

**ORDINANCE 2020-4**

**AN ORDINANCE TO AMEND SECTIONS 14-202 (1)(b)(ii), SECTION 14-206 (3)(c)(iii) (A) and (C), SECTION 14-210 (6) AND APPENDIX F OF THE BELLE MEADE ZONING CODE TO MODIFY CERTAIN PROVISIONS CONCERNING CHANGE OF LEGAL ACCESSORY USE AND THE RECONSTRUCTION OF NON-CONFORMING STRUCTURES<sup>1</sup>**

**WHEREAS**, the Zoning Code requires that certain residential accessory uses and structures like garages and living quarters first obtain approval by the board of zoning appeals; and

**WHEREAS**, the Board of Commissioners finds that when it has made a legislative finding that both uses are compatible with residential zoning, the change of one legal use to another does not require a case by case review by the board of zoning appeals;

**WHEREAS**, the Zoning Code of the City of Belle Meade (“City”) also regulates non-conforming uses and structures;

**WHEREAS**, the Zoning Code currently requires board of zoning appeals’ approval of the reconstruction of a non-conforming structure where the cost of restoration of the structure to as-built condition meets or exceeds fifty percent (50%) of the as-built cost as determined by the RS Means Construction Data;

**WHEREAS**, the Board of Commissioners finds that these requirements impose an unnecessary burden on the property owner and discourage the restoration of structures that may be in poor repair;

**NOW THEREFORE:**

**SECTION ONE: BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BELLE MEADE** that Section 14-202 (1)(b) of the Zoning Code shall be amended as follows:

Delete sub-part (ii) in its entirety and substitute the following therefor:

(ii) Living quarters, whether provided as an integral part of the principal residence or in an accessory building.

Add a new sub-part (xi), which shall read:

(xi) The property owner may convert the use of an accessory structure to any other permitted accessory use without approval of the board of zoning appeals, and improvements may be made to such structure, so long as they are within the height, set-back, square footage, or other bulk standards for such accessory structures in that zone.

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<sup>1</sup> Attached hereto as Exhibit 1 is a red-line document showing the changes to the current Zoning Code from this Ordinance 2020-4.

**SECTION TWO: BE IT FURTHER ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BELLE MEADE** that Section 14-206 (3)(c)(iii) of the Zoning Code shall be amended as follows:

Delete the words “Accessory building, including” in sub-part (A), with all other provisions to remain the same.

Delete subparts (B) and (C) in their entirety, with all succeeding sections to be reordered accordingly.

**SECTION THREE: BE IT FURTHER ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BELLE MEADE** that Section 14-210 (6), Appendix F, of the Zoning Code is amended as follows:

Add the following language at the end of section (1):

This section shall not be construed to restrict or prohibit a change of use in any non-conforming structure or building, so long as the change of use is from one legally permitted principal or accessory use to another.

Delete section (2) in its entirety and substitute the following language:

(2) Reconstruction.

A non-conforming structure or improvement may be reconstructed without approval of the board of zoning appeals, regardless of cost of the reconstruction, so long as the footprint or other non-conformity of the structure or improvement are not increased or enlarged. The height may also be increased, but only to a maximum of eighteen feet (18’). In all other cases, reconstruction shall be subject to the approval of the board of zoning appeals.

**SECTION FOUR: BE IT FINALLY ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BELLE MEADE THAT THIS ORDINANCE SHALL TAKE EFFECT UPON PASSAGE THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS REQUIRING IT.**

Passed on first reading:

August 19, 2020

Planning Commission Review

\_\_\_\_\_2020

Passed on Second Reading  
After Public Hearing:

\_\_\_\_\_2020

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James V. Hunt, Mayor

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Edie Glaser, City Recorder