word "lot" includes the words "plot" "site" and "building site."
- (3) The word "building" includes the word "structure" whether enclosed or unenclosed, temporary or permanent, and shall include, but not be limited to, the following:
 - (A) Tents, shelters, house trailers and/or mobile homes,
 - (B) Garden houses and cabanas,
 - (C) Swimming pools and their accessory structures and enclosures,
 - (D) Tennis courts and their enclosures,
 - (E) Towers, poles or other devices required for

(i) Antennas for television receivers or amateur transmitters and/or

(ii) Lighting for swimming pools and tennis courts.

(b) Terms and definitions. Words in the text of this chapter shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the definition found in the most current edition of Harris, Dictionary of Architecture and Construction, (McGraw-Hill) shall be used.

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

(2) "Addition." Any new construction which increases the height or floor area of an existing building or adds to it.

(3) "Building envelope." The area on a lot available for the construction of a dwelling, or other accessory buildings incidental to the same, enclosed by the front set back line, the rear set back line and the two side set back lines.

(4) "Dog Kennel/Dog Run" A specific area enclosed by a fence or other means (other than the entire fenced back yard), such area intended for the confinement of one or more dogs.

(5) "Dwelling." A building or structure or portion thereof which is occupied or arranged for occupancy as a home, residence, or sleeping place, which also includes sanitary and cooking facilities for one or more persons, either permanently or temporarily.

(6) "Front Building Line" That portion of the Dwelling defined by its exterior wall, which is closest to the front lot line.

(7) "Footprint." All ground areas occupied or covered by a dwelling or other structure, whether enclosed or not.

(8) "Front yard." A required area of open space on a lot, unobstructed by man-made buildings or structures, located between the Front Building Line and the Front Lot Line.

(9) "Gazebo." A structure, usually open, used for outdoor entertainment.

(10) "Green space." The undeveloped portion of a lot planted with grass, trees, flowers, shrubs or other vegetation.

(11) "Height of building." The vertical distance from the average existing undisturbed natural grade, along the front setback line, or the rear building line, as the case may be, to the highest point of the roof surface of such building.

(12) "Immediate family." The owner(s) of a lot, the spouse of an owner, the parents, parents-in-law, children, children-in-law and grandchildren of the owner(s).

(13) "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.

(14) "Living quarters." Accommodations provided by an owner for occupancy from time to time by members of the owner's immediate family, domestic help, nurses or other health care providers whose presence on the premises is required by the owner or other family members.

(15) "Lot lines, property lines, boundary." Lot line, property line, or boundary means a boundary of a lot. Lot line terms used are:

(A) A front lot line is defined as the boundary of the lot contiguous to the right of way of the nearest public street or road; provided, however, if the lot shall be contiguous to more than one street or road, then

(i) if the lot is a corner lot, the primary front lot line shall be the lot line with which the residence is oriented or which the main entrance or front door of the residence faces, and the secondary front line shall be the other lot line contiguous with a street, and

(ii) if the lot is not a corner lot, the front lot line shall be the line nearest to the main or front entrance of the building.

(B) A rear lot line is opposite to, and the most distant from, the front lot line. The rear lot line on any lot of triangular or other irregular shape shall be considered as a line entirely within the lot but not less than 10 feet in length and parallel to and most distant from the front lot line.

(C) A side lot line is a boundary line which is neither a front lot line nor a rear lot line.

(16) "Non-conforming use or structure." A use or structure which met the requirements of the zoning code at the time it was commenced or constructed or which was commenced or constructed prior to the enactment of the zoning code, but which does not meet the current requirements of this chapter.

(17) "Pavilion." See "Gazebo".

(18) "Pergola" or "Arbor." A garden structure with an open framed roof, often lattices, supported on columns or posts.

(19) "Pool house." A structure constructed in connection with a swimming pool, which may not be used for occupancy as living quarters, but which may contain bathrooms, dressing rooms and cooking facilities.

(20) "Porte cochere." A doorway or archway large enough for a vehicle to pass from street to parking area.

(21) "Rear yard." A required area of open space on a lot, unobstructed by man-made buildings or other structures, not otherwise permitted in this chapter, and located between the Rear Building Line and the Rear Lot Line.

(22) "Retaining Walls." Retaining Walls are walls constructed for the purpose of retaining earth.

(23) "Set back line." A set back line is a line within a lot or site generally parallel to the front, rear or side lot line, between which and such front, rear or side lot line, as the case may be, no buildings, structures, or portions thereof, may be constructed, except as is otherwise herein provided.

(24) "Side yards." Required areas of open space on a lot, unobstructed by man-made buildings or other structures, not otherwise permitted in this chapter, and located between the Side Building Lines and the Side Lot Lines. In the case of corner lots, all lot lines which are not contiguous to a street shall be considered side or rear lot lines.

(25) "Street line." A right of way line.

(26) "Yards." Yards are required areas of open space on the same lot or site with the existing or a proposed main building or use, bounded by the adjoining lot lines, open, unoccupied, and unobstructed by man-made buildings or structures from ground level to the sky.

(27) "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 (excluding 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.

(28) "Zoning map." A map of the City of Belle Meade, Davidson County, Tennessee, prepared by Barge, Cauthen & Associates dated October 24, 2006, as revised by this ordinance.

(Ord. #75-6, § 1, as amended by Ord. #84-14, Sec. 2; Ord. #87-1, sec. 1; and Ord. #87-11; 1987 Code, § 11-201, as replaced by Ord. #97-2, Aug. 1997, and amended by Ord. #97-6, Feb. 1998; as replaced by Ord. #2006-6, Feb., 2007).

14-202. Uses. No building, structure, premises or site shall be used or arranged to be used except as provided below:

(a) Residential uses. The following residential uses are permitted:

(1) Single family dwellings. A dwelling for one family or one housekeeping unit.

(2) Accessory uses. Accessory uses customarily incident to the above permitted uses, but not including the conduct of a commercial enterprise, business, or industry. Such uses shall include, but not be limited to, the following:

(A) A private garage or carport forming an integral part of the main dwelling or residence to which it is accessory, in which garage no commercial enterprise, business, or industry shall be conducted. All dwellings constructed after September 1, 1997 shall

have such a garage or carport for the storage of a minimum of one (1) standard automobile. Garage or carport space may be provided for three (3) motor vehicles on any lot and garage space may be provided for one (1) additional vehicle for each 10,000 square feet of lot area by which said lot exceeds the minimum area required for a lot in the district in which said lot lies to a maximum of five (5) total spaces. For purposes of establishing the number of parking spaces provided, one (1) space shall have a maximum width of 10 feet and a maximum depth of 20 feet. Not more than one vehicle capable of or designed for transporting more than 8 persons or cartage may be stored on any lot, and may be so stored only if garage space is provided for its regular storage. Garages and carports shall have their doors or openings facing to the side or rear of the property.

(B) Living quarters, which must be provided as an integral part of the principal residence or, if detached from the principal residence, may not be used for occupancy without the approval of the Board of Zoning Appeals, except that those being so used or which are suitable for such use without modification on September 1, 1997, may continue to be so used without approval of the Board of Zoning Appeals.

(C) Sleeping quarters for the use and occupancy of servants or employees of the person or persons occupying the main residence. Such sleeping quarters shall be an integral part of the main dwelling or residence, and shall not be equipped with cooking or housekeeping facilities.

(D) Arbors, pergolas and gazebos not exceeding 250 square feet of area covered, provided they are to the rear of the dwelling and are at least 10 feet from the rear and side lot lines.

(E) Dog houses not to exceed 25 square feet in area covered, provided they are to the rear of the dwelling and are at least 20 feet from the rear and side lot lines.

(F) Children's playhouses and/or tree houses without plumbing or electrical wiring, not to exceed 100 square feet in floor space, and diminutive in scale and design, and similar children's recreational facilities; provided they are to the rear of the dwelling and are at least 10 feet from the rear and side lot lines.

(G) Ornamental pools located within the building envelope, having a depth of more than 18 inches and enclosed by a fence or wall not less than 6 feet in height above the exterior adjoining grade.

(H) Hot tubs and spas located within the building envelope, constructed with a lockable cover and enclosed by a fence or wall not less than 6 feet in height above the exterior adjoining grade.

(I) Business activities. (i) Only the following business activities may be permitted as a accessory use:

a) Where completely within the residence or completely within any accessory structure, the office of a physician, dentist, musician, lawyer, accountant, architect or other professional persons. No medical or dental practice or other scientific activity that requires laboratory, operating room, etc., shall be permitted. Only consultation and examination normally performed without special equipment found in a "treatment room" or a clinic may be carried on.

b) Home sales or custom manufacture and sales of goods such as linens, clothing, household articles or decoration, silver, jewelry, paintings, or the like. Such goods and articles may not be "stocked" or warehoused in anticipation of future sales. Such sales and manufacture must be carried on completely within the residence or completely within any accessory structure.

c) Garage sales, limited strictly to items that
1) were purchased for use of and have in fact been used by residents of the premises at which the sale is being conducted, or members of his/her immediate family,

2) have been owned by such resident or members of his/her immediate family for a period of more than 90 days, and

3) were not acquired for the purpose of being included in the sale. Such sale may not extend over a period of more than two days, and no more than one such sale may be conducted from the same location in any one calendar year.

The application for permit for a garage sale required in subsection (ii)c), following, must be made in person by the resident/owner of the property to be sold.

d) Sales of property of a decedent's estate, or other sale under auspices of a court, but only of property owned by the decedent or other person whose

property is being liquidated, which property was at the time of the court authorization or order leading to such sale located on the premises at which the sale takes place.

(ii) Accessory business activities shall comply with the following:

a) Except for sales conducted under subsection (i)d) above, none shall be by auction.

b) Persons engaged in the activities enumerated in subsections (i)a) through (i)b) above, shall have not more than one (1) on-premises employee assisting in those activities.

c) No person shall engage in any of the activities enumerated in this subsection (I), without first obtaining from the City Manager a permit to do so. The City Manager shall have the authority to review all applications for permits and issue permits at his/her discretion after considering all the implications of traffic, congestions, noise, etc.

d) Sales or services provided under subsections (i)a) and (i)b) above may be advertised only by mail, email, telephone or other personal contact.

e) Sales or services provided under subsection (i)d) above may be advertised only by mail, email, telephone or other personal contact, by legal notices pursuant to court order, or by radio, newspaper, or televisions promotion.

f) No activity under this subsection (I), except for those of subsections (i)c) and (i)d) above, shall be carried on at any time in such manner as to require on street parking, or special parking arrangements at premises other than the premises of the seller of goods or provider of services.

(J) Signs. In addition to the signs permitted in Section 14-211, signs, not exceeding 8 square feet in area, pertaining to or indicating the lease or sale of the building may be placed upon its premises until the proposed transaction shall be completed, and shall be removed within 5 days following said completion.

(3) Conditional uses. When permitted by the Board of Zoning Appeals, and subject to:

(A) such conditions and safeguards (specifically including, but not limited to, provisions for vegetative screening and/or lighting) as the board may require to protect the character of the community,

(B) a finding by the board that the same will not interfere substantially with the use and enjoyment of adjacent property by its owners and occupants, and

(C) the approval by the board of the size, dimensions and location of the same,

the following may be constructed or erected within the building envelope:

(i) Greenhouses,

(ii) Potting sheds,

(iii) Cabanas,

(iv) Swimming pools, together with all mechanical equipment necessary to the operation of the same; provided that:

a) Every swimming pool shall be completely enclosed, either by the structural wall or walls of the dwelling to which it is an accessory, or by a fence or wall, not less than 6 feet in height above the exterior adjoining grade, of the type required by the latest edition of the International Residential Code for one and two family dwellings which has been adopted by the City of Belle Meade.

b) Any opening in said enclosure shall be capable of being closed with lock and key and shall be kept so secured at all times, except when attended by the owner of the property or his authorized representative.

c) All pool lighting shall be located within the pool itself or no more than 24 inches above ground level around the pool.

(v) Pool houses.

(vi) Tennis courts (including all areas within their enclosures), subject to the following restrictions on lighting:

a) The illumination of tennis courts, within the primary playing area, shall be as defined by the current United States Tennis Association publication for residential installations.

b) The number, location, height, mounting, type, construction, and design of tennis court lights, and of the poles and fixtures therefor, shall be as determined by the Board of Zoning Appeals.

c) Tennis courts may not be illuminated after 10:00 P.M.

(vii) Shuffleboard.

(viii) Structures for the housing or storage of tools, vehicles, machinery and/or equipment, and

(ix) Arbors, pergolas and gazebos in excess of 250 square feet of area covered, provided they are to the rear of the dwelling and are at least 10 feet from the rear and side lot lines.

(x) Dog houses in excess of 25 square feet in area covered, provided they are to the rear of the dwelling and are at least 20 feet from the rear and side lot lines.

(xi) Children's playhouses and/or tree houses without plumbing or electrical wiring, in excess of 100 square feet in floor space, provided they are to the rear of the dwelling and are at least 10 feet from the rear and side lot lines.

(xii) Hot tubs and spas constructed with a lockable cover or enclosed by a fence or wall not less than 6 feet in height above the exterior adjoining grade and located outside of the building envelope.

(xiii) Ornamental pools located outside the building envelope, having a depth of more than 18 inches and enclosed by a fence or wall not less than 6 feet in height above the exterior adjoining grade.

(xiv) Solar panels within the building envelope in locations other than those provided in Section 14-204(a)(2).

(4) Temporary uses. Temporary uses such as house trailers, mobile homes, camp cars, tents, and other shelters may be located within the building envelope for a period not in excess of 6 months. Any other location, and any use in excess of 6 months, may be allowed only with the approval of the Board of Zoning Appeals.

(b) Non-Residential Uses.

(1) Churches and Schools. - See Appendix A

(2) Municipal Buildings. - See Appendix B

(3) Historic Home or Site. - See Appendix C

(4) Country Clubs - See Appendix D

(c) Prohibited uses. The following uses and structures are strictly prohibited and the Board of Zoning Appeals shall be without power or authority to grant a variance or special exception for any use of property within the city in conflict with the provisions of this section:

(1) Rental property. The use of pool houses or living quarters, at this time or at any time in the future, regardless of the change in circumstances or needs or desires of the owner, in any way as rental property. Pool houses or living quarters in existence and being so used on September 1, 1997 may continue to be used, but only so long as the owner on that date continues to own the property.

(2) Basement or cellar. The erection, construction, maintenance, or use of a basement or cellar, except as an integral part of a use, as permitted herein.

(3) Billboards. The erection, maintenance or use of billboards, or other structures erected solely for advertising purposes, and likewise the posting of any signs, except street and road signs, or other signs specifically permitted in this chapter.

(4) Open Carports. Carports which are open and/or of metal frame, canvas or column construction.

(5) Trucks. Parking or storage of any truck larger than a pick-up truck, except as may be allowed elsewhere in this chapter.

(6) Duplexes. The construction of a duplex, or other multi-family dwelling, containing two or more independent housekeeping units on any lot.

(7) Commercial activity. Excepting only as expressly permitted elsewhere in this chapter, the conduct of any business or commercial activity upon any lot located within the City of Belle Meade.

(8) Towers. The construction or erection of radio, cellular or other types of communication towers, except for normal residential television antennas as noted under Conditional Uses.

(Ord. #97-2, Aug. 1997, as amended by Ord. #97-6, Feb. 1998 and Ord. #98-3, June 1998; as replaced by Ord. #2006-6, Feb., 2007).

14-203. Boundaries of districts - zoning map. (a) The zoning map is hereby adopted as the official zoning map of the City of Belle Meade.

(b) As shown on the zoning map the territory of the City of Belle Meade is divided into four districts, namely: Estates A, Estates B, Residence A and Residence B. The location and boundaries of each district are shown on the zoning map and are incorporated in this chapter by reference.

(Ord. 75-6, § 3. 1987 Code, § 11-203, as amended by Ord. 90-13, and replaced by Ord. #97-2, Aug. 1997; as replaced by Ord. #2006-6, Feb., 2007).

14-204. Area, set back, yard, height and parking requirements.

(a) General statement. Irrespective of the zoning district in which located, the area which may be occupied by buildings or structures on any lot shall be restricted as shown in the accompanying chart (See Appendix E) and as described as follows:

(1) Number of Dwellings. Not more than one principal dwelling may be erected on any one lot or building site.

(2) Mechanical Equipment Location. 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 a building or structure shall be located at or below ground level within the Building Envelope in which such building or structure is also located. Solar panels may be installed upon the roof of a building so long as they are not visible from the street or from any adjoining property.

(3) Change in Elevation. 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 21 inches, may be accomplished without the approval in advance by the Board of Zoning Appeals.

(4) Dwelling area.

(A) The allowable footprint area of a dwelling above the natural grade of the site, plus the area of all garages, shall not exceed 8 percent of the total lot area in Estates "A" district and 12 percent of the total lot area in all other zoning districts.

(B) The total volume of a dwelling shall not exceed 18 times the allowable footprint area for such dwelling on the lot.

(C) For all dwellings, the roof shall rise from the eave at a slope of not less than 4:12. Roof slopes of less than 4:12 shall be considered flat, and no more than 30 percent of the total roof area shall be allowed to be flat.

(D) No more than 22 percent of the front yard of a dwelling, that area between the front building line and the front lot line, shall be in parking or drive area. The total of all drive and parking areas on any lot shall not exceed 12 percent of the total lot area. A minimum 25 feet by 25 feet turn around area shall be provided at the garage for entry and exiting the garage. The area for drives and parking shall be measured to the outer boundaries of all such areas to be used for these purposes. No driveway or connecting driveways shall be constructed so as to provide access to more than one street, except in the case of corner lots. No parking of automobiles, or other vehicles, shall be allowed within 20 feet of the front property line.

(E) In no zoning district shall a dwelling, regardless of height, have a total area of less than 2,000 square feet.

(F) A roof overhang of more than 24 inches, covered porches, porte cocheres and other similar areas, shall be included in area and volume calculations.

(5) Exempt lateral projections. The lateral projection of

(A) uncovered porches or covered but not enclosed porches, in front yards only, having a total area of 60 square feet or less,

(B) window sills and other ornamental features,

(C) chimneys not more than 2 feet beyond the nearest wall of the main building or structure, and

(D) steps, not extending more than 6 feet or 10 percent of the distance from the building line to the front lot line, whichever is less, beyond the wall of the main building nearest the street lot line shall be considered as exempt from the provisions regulating side and front yard set back lines as hereinafter established.

(6) Height.

(A) No residential structure shall exceed 35 feet in height as measured at the front setback line. No dwelling shall have a height of less than 15 feet.

(B) The maximum height of a structure along its sides or rear shall not exceed 45 feet measured from the finished grade.

(C) Walls extending not more than 4 feet above and in line with the external walls of the main building, chimneys not extending more than 12 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.

(D) Gazebos shall be limited to a maximum height of 18 feet, unless otherwise permitted by the Board of Zoning Appeals.

(7) Fences and walls. A fence or wall less than 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 6 feet in width, or such lesser distance as shall be approved by the Board of Zoning Appeals (the "Minimum Terrace Requirement"). Walls and fences with changes of grade shall be measured from the finished grade on the lower side thereof. Multiple Retaining Walls, if separated from each other by more than the Minimum Terrace requirement, and having an individual height of 3 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 3 feet. Multiple Retaining Walls which alter the average existing grade in excess of 3 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 not more than six (6) feet in height with posts or columns that extend up to, but not more than, 8 inches above the fence may be located:

(A) adjoining a rear lot line, or

(B) 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 with the concurrence of the Chairman of the Board of Zoning Appeals, to provide a reasonable turning area for automobiles backing out of a garage located inside the rear corner of the dwelling, or

(C) 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.

(8) Side yards.

(A) (i) Minimum width. The minimum width of any side yard shall be 20 percent of the lot width at the front building line; provided, however, that the sum of the widths of both side yards shall be at least 50 percent of the lot width at the front set back line, and provided further that, in the case of 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 five foot "green space," to be devoted to grass or other vegetation.

(B) Corner lots. For corner lots, the set back from the front lot line with which the residence is oriented or which the main entrance or front door of the residence faces, as designated by the owner, shall be determined as set forth in the front yard provisions applicable to the district in which the lot is located. The set back from the other of the two front lot lines shall be determined by the front yard provisions as set forth herein, or shall be of such lesser distance as may be determined by the Board of Zoning Appeals after taking into consideration the pattern of development of similar corner lots within the city.

On any corner lot, no fence, wall, hedge, or other planting or structure that will materially obstruct vision between the height of two and one-half feet and 10 feet above the centerline grades of the intersecting streets forming said corner shall be erected, placed, or maintained within the triangular area formed by the front lot or side lot lines at such corner lot and a straight line joining such front lot or side lot line at points which are 35 feet distant from the intersection of said lines and measured along said lines. In the case of rounded front or side lot lines at the intersecting streets, such measurements shall be made from the point of intersection of the tangents of the curve constituting the rounding.

(9) Lots split between districts. If a lot is located partly in one district and partly in another district, the Board of Zoning Appeals shall have the authority to designate which of the two districts shall govern the development of the lot.

(10) Lot lines. Each lot or site shall provide a front lot line of at least 125 feet and shall also provide a rear lot line and one or more side lot lines. The front lot line length requirement shall apply only to lots created after September 1, 1997.

(11) Lots with no rear property line. In the case of a lot having no rear property line, the rear set back line shall be located by extending the side yard set back lines on each side to a line which is parallel to the front set back line and which measures forty (40) feet in length, the location of which line shall provide the minimum rear yard required for those parts of any building which are 25 feet in height or less. If it is proposed to construct any parts of a building on such a lot which are in excess of 25 feet in height, then the minimum depth of the rear yard for such parts of the building shall be increased by 20 feet for lots located in the Estates "A" or Estates "B" districts, by 30 feet for lots located in the Residence "A" district and by 25 feet for lots located in the Residence "B" district.

(12) Maximum swimming pool area. A swimming pool and terrace or deck associated therewith shall not exceed 3 percent of lot area.

(13) Maximum tennis court area. A tennis court shall not exceed 9 percent of lot area.

(14) Maximum accessory areas. The combination of subsections (12) and (13) above and any other accessory structures or uses shall not exceed 15 percent of lot area.

(15) Maximum terrace and deck areas. The area on any lot devoted to terraces and decks shall not, in the aggregate, exceed 4 percent of lot area.

(16) Parking. Except for vehicles of temporary visitors or guests of residents, and delivery or service vehicles temporarily on the premises, parking or vehicle storage on the dwelling site is restricted as follows:

(i) All automobiles, trucks, trailers, boats, motorcycles, or any vehicles of like or similar nature, whether or not self-propelled, must be parked or stored either in a garage, carport or on a surfaced driveway or surfaced parking area.

(ii) All vehicles other than passenger cars, station wagons, passenger mini-vans, sport utility vehicles, pick-up trucks and passenger vans of 8 passenger capacity or less, must be parked or stored in an area not visible from the street at any time.

(b) District regulations. (1) Estates "A" district. Within Estates "A" district, no building or structure shall be erected which does not comply with the following requirements:

(A) Lot area. Minimum requirements shall be 200,000 square feet of lot area.

(B) Front yards. No building shall be erected, reconstructed, or altered so as to project in any manner in front of a line which is distant from the street line less than 800 feet.

(C) Rear yards. There shall be a rear yard on every lot, which shall have a minimum depth of 100 feet for those parts of any building which are 25 feet in height or less and a minimum depth of 120 feet for those parts of any building which are in excess of 25 feet in height.

(2) Estates "B" district. Within Estates "B" district, no building or structure shall be erected which does not comply with the following requirements:

(A) Lot area. The minimum requirement shall be 75,000 square feet of lot area.

(B) Front yards.

(i) No dwelling 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 dwellings fronting on the same side of the street within the block or else same shall conform with the set back line established in the plan for subdivision previously approved by the Municipal Planning Commission of the City of Belle Meade applicable to the building site.

(ii) Where no dwelling exists fronting on the same side of the street within a block, no new building shall be erected with the wall nearest the street projecting in any manner beyond the line which is distant from the street line the average distance therefrom of the building on the same side of the street within 1,000 feet in each direction from the center of the building being constructed.

(iii) In cases not otherwise covered, the set back lines in Estates "B" districts shall be 125 feet.

(C) Rear yards. There shall be a rear yard on every lot, which rear yard shall have a minimum depth of 90 feet for those parts of any building which are 25 feet in

height or less and a minimum depth of 100 feet for those parts of any building which are in excess of 25 feet in height.

(3) Residence "A" district. Within Residence "A" district, no building or structure shall be erected which does not comply with the following requirements:

(A) Lot area. Minimum requirements shall be 70,000 square feet of lot area.

(B) Front yards. (i) No dwelling 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 dwellings fronting on the same side of the street within the block or else same shall conform with the set back line established in the plan for subdivision previously approved by the Municipal Planning Commission of the City of Belle Meade applicable to the building site.

(ii) Where no dwelling exists fronting on the same side of the street within a block, no new building shall be erected with the wall nearest the street projecting in any manner beyond a line which is distant from the street line the average distance there from of the dwellings fronting 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

(iii) In cases not otherwise covered, the set back lines in Residence "A" districts shall be 75 feet.

(C) Rear yards. There shall be a rear yard on every lot, which shall have a minimum depth of 70 feet for those parts of any building which are 25 feet in height or less and a minimum depth of 100 feet for those parts of any building which are in excess of 25 feet in height.

(4) Residence "B" district. Within Residence "B" district, no building or structure shall be erected which does not comply with the following requirements:

(A) Lot area. (i) The minimum requirement shall be 40,000 square feet of lot area.

(ii) For tracts of land under 40,000 square feet, separately described as a single tract in a property deed recorded prior to the date of enactment of Ordinance No. 39, on August 16, 1950, the minimum lot area shall be the area of such tract as described in such deed; provided, however, that this subsection (ii) shall not apply to a tract which on November 20, 1996, was held in common ownership with an adjoining tract, the separation from which would result in a side yard, rear yard, or other zoning violation on the tract from which separated, and provided further that the application of this paragraph shall not exempt any lot to which this paragraph may otherwise apply from compliance with all setback requirements of the Residence B classification.

(B) Front yards. (i) 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 dwelling fronting on the same side of the street within the block, or else same shall conform with the set back line established in the plan of subdivision previously approved by the Municipal Planning Commission of the City of Belle Meade applicable to the building site.

(ii) Where no dwelling exists fronting on the same side of the street within a block, no new building shall be erected with the wall nearest the street projecting in any manner beyond the line which is distant from the street line the average distance therefrom of the building on the same side of the street within 1,000 feet in each direction from the center of the building being constructed.

(iii) In cases not otherwise covered, the set back lines in Residence "B" districts shall be 75 feet.

(C) Rear yards. There shall be a rear yard on every lot, which rear yard shall have a minimum depth of 60 feet for those parts of any building which are 25 feet in height or less and a minimum depth of 85 feet for those parts of any building which are in excess of 25 feet in height.

(Ord. #75-6, as amended by Ord. #84-9, Ord. #84-14, and Ord. #85-7, 87-1, § 1; Ord. 87-11; modified 1987 Code, § 11-204, as amended by Ord. #89-3, Ord. #91-4, § 1, Ord. #91-7, § 1, Ord. #94-4, § 1, July 1994; replaced by Ord. #97-2, Aug. 1997, and amended by Ord. #97-6, Feb. 1998, as replaced by Ord. #2006-6, Feb., 2007).

14-206. Board of zoning appeals. (a) Established in Title 2. The Board of Zoning Appeals established in Title 2 of the Belle Meade Code shall be governed by the following provisions and have full power and authority to hear appeals and to apply and construe the provisions of this chapter in all matters properly brought before it.

(b) Public hearings. The Board of Zoning Appeals shall take no action in any case until after notice and public hearing. The presence of 3 members, or Alternates, shall constitute a quorum, and the concurring vote of a majority of the Board of Zoning Appeals present at any meeting shall be necessary to reverse or modify any order, requirement, or decision of the City Building Official or the City Manager, or to decide in favor of the appellant any matter upon which the Board of Zoning Appeals is required or authorized to pass, to effect any variation or to grant any special exception. Any person entitled to notice and hearing by the provisions of this chapter may indicate in person or in writing their support for, or opposition to, the relief sought by the property owner involved..

(1) Written Notice. Proper notice of a hearing before the board shall be in writing, mailed to the owner or his agent or other appellant at the address given on the appeal and to directly affected property owners or their agents, and the occupants where same is not owner occupied, at least five (5) days prior to the date set for such proposed hearing, in such manner as the board in its rules of procedure may prescribe. The Board of Zoning Appeals may establish by rule measures to provide additional notice to directly affected property owners or their agents, and the occupants where same is not owner occupied.

(2) Posting of Sign. A notice of the pending hearing and of the relief sought shall be posted by the City Building Official on the property affected at least 5 days before the scheduled hearing.

(c) Powers of the board. (1) General powers, regulations. The Board of Zoning Appeals shall have such duties, powers, and authority as are set forth in the various sections of this chapter. The Board of Zoning Appeals shall and is hereby authorized to adopt such rules and regulations as it may deem necessary and appropriate to carry into effect the provisions of this chapter. It shall hear and decide

(A) any questions arising from a decision or determination made by City Building Official or the City Manager in the enforcement or application of this chapter or from the refusal, granting or revocation of any permit by the City Building Official or the City Manager under the provisions of this chapter brought before the Board of Zoning Appeals on appeal by any person deeming himself or herself to be adversely affected by such action;

(B) all applications for special exceptions and all matters referred to it upon which it is required to pass under this chapter. Within its powers, the Board of Zoning Appeals may reverse or affirm, wholly or in part, or modify the zoning requirements, decision, or determination of the City Building Official 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, including authority to direct the issuance of a permit. Any order of the Board of Zoning Appeals directing or authorizing the issuance of such permit shall expire and become ineffective at the end of one (1) year after its issuance, or at the end of one (1) year after September 1, 1997, in the case of orders issued by the Board of Zoning Appeals prior to September 1, 1997, which time may be extended by the City Building Official for reasonable cause.

(C) notwithstanding the foregoing, the Board of Zoning Appeals shall have no authority to grant any appeal, application for Special Exception or other matter upon which it is required to pass under this chapter if the City Building Official shall certify to the Board of Zoning Appeals that the property owner seeking relief is in default in its compliance with any prior orders of the Board of Zoning Appeals respecting the property in question, as evidenced by the minutes of the Board of Zoning Appeals and/or plans approved by the Board of Zoning Appeals and on file with the City, unless and until there shall have been full compliance with such orders.

(2) Resolve conflicts. The Board of Zoning Appeals shall have the authority to resolve any conflicts amongst the drawings and chart attached hereto as listed in the Appendix, or between such drawings and chart and the provisions of this chapter.

(3) Special exceptions. The Board of Zoning Appeals shall have power and authority to authorize the issuance of permits for special exceptions in the following cases;

(A) The construction of new buildings, or the extension of or addition to existing buildings, under such conditions as the board may direct to safeguard the character of

the community and as will not be out of harmony with existing development in the surrounding area, within the following Special Impact Areas:

(i) Special Impact Area A. Bounded on the north by the rear lot lines of those lots located on the north side of Deer Park Circle, on the east by the west boundary of Deer Park Circle, and on the south and west by the north and east boundary of Deer Park Drive to Jackson Boulevard.

(ii) Special Impact Area B. Bounded on the north by Carriage Hill, on the east by Park Hill, on the south by Leake Avenue and on the west by the west boundary of Parmer Avenue, the east and north boundaries of the property of Belle Meade Plantation, the east boundary of the property of the temple and by Bellevue Drive to the beginning.

(iii) Special Impact Area C. The lots facing Glen Eden Drive between Westview Avenue and Lynwood Boulevard, the lots facing Signal Hill Drive between Westview Avenue and Lynwood Boulevard, with the exception of the lots identified as Parcel 8 on Metropolitan Tax Assessor's Map 116-15 and Parcels 27 and 28 on Metropolitan Tax Assessor's Map 130-3, the lots facing Sunnybrook Drive between Westview Avenue and Lynwood Boulevard, with the exception of the lots identified as Parcel 4 on Metropolitan Tax Assessor's Map 130-3 and the eastern portion of Parcel 41 on Metropolitan Tax Assessor's Map 130-3, comprising Lot 10 and Lot 11 of Block 10 on the Plat of John Calhoun's Re-subdivision of a part of Royal Oaks Subdivision, of record in Book 574, page 167, Register's Office for Davidson County.

(B) A temporary building, or use, incidental to a residential development, which permit may be used for a period of not more than one year.

(C) The erection and use of

(i) a building, or the use of premises for a telephone exchange, or electric substation, or other structure related to public utilities or a post office,

(ii) any building or structure proposed by the City of Belle Meade which does not comply with the provisions of this chapter as to lot area, side yard, or set back, subject to such conditions and safeguards as will protect the character of the community, and where such building will not be out of harmony with existing development in the neighborhood,

(iii) churches, places of worship and/or school buildings, as described in Appendix A, under such conditions and safeguards as are set forth in such Appendix A, or

(iv) additions to buildings or structures, and the construction of new buildings or structures, on historic sites, as described in Appendix C, under such conditions and safeguards as are set forth in such section.

(v) additions to buildings, structures or other facilities, and the construction of new buildings, structures or other facilities for Country Clubs as described in Appendix D, under such conditions and safeguards as are set forth in such section.

(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(a)(3), (ii) detached garages, (iii) living quarters as described in 14-202(a)(2)(B), (iv) parking areas and/or driveways in excess of the amounts permitted in 14-204(a)(4)(D), (v) fences and walls which do not conform to the requirements, as to height or location, of 14-204(a)(7) and/or other accessory buildings or uses listed and/or described elsewhere in this chapter (collectively, the 'Proposed Use'); provided that the Board shall determine that:

(i) 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;

(ii) 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;

(iii) 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;

(iv) the Proposed Use will be carried out under such conditions and safeguards as the Board may direct to protect the character of the community.

(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 chapter, or eligible for consideration by the Board under the provisions of Section 14-206(a)(4) of this chapter; provided that the Board shall first determine that:

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

(ii) 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;

(iii) 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;

(iv) 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;

(v) 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.

(4) Variances. The Board of Zoning Appeals shall have authority to approve variances from the strict application of this chapter, where, by reason of exceptional narrowness, shallowness, shape, exceptional topographic conditions or other extraordinary and exceptional situation or condition of a specific piece of property on August 16, 1950, the strict application of the zoning regulations as contained in this chapter would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property, the Board of Zoning Appeals may grant a variance from such strict application so as to relieve such difficulties or hardship; provided that such relief may be granted without detriment to the public good and without substantially impairing the intent and purpose of the zoning plan and zoning ordinance of Belle Meade. For the purposes of this subsection, the Board of Zoning Appeals may treat a lot whose depth is at least three times its width as exceptionally narrow, or a lot whose depth is less than 175% its width as exceptionally shallow. Exceptional narrowness or shallowness may also be shown by other evidence, as well.

(Ord. 75-6, § 6, as amended by ords. 84-12 and 87-1, § 3. 1987 Code, § 11-206, as replaced by Ord. #97-2, Aug. 1997, and amended by Ord. #97-6, Feb. 1998; as replaced by Ord. #2006-6, Feb., 2007).

14-207. Enforcement. The City Building Official, under the direction of the City Manager, shall administer and enforce the provisions of this chapter and is authorized to stop work that has commenced without obtaining a required permit or is otherwise not in keeping with an approved site plan or building permit. No permit shall be issued for excavation, or for construction or alteration of any building or structure or any part thereof, if the City Building Official is of the opinion that the plans or specifications for same, or its intended use, indicate that said building, structure, or use would not conform in all respects either with the provisions of this chapter, or with the provisions of some other ordinance of the City of Belle Meade applicable to the use of property. After a permit has been issued for the renovation of any building, if any portion of the building is removed, razed or demolished other than the portion presented to the Board of Zoning Appeals or the City Building Official, then any approval obtained from the Board of Zoning Appeals the City Building Official shall automatically terminate, and no further work may proceed until such time as a revised plan has been reviewed by the City Building Official and determined to be consistent with the approval granted by the Board of Zoning Appeals, or if not consistent, the revised plan has been approved by the Board of Zoning Appeals.

(Ord. 75-6, § 7. 1987 Code, § 11-207, as replaced by Ord. #97-2, Aug. 1997; as replaced by Ord. #2006-6, Feb., 2007).

14-208. Plats and other information to accompany applications for permits.

(a) Each application for a building permit shall be accompanied by a plat (the

"Plat"), drawn to scale of 1 inch equals 30 feet, or such larger or smaller scale as the city building official shall, in a given case, deem appropriate, showing

(1) the actual dimensions and square footage of the building site and building envelope, together, in the 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 site and building envelope.

(2) the location, square footage and volume of the proposed buildings, including all walls and fences and all driveways, parking areas and other paved surfaces, upon the site, and

(3) the precise dimensions, floor plans and drawings showing elevations of the proposed buildings on all sides, and such other information as may reasonably be required by the city building official to assure compliance with the provisions of this and all other applicable ordinances. It shall be the responsibility of the applicant to verify all set back lines shown on the plat.

(b) In accordance with the Tennessee Water Quality Act, T.C.A. § 69-3-108, any activity which alters the course or physical character of a stream, defined by a blue line on a 7½ minute U.S.G.S. quadrangle, requires an Aquatic Resource Alteration Permit (ARAP.) This permit is required for activities such as stream channelization, stream enlargement, dredging, or diversions in box culverts. To obtain the permit, application must be made to Tennessee Division of Water Pollution Control.

(Ord. 75-6, § 8. 1987 Code, § 11-208, as amended by ord. 88-12, and replaced by Ord. #97-2, Aug. 1997; as replaced by Ord. #2006-6, Feb., 2007).

14-209. Occupancy permits. (a) No undeveloped lot or parcel of land and no building now in existence or hereafter altered or erected 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 and all other applicable ordinances.

(b) Application for a certificate of occupancy shall be made with the application for building permits. An application for a certificate of occupancy shall also be made in those instances where a building permit is not required, and the owner or tenant, without making any alteration of the building, proposes to change the use of the building, structure, or premises, or proposes to commence an accessory use or proposes to change the type of accessory use.

(c) A record of all certificates of occupancy shall be kept in the office of the city building official available to the public, and a copy of same shall be furnished on request to any person having a proprietary or tenancy interest in the property affected thereby.

(Ord. 75-6, § 9. 1987 Code, § 11-209, as replaced by Ord. #97-2, Aug. 1997; as replaced by Ord. #2006-6, Feb., 2007).

14-210. Appendices.

(a) Appendix A. – Churches and schools.

(b) Appendix B. – Municipal Buildings.

(c) Appendix C. – Historic Home Sites.

(d) Appendix D. – Country Clubs.

(e) Appendix E. – Maps and Charts. In order to illustrate the provisions of this chapter and their applicability to various situations existing within the City of Belle Meade, the following materials are attached hereto, or incorporated herein by reference:

(1) Maps. The zoning map, which is incorporated herein by reference.

(2) Charts. Chart No. 1 illustrates, among other things, the

(A) applicable set back requirements,

(B) allowable square footage and volume provisions,

(C) height limitations,

(D) maximum allowable driveways and parking areas,

(E) landscaping requirements,

(F) provisions related to walls and fences and

(G) permitted accessory buildings, in each zoning classification

(3) Building envelope - examples:

- (A) Regular lot.
- (B) Corner lot facing street "A".
- (C) Corner lot facing street "B".
- (D) Irregular property lines.
- (E) Lot with no rear property line.
- (F) Lot on circular street.
- (G) Lot with stepped property line(s).
- (H) Lot with existing violation(s).
- (4) Developed plot plan - examples.
 - (A) Plot plan - regular lot with garage at rear.
 - (B) Plot plan - regular lot with garage at side.
 - (C) Plot plan - corner lot.
- (5) Permitted roof(s) lines. Mansard and/or flat roofs.
- (6) Vertical illustration of front and rear set backs and allowable heights.
Example of front and rear set backs and height limits.
- (7) Vertical illustration of allowable square footage and volumes. Example of allowable square footage and volume calculations.
- (8) Examples of Wall Heights. Wall heights.
- (f) Appendix F. – Non-Conforming Uses.

(Ord. #97-2, Aug. 1997; as replaced by Ord. #2006-6, Feb., 2007).

14-211. Special Event Signs. The City Manager, or, in the absence of the City Manager, the City Building Official, may authorize charitable non-profit organizations to erect on private property signs advertising special events sponsored by such organizations ("Special Event Signs") subject to compliance with the following provisions:

- (a) No Special Event Sign shall be erected on the public right-of-way.
- (b) Special Event Signs shall not be illuminated and shall not exceed 8 square feet in area.
- (c) Special Event Signs may be erected or maintained for a maximum of 7 days prior to the occurrence of the special event being advertised and shall be removed within 24 hours following the conclusion of the event.
- (d) Only one Special Event Sign visible from the public right of way may be erected advertising a single event.
- (e) The provisions of this section shall not apply to (i) signs advertising fairs or festival-type fund-raising events sponsored by historic homes or sites as described in, and authorized by, Appendix C, (ii) signs erected on the day of the event to facilitate the conduct of a parade on one or more of the public streets of the City and authorized by a permit issued to the parade sponsors pursuant to Belle Meade Code § 16-110 or (iii) signs for which continuing permission was granted by the Board of Zoning Appeals prior to April 1, 2001.

14-212. Amendments. Any owner of property in Belle Meade who wishes to amend this chapter shall submit a written request, in which the substance of his proposed amendment shall be stated. Such request shall be addressed to the municipal planning commission of the city, which shall consider same, and may hold a hearing thereon in its discretion. The commission shall take action to approve or disapprove the request within thirty (30) days following date of its receipt, and shall promptly notify the owner of its decision. The board of commissioners shall hold a public hearing on the proposed amendment, as required by law, before taking action thereon; provided, however, if the municipal planning commission shall have disapproved the proposed amendment by a vote of a majority of the entire membership of such commission, the owner proposing said amendment shall pay in advance to the city the cost of advertising the proposed amendment for consideration by the board of commissioners.

(Ord. 75-6, § 11. 1987 Code, § 11-210, as replaced by Ord. #97-2, Aug. 1997; as replaced by Ord. #2006-6, Feb., 2007).

14-213. Effective date. This ordinance shall be effective from and after April 1, 2007 (the "Effective Date"). All applications for building permits, special exceptions and/or other forms of relief, and all appeals, filed on or prior to March 31, 2007, shall be considered and

acted upon on the basis of the laws of the City of Belle Meade in effect prior to the adoption of this ordinance. In turn, all applications for building permits, special exceptions and/or other forms of relief, and all appeals, filed on or after April 1, 2007 shall be considered and acted upon on the basis of the provisions of this ordinance, taken in conjunction with the provisions of Ordinance No. 8 regulating the construction of buildings and the issuance of building permits, which shall remain in effect.

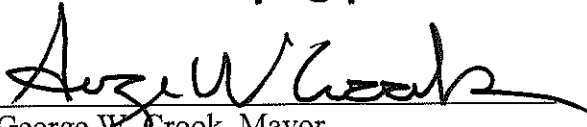
14-214. Penalty for violation. Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any of the provisions of this chapter shall be subject to a fine of not less than \$50.00. Each day such violation or failure to comply is permitted to exist after notification thereof shall constitute a separate offense. A charge for a violation and request for imposition of penalty may be heard and enforced in the City Court of the City of Belle Meade, upon proof submitted by the City Building Official, or by complaint made to the courts of the State of Tennessee. The City Building Official may, in addition to other remedies, institute injunction, mandamus or other appropriate action to correct or abate a violation of this chapter. Where a violation exists, the City Building Official may request that utility service be curtailed until the violation is corrected or abated.

14-215. Ordinances in conflict. All ordinances and portions of ordinances in conflict with this Ordinance are hereby repealed from and after the effective date of this Ordinance, save and except Ordinance No. 8, and all amendments thereto, heretofore adopted by the Board of Commissioners of the City of Belle Meade, regulating the construction of buildings and issuance of building permits, which ordinance shall remain in full force and effect, any provision herein to the contrary notwithstanding.

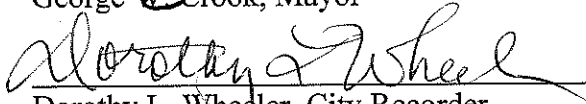
14-216. Validity. It is hereby declared to be the intention of the citizens of the City of Belle Meade that the sections, paragraphs, sentences and words of this ordinance are severable, and if any word or words, clause or clauses, sentence or sentences, paragraph or paragraphs, section or sections of this ordinance shall be declared unconstitutional, or in excess of the powers vested in the board of commissioners by the valid judgment or decrees of any court of competent jurisdiction, such unconstitutionality, or exercise of excess powers, shall not affect any of the remaining words, clauses, sentences, paragraphs, and sections of this ordinance, as the same would have been enacted by the Board of Commissioners of the City of Belle Meade without the incorporation in the ordinance of any such unconstitutional word or words, clause or clauses, sentence or sentences, paragraph or paragraphs, section or sections, or exercise of such excess powers.

14-217. Statement of compliance. The Commissioners of the City of Belle Meade hereby certify that Ordinance No. 2006-6 has heretofore been submitted to and approved by the Municipal Planning Commission of the City of Belle Meade, and subsequently a public hearing thereon has been held after at least 15 days notice of the time and place of said meeting and a public hearing was published in a newspaper of general circulation in the City of Belle Meade, as required by law, and does hereby declare this ordinance duly adopted after second reading in accordance with said provision this 22 day of Feb, 2007.

Passed on First Reading
October 18, 2006


George W. Crook, Mayor

Passed on Second Reading
February 21, 2007


Dorothy L. Wheeler, City Recorder

Appendix A

Churches and Schools

Churches and schools. Churches, or other places of worship, and school buildings, constructed and operated by the State of Tennessee or any of its political subdivisions, or by private or charitable institutions, corporations, or individuals, subject to the following provisions:

(a) The Board of Zoning Appeals of the City of Belle Meade shall have exclusive jurisdiction and authority to grant a permit for the erection of churches and school buildings, including all accessory buildings and structures, parking areas, walkways, entrances, exits and driveways constructed in conjunction therewith. The board shall authorize such a permit only if 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 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. The Board of Zoning Appeals may, in addition to the specific requirements of the applicable ordinances, require, as a condition for the approval of a permit, such provisions and safeguards as will preserve the integrity and character of the district, and as will prevent the proposed use from imposing any undue financial burden upon the city. In exercising the foregoing authority, the concurring vote of at least two-thirds (2/3rds) of the members of the Board of Zoning Appeals shall be required for the authorization of such permit. [Ord. 75-6, § 8. 1987 code, § 11-208(4), as amended by Ord. 88-12]

(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 for such use, or for additions, alterations or changes to 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 position and dimensions of any automobile parking area, immediate or projected in the future, and such other information as may then or thereafter be deemed necessary by the city building official, or by the Board of Zoning Appeals, for consideration of the application. Such application, together with the supporting documents and information so furnished by the applicant, shall be filed with the city building official who shall transmit the same for consideration to the Board of Zoning Appeals.

(c) Parking areas shall be provided for all premises proposed to be used as a church or other place of worship, school, or any other permitted use whose activities regularly involve the assembly or gathering of more than twenty-five (25) people. In the case of a church, or other place of worship, there shall be provided and constructed, on the lot or site so proposed to be used, available automobile parking space for one (1) automobile for each four (4) seats or seating spaces to be provided for in the main auditorium, sanctuary, or assembly room in such church or other place of worship or existing building proposed to be used as such. A seating space shall be deemed to require ten (10) square feet of floor space in the main auditorium, sanctuary, or assembly room. In the case of a school, parking space shall be provided for each three (3) employees, and such additional space for students, visitors, and others as the Board of Zoning Appeals shall find appropriate, commensurate with the intended use.

(1) Three hundred (300) square feet shall be the minimum gross area required for parking space for each such vehicle. Such parking area or areas shall be subject to the same requirements as to set back from the street, or streets, as the main building or use.

(2) Such parking area or areas shall not exceed twenty-five (25%) of the lot area upon which the church, other place of worship, school or other structure requiring parking space is to be constructed or of the total lot area upon which the building proposed to be used as a church, place of worship or school, is situated.

(d) For the erection or use of a building as a church or other place of worship, or for the erection or use of a building as a school, the minimum requirement shall be four hundred thousand (400,000) square feet of lot area; or such lesser area as may be sufficient to insure privacy for all neighboring properties and adequate protection from noise, congestion and other disturbance resulting from the location of a church, place of worship or school on the site. Any prior variances which may have been approved for the site shall not be treated as a factor in the Board's consideration of any request for a reduced lot area.

(e) No building shall be erected, reconstructed, 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 closer than 250 feet to the boundary of said lot in any direction, or such shorter distance as may be sufficient to insure privacy for all neighboring properties, and adequate protection from noise, congestion and other disturbance resulting from the location of a church, place of worship or school on the site. Any prior variances which may have been approved for the site shall not be treated as a factor in the Board's consideration of any request for a reduced setback from the boundary of the lot in question.

(f) No building having a height less than fifteen (15) feet shall be used for a church, or other place of worship, or a school.

(g) Signs identifying a school, church or other place of worship may be placed on its premises. No sign allowed by this provision shall exceed eight (8) square feet in area.

Appendix B

Municipal Buildings

Municipal buildings. Buildings erected by the City of Belle Meade for municipal purposes. The provisions of Sections 14-203 through 14-210 of this chapter shall not apply to structures or buildings erected on property owned by the city for municipal purposes, but no such structures or buildings shall be erected by the city without approval of the Board of Zoning Appeals after public hearing.

Appendix C

Historic Home or Site

Historic home or site. An historic home or site shall be designated as such by this Appendix C or amendment thereto. It shall be open to the public and owned and operated by a public or private non-profit entity. By this Appendix C, Belle Meade Plantation, located on Harding Road at Leake Avenue, is designated such a home or site.

(a) From and after designation as such, no historic home or site may expand its land area except by amendment to this Appendix C.

(b) No addition to any building or structure on the historic site may be altered or added to, and no new building or structure shall be constructed, without approval by the Board of Zoning Appeals as to its purpose and location, and a finding that it is architecturally compatible with the original buildings or structure on this site. Applications for approval of such new buildings or structure must be accompanied by plans prepared by a registered architect.

(c) Except as provided for in (d) and (e) below, no sales of goods, food or beverages shall be permitted on the premises, other than of customary gift shop items and food and/or beverages, which may be sold to those visiting the site. Such items shall only be offered for sale within buildings situated on the site. No signs advertising the availability of any such items, including food and beverages, shall be located on the grounds or on the exterior of any of the buildings on the site, other than:

(1) Identifying signs located on individual buildings; and

(2) The historic site sign at the entrance to the property, the size, style and content of each of which shall be subject to the approval of the Board of Zoning Appeals.

(d) At each such historic home or site, as many as three (3) special "fair or "festival" type fund raising events, sponsored by the site, may be held annually at which food, beverages and merchandise may be sold. Such events may be held outdoors if desired, with signs on the premises advertising them. Such events may be of no more than three (3) days duration each. For such events, the historic home or site shall provide parking for those attending the event and shall post "no parking" signs on all neighboring streets within the City of Belle Meade.

(e) Each such historic home or site may rent its premises from time to time for private party social occasions, wedding receptions, concerts, fund raisers for non-profit entities or other like events at which food and beverages may be served, and merchandise may be sold, but at which no commercial activities shall be conducted. The sponsors or hosts of all such events shall provide parking for those attending the event and, if requested by police department of the city, shall post "no parking" signs on all neighboring streets within the city.

(f) The historic home or site shall be subject to all ordinances dealing with sound emissions and other police power functions of the City of Belle Meade, and it shall be responsible for any violations thereof occurring on its premises.

(g) Off street parking shall be provided for all visitors to the historic home or site, including tour buses.

(Ord. 75-6, § 2, as amended by ords. 79-1, 84-3, 85-1, and 87-1, § 2, and modified. 1987 Code, § 11-202(7), and further amended by ords. 88-1, 90-1, §§ 1 and 2, 91-3, § 1; Ord. #93-6, § 1, July 1993, and Ord. #92-8, § 1, April 1994).

Appendix D

Country Clubs

Country Clubs. Country Clubs are subject to the following provisions:

(a) A Country Club shall be designated as such by this Appendix D or an amendment hereto. To be eligible for such designation, it shall be organized as a private, non-profit, membership entity and shall be operated for the exclusive use and enjoyment of its members and their guests, but not for the general public. It may provide facilities for social, recreational, dining and athletic activities as determined from time to time by its duly elected governing board. By this Appendix D, Belle Meade Country Club, located at 815 Belle Meade Boulevard, is designated such a country club and the property which it occupies at that location is designated as a Country Club Site.

(b) The Board of Zoning Appeals of the City of Belle Meade shall have exclusive jurisdiction and authority to grant a permit for the location and/or construction (excluding interior renovations) of improvements upon a Country Club Site, including the club house and any additions thereto and all accessory buildings and structures, tennis courts, swimming pools, and other athletic facilities (excluding the golf course, which shall be considered a landscaped area, not requiring Board approval) parking areas, driveways (exclusive of cart paths), walkways, entrances and exits used and constructed in conjunction therewith (collectively "Country Club Facilities"). The Board shall authorize such a permit only if it is the finding of the Board that there is a reasonable amount of space for the proposed facility within the area affected by the same so as to avoid nuisances to adjoining landowners.

Appendix E

Zoning Map and Charts

Appendix F

Non-Conforming Uses

Non-conforming uses. Non-conforming uses and structures. Non-conforming uses and structures shall be subject to the following restrictions:

(a) Continued use. A non-conforming use or structure may be continued, but may not be enlarged or extended, unless the enlargement or extension meets all the requirements of this chapter and there is no enlargement or extension of the particular non-conformity. Notwithstanding the foregoing, any non-conforming use or structure protected by T.C.A. § 13-7-208 shall be subject to the enlargement or extension requirements contained therein.

(b) Reconstruction. No non-conforming use or structure may be re-established or reconstructed where such has been discontinued or abandoned for a period of at least two months, unless said discontinuance or abandonment was the result of fire or other casualty, as is hereinafter provided. Notwithstanding the foregoing, any non-conforming use or structure protected by T.C.A. § 13-7-208 shall be subject to the applicable period for discontinuance or abandonment contained therein.

(c) Casualty. 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 application for such reconstruction shall be made within six months of the date of its destruction or damage. Notwithstanding the foregoing, any non-conforming use or structure protected by T.C.A. § 13-7-208 shall be subject to the applicable period for reconstruction contained therein.

(Ord. 75-6, § 5. 1987 Code, § 11-205, as replaced by Ord. #97-2, Aug. 1997).