

ORDINANCE NO. 75-6

AN ORDINANCE 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:

SECTION 1. Certain words, phrases and terms shall be used hereinafter in this ordinance, 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:

A. Words used in present tense include the future. The singular number includes the plural and the plural the singular. The word "lot" includes the word "plot" and the words "site" and "building site". The word "building" includes the word "structure" whether enclosed or unenclosed, temporary or permanent, and shall also include tents, shelters, house trailers or mobile homes, camp cars, garden houses, cabanas, swimming pools and their accessory structures and enclosures, tennis courts and their enclosures, towers, poles, or other devices for providing antennas for radios or television receivers or amateur transmitters, or lighting for swimming pools and tennis courts, walls and fences erected at ground level and extending more than three (3) feet in height above the immediately adjoining ground elevation.

B. Accessory Use or Building. An accessory use or building is a subordinate use or building customarily incident to and located on the same lot or site with, or inside, the main or principal use or building.

C. Dwelling. A dwelling is any building or structure or portion thereof which is occupied or arranged for occupancy as a home, residence, or sleeping place, including sanitary and cooking facilities for one or more

persons, either permanently or transiently.

D. Height of Building. The vertical distance from the average ground elevation along the wall of the building nearest to the nearest public street to the highest point of the roof surface of said building shall be considered the height of the building.

E. A storey is a level within a building occupied by one or more rooms the extent of whose floor area is equal in area to the foundation, or the fixed support for the building. A half storey is a level within a building which is situated under a sloping roof, or which for other reasons has a floor area not more than two-thirds the area of the storey or floor immediately below it.

F. A lot, plot, or site, is one contiguous piece or parcel of land 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 ordinance.

G. Each lot or site shall provide a front lot line, a rear lot line, and one or more side lot lines, which are defined as follows:

(1) A front lot line, which is defined as the boundary of the lot contiguous to the nearest public street or road; if the lot shall be contiguous to more than one street or road, then the front lot line shall be the line nearest to the main or front entrance to the building. In the case of a corner lot there shall be two front lot lines; and

(2) A rear lot line, which 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 ten (10) feet in length and parallel to and most distant from the front lot line; and

(3) A side lot line is a boundary line which is neither a front lot line nor a rear lot line. A side lot line contiguous to a street may be a side street lot line.

H. A set back line is a line within the lot or site generally parallel to the front lot line, between which and the front lot line no buildings, structure or portion thereof, except as is otherwise herein

provided, may be erected above the grade established for the front of the building.

I. Yards are existing required areas of open space on the same lot or site with the existing or proposed main building or use, lying along the adjoining lot lines as herein provided, open, unoccupied and unobstructed by man-made buildings or structures as have been defined herein from ground level to the sky. A fence or wall less than three (3) feet in height may be located adjoining a lot line, and a fence or wall not more than six (6) feet in height may be located adjoining a rear lot line or a side lot line, but no closer than 20 feet to the front lot line, except where said lot line constitutes a corner lot line. Provided, however, that 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 (2-1/2) feet and ten (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.

J. In the application of the foregoing definitions, walls, extending not more than four (4) feet above and in line with the external walls of the main building, chimneys not extending more than twelve (12) feet above the roof line of the main building, and cupolas, domes and spires which have been approved by the Board of Zoning Appeals, may be erected and considered as within the height limits for buildings herein established. The lateral projection of window sills, and other ornamental features, chimneys not more than two (2) feet beyond the nearest wall of the main building or structure, and steps and uncovered porches, or covered but not enclosed porches not extending above the first storey, nor more than ten (10) feet beyond the wall of the main building nearest the street lot line shall be considered as exempt from the provisions regulating side yard and front yard, or set back lines as hereinafter established.

SECTION 2. Within the limits of the City of Belle Meade, no building structure, premises or site shall be used or arranged to be used except for one or more of the following purposes of uses:

1. A dwelling for one family or one housekeeping unit.
2. A dwelling for more than one (1), but not exceeding two (2) housekeeping units.
3. Churches and other places of worship, subject to the provisions for parking areas for automobiles and other applicable provisions hereinafter set out.
4. 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, which also are subject to the provisions for parking for automobiles hereinafter set out.
5. Buildings erected by the City of Belle Meade for municipal purposes, subject to the approval of the Municipal Planning Commission, or in appropriate instances, the Board of Zoning Appeals.
6. Accessory uses customarily incident to the above permitted uses, but not including the conduct of a commercial enterprise, business or industry. Such accessory uses are limited to the following:
  - (a) A private garage forming an integral part of the main dwelling or residence to which it is accessory, and in which garage no commercial enterprise, business or industry shall be conducted. Garage space may be provided for three (3) motor vehicles on any lot and garage space may be provided for one additional vehicle for each five thousand (5,000) 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. Not more than one vehicle capable or designed for transport of more than 9 persons or cartage may be stored on any lot, and may be so stored only if garage space is provided for its regular storage.
  - (b) 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.
  - (c) The office of a physician, dentist, musician, lawyer, accountant, or other professional person may be located in the dwelling used by such professional person as his residence, subject to the approval of the Board of Zoning Appeals.
  - (d) Not more than one principal dwelling, whether same be for use by one or more than one family or housekeeping unit, may be erected on one (1) lot or building site.

(e) Signs 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 five (5) days following said completion. Signs identifying a church, school, or other permitted structure may be placed on its premises. No sign allowed by this provision shall exceed eight (8) square feet in area.

(f) The erection, maintenance or use of billboards, or other structures erected solely for advertising purposes is forbidden, and likewise the posting of any signs, except street and road signs, other than for the purposes hereinabove set out, is prohibited.

(g) Greenhouses, pergolas and gazebos, cabanas, garden houses, swimming pools, tennis and badminton courts, croquet, shuffleboard and other grounds, and other similar recreational facilities, childrens' playhouses, structures for the housing or storage of tools, vehicles, machinery, equipment, animals where otherwise permitted, and poles or standards for lights, television or radio antennas, may be constructed or erected if same are found to be of such size and location by the Board of Zoning Appeals, whose authority is hereinafter established, not to interfere substantially with the use and enjoyment of adjacent property by its owners and occupants.

Provided, however, that 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 six (6) feet in height above the exterior adjoining grade designed so as to prevent its being climbed by persons under twelve (12) years of age. Any opening in said enclosure shall be susceptible of closure 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.

(h) Temporary uses, such as house trailers, mobile homes, camp cars, tents, and other shelters, may be located upon the premises provided same are located with the area allowed for the location of a permanent dwelling thereon, for a period not in excess of six (6) months, with the approval of the City Building Inspector. Any other location, and any use in excess of six months, may be allowed only by resolution and approval of the Board of Zoning Appeals.

(i) 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 involves 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 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.

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. It is further provided, that such parking area or areas shall not exceed twenty-five per centum (25%) of the lot area upon which the church or other place of worship or other structure requiring parking space is to be constructed or of the total lot area upon which the building proposed to be converted to use as a church or other place of worship, or school, is situated.

(j) The erection, construction, maintenance or use of a basement or cellar, except as an integral part of a use as permitted herein is hereby prohibited.

SECTION 3. The territory of the City of Belle Meade is divided into districts, which are designated, and whose boundaries are described, as follows:

ESTATES "A" DISTRICT, beginning at a point in the northerly boundary of the property of Gus Kuhn, Jr., at the easterly margin of Chickering Road, being the northwest corner of her property, thence extending eastwardly, along the said northerly boundary of the Gus Kuhn property 1150 feet, more or less to a point 750 feet west of the easterly boundary of the Simpson property, which is also the easterly boundary of the City of Belle Meade; thence, in a general southerly direction, parallel to, and at all points 750 feet distant, in a westerly direction, from the said easterly boundary of the City of Belle Meade approximately 3700 feet, more or less, to a point in the northerly boundary of the property of Willis S. Graham, et ux, 750 feet easterly of said City boundary; thence westwardly, along the northerly boundaries of the properties of the said Willis S. Graham, et ux, W. Gregory Quick, et ux, and Jack G. Bailey, et ux, approximately 1600 feet, more or less, to the easterly margin of Chickering Road, the northwest corner of the property of Jack G. Bailey, et ux; thence northwestwardly, along the said easterly margin of Chickering Road 3300 feet, more or less, to the point of beginning.

ESTATES "B" DISTRICT, Tract (1) Beginning at a point in the westerly margin of Chickering Road, southeast corner of the tract designated as B. E. Woodard's Warner Park Subdivision, as of record in Plat Book 1130, page 87, Register's Office of Davidson County, and extending thence, along the southerly margin of the tract shown on the aforesaid subdivision plan to the easterly margin of Page Road, to a point, being also the

northwesterly corner of the property conveyed by deed to Dr. Cham Rand Johnston, of record in Book 4419, page 93, said Register's Office; extending thence in a general southerly direction, along the easterly margin of Page Road to a point, the southwest extremity of the City of Belle Meade; thence along the southerly boundary of the City, in a general easterly direction, 1237 feet, more or less, to a point in the westerly margin of Chickering Road (formerly called Belle Meade Pike); thence, with the said westerly margin of Chickering Road, in a general northerly direction 1460 feet, more or less, to the point of beginning.

Tract (2) Beginning at a point in the easterly margin of Belle Meade Boulevard, being the northwest corner of Block D, Belle Meade Subdivision No. 2, and the property conveyed by Third National Bank, Trustee, to George T. Hicks and Jim Gillespie, by deed of record in Book 2805, page 283, Register's Office of Davidson County, and running thence in a southeasterly direction, with the northerly boundary of said property, 300 feet to a point; thence extending in a general southerly direction parallel to and 300 feet distant from the said easterly boundary of Belle Meade Boulevard, and continuing at said distance of 300 feet from the easterly boundary of Chickering Road, south of its intersection with Belle Meade Boulevard, to a point in the south margin of Herbert Place 300 feet eastward of the easterly margin of Chickering Road, thence along the south margin of Herbert Place to its intersection with Chickering Road; thence northwardly along the east margin of Chickering Road to its intersection with Belle Meade Boulevard; thence along Belle Meade Boulevard in a general northwardly direction to the point of beginning.

Tract (3) Beginning at a point in the easterly boundary in the City of Belle Meade, a portion of the westerly boundary of the City of Forest Hills, and the northeast corner of the property of Gus Kuhn, Jr., thence extending in a general southerly direction along said easterly boundary of the City of Belle Meade 5400 feet, more or less, to the southerly boundary of said City, the south margin of Chickering Lane; thence, northwestwardly, along the southerly margin of Chickering Lane, 2100 feet, more or less, to its intersection with Chickering Road; thence, across Chickering Lane, a distance of 50 feet, and along the easterly margin of Chickering Road, the westerly boundary of the property of Jack G. Bailey, et ux, 295 feet, more or less, to the north boundary of the said Bailey property, the southwest corner of Estates "A" District; thence eastwardly along the northerly boundary of the properties of Bailey, Quick, and Graham, the southerly boundary of Estates "A" District, to a point 750 feet east of the easterly boundary of the City, the southeast corner of Estates "A" District; thence northwardly, along the easterly boundary of Estates "A" District, parallel to and at all points 750 feet west of the

easterly boundary of the City of Belle Meade 3700 feet, more or less, to the northerly property of Mrs. D. Gray Simpson; thence eastwardly along said northerly boundary of the Simpson property 750 feet to the point of beginning.

RESIDENCE "A" DISTRICT, which is described as follows: Beginning at a point on Harding Place 300 feet easterly of the east boundary of Jackson Boulevard, and running thence westerly with Harding Place across Jackson Boulevard, then across Belle Meade Boulevard, to a point 300 feet westerly of the west line of Belle Meade Boulevard, thence in a southerly direction and continuing at a distance of 300 feet from the west line of Belle Meade Boulevard, to the city limits of the City of Belle Meade on Page Road.

Thence in a southeasterly direction following the city limits of the City of Belle Meade along Page Road until said city limits leave Page Road, and thence with the limits of the City of Belle Meade in a generally easterly direction and following the meanderings thereof to the southeast corner of the City of Belle Meade; then continuing with the limits of the City of Belle Meade along the easterly boundary thereof to the intersection of said city limits with Tyne Boulevard; thence across Tyne Boulevard to a point 300 feet north of the northerly boundary of Tyne Boulevard.

Thence in a westerly direction 300 feet north of the boundary of Tyne Boulevard and parallel to it to a point 300 feet easterly from the intersection of Tyne Boulevard with Belle Meade Boulevard, and thence in a northerly direction 300 feet from the east boundary of Belle Meade Boulevard to Jackson Boulevard and thence continuing in a northerly direction 300 feet from the east boundary of Jackson Boulevard and parallel thereto to the point of beginning on Harding Place.

Included within the boundary description of Residence "A" District, but excluded therefrom, are those areas heretofore designated as Estates "A" District, and Estates "B" District, Tracts 1, 2 and 3.

RESIDENCE "B" DISTRICT, which is described as follows: Residence "B" District shall include all areas within the limits of the City of Belle Meade not included within Residence "A" District, Estates "A" District and Estates "B" District.

The general location and boundaries of the districts hereinabove described are also shown on plat or map attached hereto and made a part hereof, same being designated "The Zoning District Map of the City of Belle Meade".

SECTION 4. The following provisions for lot area, set back lines, rear yards, side yards, and height shall apply to the districts heretofore designated and described in Section 3, as follows:

- (A) Within Estates "A" District no building or structure shall be erected which does not comply with the following requirements:



1. LOT AREA: Minimum requirements shall be two hundred thousand (200,000) feet of lot area for each dwelling for one family, or one housekeeping unit, and fifty thousand (50,000) additional square feet for an additional housekeeping unit included within said dwelling.

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 requirements shall be four hundred thousand (400,000) square feet of lot area.

2. SET BACK LINES: 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 less than 800 feet.
3. REAR YARDS: There shall be a rear yard on every lot which rear yard shall have a minimum depth of 100 feet for a one storey building, which depth shall be increased to 120 feet for two or two and one-half storey building.

4. SIDE YARDS: There shall be a side yard on each side of every building, and the minimum width of any side yard shall be 65 feet and the least sum of widths of both side yards shall be 130 feet, and each building site shall have a total width at the set back line of 250 feet.

It is further provided that 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.

5. HEIGHT: No building shall exceed 35 feet or two and one-half stories in height. No building having a height less than fifteen (15) feet shall be used for a dwelling, church, or other place of worship, or a school.

(B) Within any Estates "B" District no building or structure shall be erected which does not comply with the following requirements:

1. LOT AREA; The minimum requirement shall be seventy-five thousand (75,000) square feet of lot area for each dwelling for one family, or one housekeeping unit, one hundred five thousand (105,000) square feet for each dwelling for two families or two housekeeping units.

For the erection of 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 two hundred eighty thousand (280,000) square feet of lot area.

2. SET BACK LINES: 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 less than 125 feet.
3. SIDE YARDS: There shall be a side yard on each side of every building and the minimum width of each side yard shall be 40 feet and the least sum of widths of both side yards shall be 90 feet, and each building site shall have a total width at the set back line of 200 feet.

It is further provided that 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 in any direction of the boundary of said lot.

4. HEIGHT: No building shall exceed 35 feet or two and one-half stories in height. No building having a height of less than 15 feet shall be used for a dwelling, church or other place of worship, or a school.
5. REAR YARDS: There shall be a rear yard on every lot which rear yard shall have a minimum depth of 90 feet for a one storey building, which depth shall be increased to 110 feet for two or two and one-half storey building.

(C) Within Residence "A" District no building or structure shall be erected which does not comply with the following requirements:

1. LOT AREA: The minimum requirement shall be seventy thousand (70,000) square feet of lot area for each dwelling for one family or one housekeeping unit, one hundred forty thousand (140,000) square feet for a dwelling for two families or two housekeeping units.

The minimum requirements shall be two hundred eighty thousand (280,000) square feet of lot area 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.

2. SET BACK LINES: No building shall be erected, reconstructed or altered so as to project in any manner beyond a line which is distant from the street line the average distance therefrom of the buildings fronting on the same side of the street within the block at the time of passage of Ordinance No. 9 on August 26, 1939, 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.

Where no building 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 one thousand (1,000) feet in each direction from the center of the building being constructed. In determining the average distance from the street of buildings within one thousand (1,000) feet, only buildings constructed prior to the adoption of this ordinance shall be considered.

3. REAR YARDS: There shall be a rear yard on every lot which rear yard shall have the minimum depth of 70 feet for a one story building, which depth shall be increased to 100 feet for a two or two and one-half story building.
4. SIDE YARDS: There shall be a side yard on each side of every building and the minimum width of any side yard shall be 40 feet and the least sum of the widths of both side yards shall be 90 feet.

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 nearer than two hundred fifty (250) feet in any direction of the boundary of said lot.

5. HEIGHT: No building shall exceed 35 feet or two and one-half stories in height. No building having a height of less than 15 feet shall be used for a dwelling, church or other place of worship, or a school.

(D) Within any Residence "B" District no building or structure shall be erected which does not comply with the following requirements:

1. LOT AREA: The minimum requirements shall be forty thousand (40,000) square feet of lot area for each detached dwelling for only one family, or for one housekeeping unit, and eighty thousand (80,000) square feet for a detached dwelling for two families or two housekeeping units.

The minimum requirements shall be two hundred eighty thousand (280,000) square feet of lot area for the erection of or use of a building as a church, or other place of worship, or for the erection of or use of a building as a school.

2. SET BACK LINES: No building shall be erected, reconstructed or altered so as to project in any manner beyond a line which is distant from the street line the average distance therefrom of the buildings fronting on the same side of the street within the block at the time of passage of Ordinance No. 9, on August 26, 1939, 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.

Where no building 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 one thousand (1,000) feet in each direction from the center of the building being constructed. In determining the average distance from the street of buildings within one thousand (1,000) feet, only buildings constructed prior to the adopting of this ordinance shall be considered.

3. REAR YARDS: There shall be a rear yard on every lot, which rear yard shall have a minimum depth of 60 feet for a one story building which depth shall be increased to 85 feet for a two or two and one-half story building.
4. SIDE YARDS: There shall be a side yard on each side of every building, and the minimum width of any side yard shall be 30 feet and the least sum of the widths of both side yards shall be 70 feet.

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 two hundred fifty (250) feet of the boundary of said lot in any direction.

5. HEIGHT: No building shall exceed 35 feet or two and one-half stories in height. No building having a height of less than 15 feet shall be used for a dwelling, church or other place of worship, or a school.

SECTION 5. NON-CONFORMING USES. The lawful use of any building, structure or land existing at the time of the adoption of this ordinance may be continued, although such use does not conform to the provisions hereof. An existing non-conforming use of a building or premises may be changed to a different non-conforming use, provided such change does not result in the enlargement of the area occupied by buildings on the premises, by resolution adopted by a majority of the members of the Board of Zoning Appeals of the City of Belle Meade.

No non-conforming use may be re-established in any building or any premises where such non-conforming use has been discontinued for a period of at least two months, unless said discontinuance was the result of fire or other casualty, as is hereinafter provided. No addition shall be made or erected to any building now occupied or used as a non-conforming use if such addition would result in increasing the floor space of said building or height of said building, unless same shall be approved by resolution of the Board of Zoning Appeals of the City of Belle Meade.

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.

SECTION 6. BOARD OF ZONING APPEALS. An administrative board is hereby created, to be known as the Board of Zoning Appeals. The Municipal Planning Commission, heretofore created by another ordinance, shall constitute the Board of Zoning Appeals, and shall have full power and authority to hear appeals and to apply and construe the provisions of this ordinance in all matter properly brought before it.

Any determination made by the City Manager, or by the City Building Inspector, in the enforcement or application of these ordinance may be brought by appeal to the Board of Zoning Appeals by any person deeming himself or herself adversely affected by such decision or determination.

The Board of Zoning Appeals shall take no action in any case until after notice and public hearing. The presence of five (5) members shall constitute a quorum, and the concurring vote of a majority

of the Board present at any meeting shall be necessary to reverse or modify any order, requirement or decision of the City Manager or City Building Inspector, or to decide in favor of the appellant any matter upon which the Board is required or authorized to pass, or to effect any variation. Any person entitled to notice and hearing by the provisions of this ordinance may waive same provided such waiver shall be in writing, signed by the person interested, in the form approved by the Board of Zoning Appeals, and filed with the City Building Inspector in advance of action taken with respect to the matter as to which notice is being waived.

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

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

- (1) Permit the extension of an existing or proposed building in use under such conditions as will safeguard the character of the community.

- (2) Grant a permit for a temporary building, or use, incidental to the residential development, such permit to be used for a period of not more than one year.
- (3) Grant a permit for the erection of an accessory building where there are practical difficulties or unnecessary hardships preventing the construction of a garage or sleeping quarters for servants of employees as an integral part of the main residence, and where such accessory building will not be out of harmony with the existing development in the neighborhood.
- (4) Grant a permit for the erection and use of 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, or for any building or structure proposed by the City of Belle Meade which does not comply with the provisions of the ordinance as to lot area, side yard, or set back, subject to such conditions and safeguards as will protect the character of the community.
- (5) To grant a permit for the erection, construction, development or arrangement of any use included in SECTION 2, subsection (g) or a parking lot, or other accessory use, subject to such conditions and safeguards as will protect the character of the community.
- (6) Where there are practical difficulties or unnecessary hardships which prevent application of the strict letter of the provisions of this ordinance, the Board of Zoning Appeals shall have power in any specific case to vary such application in harmony with the general purpose and intent of this ordinance, so that the public health, safety, prosperity, moral and general welfare may be secured, and substantial justice done.

SECTION 7. ENFORCEMENT. The City Building Inspector, under the direction of the City Manager, shall administer and enforce the provisions of this ordinance. 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 Inspector 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 with the provisions of this ordinance, nor any other ordinance of the City of Belle Meade applicable to the use of property, or where in the judgment of the City Building Inspector the proposed building, alteration, addition or occupancy would materially and adversely affect the public health, safety, comfort or morals or welfare of the community.

SECTION 8. PLATS AND OTHER INFORMATION TO ACCOMPANY APPLICATIONS FOR PERMITS.

- (a) Each application for a building permit shall be accompanied by a plat, drawn to scale not smaller than one (1") inch equals twenty (20") feet, showing the actual dimensions of the building site, the location of the proposed buildings upon the site, and precise indications of its dimension, floor plans, the arrangement of the septic tank and disposal field or other sanitary disposal facilities, drawings showing elevations of the proposed building from each side, and such other information as may reasonably be required by the City Building Inspector to assure compliance with the provisions of this and all other applicable ordinances.
- (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 build upon or used, the size of the building to be erected or converted, the position of the proposed of 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.
- (c) 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 school buildings and churches. The Board shall issue such permit only if it is the finding of the Board that such proposed use and/or buildings will not impair 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. It is further provided that said Board of Zoning Appeals may, in addition to the specific requirements of the applicable ordinances, require, as a condition for the granting of a permit, such provisions 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. It is further provided that, 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 granting of such permit. The City Building Inspector shall refer all applications for permits for the use of property as a school, or as a church or other place of worship to the Board of Zoning Appeals for its action in accordance with the provisions hereof.

SECTION 9. OCCUPANCY PERMITS. No undeveloped lot or parcel of land and no building or structure 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 other applicable ordinances.

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 proposes to change the use of the building, structure or premises without making alteration of the building.

A record of all certificates of occupancy shall be kept in the office of the City Building Inspector 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.

SECTION 10. 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 ordinance shall be fined not less than \$5.00 and not more than \$50.00. Each day such violation or failure to comply is permitted to exist after notification thereof shall constitute a separate offense. 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 Inspector, or by complaint made to the Courts of the State of Tennessee.

SECTION 11. AMENDMENTS. Any owner of property in Belle Meade who wishes to amend this ordinance shall request same in writing in which the substance of his proposed amendment shall be stated, which request shall be addressed to the Municipal Planning Commission of the City. Said Commission shall consider same, and may hold a hearing thereon in its discretion, and shall take action to approve or disapprove said request within thirty (30) days following date of receipt, and shall promptly notify the owner and the Board of Commissioners of its action thereon. If the Board of Commissioners shall favor adoption of said proposed amendment it shall hold a public hearing thereon, as required by law, and if the Planning Commission shall have disapproved same, the Board of Commissioners shall adopt an ordinance incorporating said amendment only upon favorable vote of a majority of the entire membership of the Board of Commissioners. The owner proposing said amendment shall pay in advance to the City the cost of advertising the proposed amended ordinance for consideration by the Board of Commissioners at the time of said public hearing.

SECTION 12. ALL ORDINANCES IN CONFLICT HEREWITH ARE REPEALED. All ordinances and portions of ordinances in conflict with this ordinance are hereby repealed, 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.

SECTION 13. 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 paragraph section or sections, or exercise of such excess powers.

SECTION 14. STATEMENT OF COMPLIANCE WITH STATE LAW. The Commissioners of the City of Belle hereby certify that this Ordinance No. 75-6 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 fifteen (15) days notice of the time and place of said meeting and 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 third reading in accordance with said provision this 21st day of May, 1975.

Passed on First Reading:  
April 16, 1975.

Passed on Second Reading:  
April 23, 1975

Passed on Third Reading and  
Adopted: May 21, 1975.

Marta B. Hanel  
MAYOR

James B. Smith  
VICE MAYOR

Robert T. Coleman  
COMMISSIONER

C. H. Skurs  
CITY RECORDER



THE ZONING DISTRICT MAP OF THE  
CITY OF BELLE MEADE

Ordinance No. 74-6 Adopted  
1974

AS AMENDED

Residence "A"  
District

Estates "A" District as  
outlined

Estates "B" District as  
outlined

Residence "B"  
District

Scale: 1 inch = 1200 feet

