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ORDINANCE 98 - 7

AN ORDINANCE AMENDING
CHAPTER TWO TITLE 14 OF THE BELLE MEADE CODE

BE IT ORDAINED, by the City of Belle Meade as follows:

Item 1. Subsection (j) of §14-201 (2) of the Belle Meade Municipal Code, entitled "Terms and Definitions" is amended to read as follows:

"(j) **Height of Building.** The vertical distance from the average existing natural grade along the building wall (or building walls, in the case of a building on a corner lot) which is closest to the nearest public street or streets, to the highest point of roof surface of such building. In the application of the foregoing definition, walls extending not more than four (4'-0") feet above and in line with the external walls of the main building, chimneys not extending more than twelve (12'-0") feet above the point at which the chimney penetrates the roof of the main building, and cupolas, domes and spires, which have been approved by the Board of Zoning Appeals, may be erected and considered as within the height limits for buildings as herein established."

Item 2. Subsection (n) of §14-201 (2) of the Belle Meade Municipal Code entitled "Terms and Conditions" is amended to read as follows:

"(n) **Lot Lines, Property Lines, Boundary.** 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, all of which are hereinafter defined. The front lot line length requirement shall apply only to lots created after the passage of this ordinance.

(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

(1) 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, as designated by the owner, and the secondary front line shall be the other lot line contiguous with a street, and

(2) 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 ten (10'-0") 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."

Item 3. Subsection (u) of §14-201 (2) of the Belle Meade Municipal Code entitled "Terms and Definitions" is amended to read as follows:

"(u) **Side Yards.** Required areas of open space on a lot, unobstructed by man-made buildings or other structures, not otherwise permitted in this ordinance, and located between the Side Set Back 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."

Item 4. §14-201 (2) of the Belle Meade Municipal Code is amended by repealing subsection (v) in its entirety and renumbering subsections (w),(x) and (y) as subsections (v), (w) and (x) respectively.

Item 5. The first sentence of subsection (i) of §14-202 (1)(b) of the Belle Meade Municipal Code entitled "Churches and Schools" is amended to read as follows:

"(i) 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. ..."

Item 6. Subsection (iv) of §14-202 (1)(b) of the Belle Meade Municipal Code, entitled "Churches and Schools", is amended to read as follows:

"(iv) 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."

Item 7. Subsection (v) of §14-202 (1)(b), of the Belle Meade Municipal Code, entitled "Churches and Schools", is amended to read as follows:

"(v) 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."

Item 8. §14-202 (2) of the Belle Meade Municipal Code, entitled "Prohibited Uses", is amended by adding a new subsection (h) to the same, as follows:

"(h). **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."

Item 9 . Subsection (vi) of §14-204(1)(a) of the Belle Meade Municipal Code, entitled "Dwelling Area", is amended to read as follows:

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

Item 10. §14-204 (1)(c) of the Belle Meade Municipal Code, entitled "Height", is amended to read as follows

"(c) Height.

(i) No residential structure shall exceed thirty-five (35) feet in height. No dwelling shall have a height of less than fifteen (15) feet.

(ii) The maximum height of a structure along its sides or rear shall not exceed forty- five (45) feet.

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

Item 11. §14-204 (1)(f) of the Belle Meade Municipal Code, entitled "Corner Lots" is amended by striking the word "Side" in the sixth (6th) line thereof and substituting the word:

"Front"

Item 12. §14-204 (1)(k) of the Belle Meade Municipal Code, entitled "Maximum Accessory Areas" is amended to read as follows:

"(k) The combination of subsections (i) and (j) above and any other accessory structures or uses [excluding private garages within the meaning of Section 14-202 (1)(d)(i)] shall not exceed 15% of lot area."

Item 13. Subsection (i) of §14-206 (1)(e) of the Belle Meade Municipal Code entitled "Powers of the Board" is amended by adding a new Sub-subsection (C) thereto to read as follows:

"(C) notwithstanding the foregoing, the Board 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 that the property owner seeking relief is in default in its compliance with any prior orders of the Board respecting the property in question, as evidenced by the minutes of the Board and/or plans approved by the Board and on file with the City, unless and until there shall have been full compliance with such orders."

Item 14. Subsection C of §14-206 (1)(f), entitled "Special Exceptions", of the Belle Meade Municipal Code is amended to read as follows:

"(C) The erection and use of

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

(2) 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,

(3) churches, places of worship and/ or school buildings, as described in §14-202 (1)(b), under such conditions and safeguards as are set forth in such section, or

(4) additions to buildings or structures, and the construction of new buildings or structures, on historic sites, as described in §14-202 (1)(e), under such conditions and safeguards as are set forth in such section.

Item 15. Subsection E of §14-206 (1)(f), entitled "Special Exceptions", of the Belle Meade Municipal Code, is amended to read as follows:

“(E) The construction of an addition to an existing residential structure, or the replacement of an existing residential structure with a new residential structure, not otherwise permitted by this Ordinance, or eligible for consideration by the Board under the provisions of Section 14-206(1)(g) of this Ordinance; provided that the Board shall first determine that

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

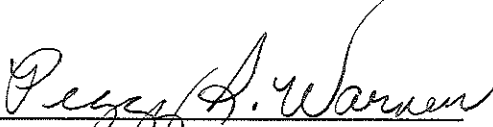
(2) the proposed addition or new residential structure will not be out of harmony with the existing development in the neighborhood, and

(3) the addition or new residential structure will be constructed under such conditions and safeguards as the Board may direct to protect the character of the community.”

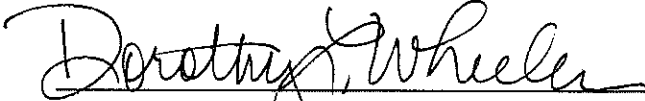
Item 16. This Ordinance shall become effective fifteen (15) days after its passage.

Passed on first reading:
November 18, 1998

Passed on second reading
January 28, 1999



Mayor Peggy Warner



City Recorder Dorothy L. Wheeler