

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING CODE.
3. - 4. RELOCATED.¹

CHAPTER 1

MUNICIPAL PLANNING COMMISSION²

SECTION

- 14-101. Creation, membership, terms, vacancies, quorum, etc.
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- 14-110. Creation of "through streets" prohibited.

14-101. Creation, membership, terms, vacancies, quorum, etc.

(1) There is created and established a municipal planning commission, the same to be known as the municipal planning commission of the City of Belle Meade. Such planning commission shall consist of ten members, and one of the said ten members shall be the mayor of the City of Belle Meade and another of the said ten members shall be a commissioner chosen by the board of commissioners. The other eight members shall be appointed by the mayor who shall make the appointment in writing and shall file said written appointment with the city recorder. The terms of the members of the municipal planning commission of the City of Belle Meade shall be as follows: the terms of the

¹Chapters 3 "Flood Damage Prevention Ordinance" and 4 "Stormwater Ordinance" have been removed from this title and placed in title 12.

²Ordinance #2002-9, Oct. 2002 provides:

"The City of Belle Meade elects to opt out of the provisions of Sections 4 and 6 of Chapter 862 of the Public Acts of Tennessee for the year 2002."

mayor and the city commissioner elected to the planning commission shall be concurrent with the term of such commission members on the board of commissioners. The eight members initially appointed by the mayor shall serve until the end of the particular terms established by prior ordinances to which they are appointed hereunder, and upon expiration of these terms, the mayor shall appoint their successors, each of whom shall serve a term of three years so that the terms of two or three members of said commission shall expire each year. Any vacancy in membership shall be filled for the unexpired term by the mayor, who shall also have authority to accept the resignation of any such appointed member. Any member of the municipal planning commission may be removed before the expiration of their term by the mayor with the consensus of the board of commissioners. The board of commissioners shall elect the successor to the commissioner members elected by it, such successor likewise to be a commissioner of the city. The board of commissioners shall also have authority to accept his/her resignation.

(2) The presence of five (5) members shall constitute a quorum. Any matter or proposal before the commission may be approved by a majority vote of those present, and failure to receive such approval shall constitute a rejection or denial of such matter or proposal. (1987 Code, § 11-101, as replaced by ord. 87-7, as amended by Ord. #2007-1, Feb. 2007)

14-102. Chairman, rules, staff, and finances. The municipal planning commission shall select its chairman from among its appointed members. The term of chairman shall be one year with eligibility for re-election. The planning commission shall adopt rules for its transactions, findings, and determinations, which record shall be a public record. The planning commission may appoint such employees and staff as it may deem necessary for its work, but shall make no expenditure of money and incur no obligation for the payment of money without specific authorization from the board of commissioners. (Ord. 5, § 2. 1987 Code, § 11-102)

14-103. General plan. It shall be the function and duty of the planning commission to make and adopt an official general plan for the physical development of the city.

(1) The plan, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the planning commission's recommendations for the said physical development, and may include, among other things, a zoning plan for the regulation of the height, area, bulk, location, and use of private and public structures and premises and of population density; also the general location, character, layout, and extent of community centers and neighborhood units. The commission may from time to time amend, extend, or add to the plan or carry any part or subject matter into greater detail.

(2) Upon application by the owner of a lot that is a corner lot and a determination by the planning commission that the standard provisions of

§ 14-204(1)(h)(ii) make it impractical to construct a dwelling without first specially designating a building envelope that is particular to the applicant's lot, the planning commission may create a building envelope that is specific to the applicant's lot, and, in its discretion:

- (a) Designate the orientation of any dwelling to be built on the lot;
- (b) Having designated the orientation of the dwelling, designate the front, side and rear setback lines; and
- (c) Impose such conditions on the construction of any dwelling within the designated building envelope as it deems necessary to assure that:
 - (i) Any pre-existing non-conforming use, structure and/or variance from the provisions of the zoning code will not be extended closer to the property line, by reason of the construction of such addition or new structure;
 - (ii) The proposed dwelling 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 designation of a building envelope 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; and
 - (v) The new dwelling will be constructed under such conditions and safeguards as the planning commission may direct to protect the character of the community. (Ord. 5, § 3. 1987 Code, § 11-103, as replaced by Ord. #2016-7, Sept. 2016 *Ch7_6-26-19*)

14-104. Adoption of plan. The commission may adopt the plan as a whole by a single resolution, or, as the work of making the whole plan progresses, may from time to time adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subjects-matter of the plan. The adoption of the plan or any part, amendment, or addition shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the planning commission. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the planning commission to form the whole or part of the plan, and the action taken shall be recorded on the adopted plan or part thereof and descriptive matter by the identifying signature of the secretary of the planning

commission, and a copy of the plan or part thereof shall be certified to the board of commissioners. (Ord. 5, § 4. 1987 Code, § 11-104)

14-105. Purpose of plan. In the preparation of the plan, the planning commission shall make careful and comprehensive surveys and studies of the existing conditions and future growth of the city and its environs. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the city which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development. (Ord. 5, § 5. 1987 Code, § 11-105)

14-106. Compensation. No member of the municipal planning commission shall receive any compensation for his services as such. (Ord. 5, § 6. 1987 Code, § 11-106)

14-107. Receipt of subdivision plans; fee. The city building inspector is designated to receive on behalf of the municipal planning commission all plans of subdivisions of property proposed to be developed in the City of Belle Meade. The owner, developer, or other person responsible for presenting such plan shall pay to the city a fee of fifteen dollars (\$15.00) for each plan so presented requiring public hearing by the municipal planning commission and notice to all affected property owners. Such fee shall be in addition to expenses of sanitary tests, costs of preparation of maps and plats, and other expenses ordinarily borne by the owner and the developer. (Ord. 5, as amended by ord. 72-3, § 1. 1987 Code, § 11-107)

14-108. Expert assistance. The municipal planning commission and the board of zoning appeals are hereby authorized, in the discretion of the chairman of either of said bodies, to engage or employ competent experts and specialists to assist the planning commission or the board in making determinations of facts and in obtaining expert opinions as to the likely effect upon traffic, density of population, changes in natural drainage and flooding resulting therefrom, impact upon established property values, and other questions deemed pertinent by the planning commission or board in deciding or determining any matter presented to either said planning commission or board in the conduct of its affairs, within such limits as shall be established by the board of commissioners, either in appropriations provided by ordinance or otherwise. (Ord. 5, as amended by ord. 72-3, § 2. 1987 Code, § 11-108)

14-109. Street and right-of-way width for issuing building permits and approving subdivision plans. No building permit shall be issued and no subdivision or resubdivision plan shall be approved on any lot within the City of Belle Meade unless the lot upon which a building is to be erected and every

lot within the subdivision or resubdivision plan shall have access to a public street of not less than fifty (50) feet.

No subdivision or resubdivision plan shall be approved by the municipal planning commission unless every existing or proposed street or road thereon shall have a dedicated right-of-way of not less than fifty (50) feet. (Ord. 79-11, §§ 1 and 2. 1987 Code, § 11-109)

14-110. Creation of "through streets" prohibited.

(1) Definitions. "Through street." A through street is a street which connects with more than one other street, unless such other street is a tributary of the first and does not itself connect with any other street.

(2) From and after the effective date of this chapter (8-15-89) no through streets shall be created within the City of Belle Meade. (1987 Code, § 11-110, as added by ord. 89-7)

CHAPTER 2
ZONING CODE

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14-201. Definitions. (1) 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:

- (a) The singular number includes the plural and the plural the singular.
- (b) The word "lot" includes the words "plot" "site" and "building site."

(c) The word "building" includes the word "structure" whether enclosed or unenclosed, temporary or permanent, and shall include, but not be limited to, the following:

- (i) Tents, shelters, house trailers and/or mobile homes,
- (ii) Garden houses and cabanas,
- (iii) Swimming pools and their accessory structures and enclosures,
- (iv) Tennis courts and their enclosures,
- (v) Towers, poles or other devices required for
 - (A) Antennas for television receivers or amateur transmitters and/or
 - (B) Lighting for swimming pools and tennis courts.

(2) 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.

(a) "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.

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

(c) "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.

(d) "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.

(e) "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.

(f) "Floor area ratio." That ratio that is defined by the numerator of "gross floor area" as divided by the square footage of the lot.

(g) "Front building line." That portion of the dwelling defined by its exterior wall, which is closest to the front lot line.

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

(i) "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.

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

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

(l) "Gross floor area" The total square footage of conditioned space of any building, including such space under a roof that could be used as living space and garage space, whether conditioned or not, as measured to the outside walls as further defined as follows:

(i) The sum of all areas on all floors of a residential structure, including the square footage of the floor in the attic (regardless of whether the attic is accessible) with a clear height of more than five feet and six inches (5' 6"), and including all vertical penetration areas for circulation and shaft areas that connect one floor to another.

(ii) "Gross floor area" is the square footage as computed by physically measuring from the outside face of exterior walls, disregarding cornices, pilaster, buttresses, etc. that extend beyond the exterior wall surfaces.

(A) Gross floor area does not include areas below the natural grade of the lot.

(m) "Hardscape." Any improved area of any lot that is not included in the definition of "gross floor area," including all accessory uses and conditional uses, as well as any element of the residential structure that is not included in the "gross floor area" such as roof overhangs of more than twenty-four inches (24'), covered porches, balconies, decks, patio, pool area (the water surface being included in the "hardscape" but limited as a proportion to the square footage of the lot), exterior walkways, etc.

(n) "Hardscape ratio." The ratio of the square footage of hardscape to the square footage of the lot.

(o) "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.

(p) "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).

(q) "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.

(r) "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.

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

(i) 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 (1) street or road, then

(A) 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

(B) 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.

(ii) 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) feet in length and parallel to and most distant from the front lot line.

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

(t) "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.

(u) "Pavilion." See "Gazebo."

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

(w) "Permanent sign." Any sign that is intended for other than temporary use or a limited period. A permanent sign is generally affixed or attached to a pole or other structure or is characterized by construction materials, a foundation or anchoring indicative of an intent to display the sign for more than a limited period.

(x) "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.

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

(z) "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.

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

(bb) "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.

(cc) "Short term rental unit." A residential dwelling that is rented wholly or partially for a fee for a period of less than thirty (30) continuous days.

(dd) "Sign." Any device, fixture, placard, or structure that uses color, form, graphic, illumination, symbol, or writing to advertise, announce or identify a person or entity, or to communicate information of any kind.

(ee) "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.

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

(gg) "Temporary sign." Any sign constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other materials that appears to be intended for temporary use and display for a limited time period. "Temporary sign" includes a banner and may also mean a sign made of more durable materials such as metal, wood or hard plastic, but lacking a foundation or anchoring indicative of an intent to display the sign for more than a limited period.

(hh) "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.

(ii) "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, § 2; Ord. #87-1, § 1; and Ord. #87-11. 1987 Code, § 11-201, as replaced by Ord. #97-2, Aug. 1997, amended by Ord. #97-6, Feb. 1998; Ord. #98-7, Jan. 1999; Ord. #2001-5, June 2001, Ord. #2004-8, March 2005; replaced by Ord. #2006-6, Feb. 2006, and

amended by Ord. #2017-1, Feb. 2017 *Ch7_6-26-19*, Ord. #2018-6, Oct. 2018 *Ch7_6-26-19*, and Ord. #2019-3, June 2019 *Ch7_6-26-19*)

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

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

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

(b) 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:

(i) 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 ten thousand (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 ten feet (10') and a maximum depth of twenty feet (20'). Not more than one (1) vehicle capable of or designed for transporting more than eight (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.

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

(iii) 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.

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

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

(vi) Children's playhouses without a permanent foundation, plumbing or wiring and/or tree houses without plumbing or electrical wiring, not to exceed one hundred (100) square feet in floor space, less than eight feet (8') in height 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 ten feet (10') from the rear and side lot lines.

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

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

(ix) Business activities. (A) Only the following business activities may be permitted as an accessory use:

(1) 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.

(2) 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.

(3) Garage sales, limited strictly to items that:

(a) 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,

(b) Have been owned by such resident or members of his/her immediate family for a period of more than ninety (90) days, and

(c) Were not acquired for the purpose of being included in the sale. Such sale may not extend over a period of more than two (2) days, and no more than one (1) such sale may be conducted from the same location in any one (1) calendar year.

The application for permit for a garage sale required in subsection (B)(3), following, must be made in person by the resident/owner of the property to be sold.

(4) 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.

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

(1) Except for sales conducted under subsection (A)(4) above, none shall be by auction.

(2) Persons engaged in the activities enumerated in subsections (A)(1) through (A)(2) above, shall have not more than one (1) on premises employee assisting in those activities.

(3) No person shall engage in any of the activities enumerated in this subsection (ix), 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.

(4) Sales or services provided under subsections (A)(1) and (A)(2) above may be advertised only by mail, email, telephone or other personal contact.

(5) Sales or services provided under subsection (A)(4) 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.

(6) No activity under this subsection (ix), except for those of subsections (A)(3) and (A)(4) 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.

(7) No person may post any signage advertising or otherwise pertaining to any Business Activity; provided, however, that if a garage sale as defined in § 14-202(1)(b)(ix)(3) or an estate sale as defined in § 14-202(1)(b)(ix)(4) being properly conducted in accordance with all provisions of the code, then the owner of the property on which such sale is being conducted may post a sign of less than eight (8) square feet during the time period permitted for the holding of such sale.

(x) Signs. In addition to the signs permitted in § 14-211, signs, not exceeding eight (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 five (5) days following said completion.

(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.

(c) Conditional uses. When permitted by the board of zoning appeals, and subject to:

(i) 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,

(ii) 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

(iii) 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:

(A) Greenhouses,

(B) Potting sheds,

(C) Cabanas,

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

(1) 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 feet (6') in height above the exterior adjoining grade, of the type required by the latest edition of the International Residential Code for one (1) and two (2) family dwellings which has been adopted by the City of Belle Meade.

(2) 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.

(3) All pool lighting shall be located within the pool itself or no more than twenty four inches (24") above ground level around the pool.

(E) Pool houses.

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

(1) 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.

(2) 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.

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

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

(H) Shuffleboard and bocce ball courts, provided that such courts are located no closer than twenty feet (20') from any property line.

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

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

(K) Any structure other than a single family dwelling and/or permitted accessory use with a permanent foundation or with plumbing or wiring. Additionally, any children's playhouse, regardless of location, that is more than one hundred (100) square feet in floor space, more than eight feet (8') in height, or otherwise is not diminutive in scale and design.

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

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

(N) Solar panels within the building envelope in locations other than those provided in § 14-204(1)(b).

(O) Communication facilities.

(1) A "communication facility" is defined to be any facility that transmits electromagnetic waves for use by persons other than those occupying the structure on which the facility is located, and includes communication towers.

(2) At the discretion of the city manager and/or the board of zoning appeals, an applicant seeking permission to install a communication facility may be required to submit:

(a) Proof that the communication facility does not present a safety hazard in compliance with the Telecommunications Act of 1996, as amended; and

(b) Proof that there is "gap in service" that requires that the applicant submit proof that there are no feasible commercial sites beyond the city limits of the City of Belle Meade.

(3) It is the intent of the commissioners that this section be interpreted in connection with, and not in violation of, the Telecommunications Act of 1996.

(P) Communication towers.

(1) A "communication tower" is defined as any structure that serves the sole purpose of supporting a communication tower and/or on which the antenna or other transmitting devices of a

communication facility are visible to persons other than the property owner.

(2) Construction of a communication tower. Before the construction of any communication tower shall commence:

(a) The property owner shall file for review and approval all technical exhibits required by the building inspector and/or the board of zoning appeals; and a duly licensed engineer possessing valid registration to practice professionally in the State of Tennessee must provide the city with a statement in writing demonstrating and certifying to the reasonable satisfaction of the board of zoning appeals that the communication tower is no higher than absolutely necessary to provide services and coverage to the public from the specific location on the lot.

(b) If the city building official or the board of zoning appeals determines that a review of the engineer's report on the siting of the communication tower is warranted, then the board of zoning appeals may employ, at applicant's expense, an additional duly licensed engineer to review applicant's engineer's report and advise the board of zoning appeals thereon.

(c) The applicant shall provide for review and approval all supplemental technical exhibits required by the building inspector and/or board of zoning appeals.

(d) Any communication tower must be located upon the property in such a manner that in the event of collapse the entire tower or antenna shall fall within the property boundaries. The applicant shall furnish a report from a duly licensed engineer verifying compliance with this requirement.

(e) A duly licensed engineer possessing valid registration to practice professionally in the State of Tennessee must verify the safety of the communication tower itself.

(f) The communication tower shall be located at a minimum of one hundred fifty feet (150') from all property lines, provided, however, that the board of zoning appeals may approve a reduction in this setback requirement for co-location of antennas or other transmitting devices of communication facilities on existing towers or structures or replacement poles which otherwise meet the safety requirements of this section.

(g) All buildings constructed in connection with the communication tower must be harmonious with the surrounding landscape, as determined by the board of zoning appeals, by using natural tones and surfaces, and screening shall be required in all yard areas. Such screening may consist of existing vegetation and landscape features or a combination of new plant materials, berms, and fencing. Screening shall be of solid materials, attractively constructed, and permanently maintained not less than eight feet (8') in height and shall be of plant materials as will provide a permanent evergreen screen. Trees shall be a minimum of six feet (6') in height when planted and shall be located in a minimum of two (2) rows with the plants staggered and spaced ten feet (10') apart. All landscaping and screening requirements shall be set forth on the development plan.

(h) A qualified biologist or wildlife expert shall provide the city with an environmental study demonstrating that the communication tower will not be harmful to birds or other wildlife.

(i) The applicant shall comply with all other provisions of the zoning code and such other conditions as the board of zoning appeals might impose upon the placement, construction and modification of such wireless facilities.

(j) Towers shall not be artificially lighted.

(k) No new communication tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the board of zoning appeals that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed communication tower. An applicant shall submit information requested by the board of zoning appeals related to the availability of suitable existing towers, other structures, or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

(i) No existing towers or structures are located within the geographic area that meet the applicant's engineering requirements;

(ii) Existing towers or structures are of insufficient height to meet applicant's engineering requirements or they have insufficient structural strength to support the applicant's proposed antenna and related equipment;

(iii) The applicant's proposed communication tower or antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna;

(iv) The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure, or to adapt an existing tower or structure for sharing, are unreasonable;

(v) Costs exceeding new tower development costs are presumed to be unreasonable;

(vi) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable; and

(vii) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new communication tower development shall not be presumed to render the technology unsuitable.

(l) An applicant for a communication tower shall provide an inventory of existing communication towers or other sites approved for communication facilities that are within the city, and towers outside of the city that serve areas within the city, as well as within the coverage area of the proposed communication tower, whether within the city or outside its jurisdiction, including specific information about the design, height and location of each tower. The board of zoning appeals may share this information, provided that the board of zoning appeals is not, by sharing such information, in any way representing or warranting that these sites are available or suitable for communication tower construction.

(m) In the event the application is for a co-location of an additional antenna upon an existing tower previously approved by the board of zoning appeals, then the applicant shall comply with the notice and other provisions of the zoning code and the application may be limited to a certification as to safety as provided by these provisions of the zoning code which shall include among other things a certification that the actual loading (antennas, mounts, lines and appurtenances)

will not compromise the design loading requirements approved at the initial installation of the tower or any other safety features of the tower submitted to the city prior to initial installation, however, the applicant shall not be required to pay any additional co-location fee or cost reimbursements for these submissions, but prior to construction they shall be received by the city and reviewed and approved by the city manager an/or the board of zoning appeals, with such investigation and expert advice as they might require in their discretion, to be paid for by the applicant.

(3) Communication towers generally.

(a) In the event any communication tower is no longer used to provide services for which it has been constructed for a period of six (6) consecutive months, the communication tower shall be dismantled and removed from the property. The city, acting through the board of zoning appeals, may require a bond to ensure compliance with this provision.

(b) Communications towers are to be built and maintained so as to make the antenna and related equipment as visually unobtrusive as possible.

(c) Communication towers shall be subject to all other provisions of the zoning code and to such other conditions as the board of zoning appeals might impose upon the placement, construction and modification of such wireless facilities.

(d) It is the intent of the commissioners that this section be interpreted in connection with, and not in violation of, the Telecommunications Act of 1996.

(d) Temporary uses. (i) Temporary uses such as tents, and other shelters without sanitary and cooking facilities may be located within the building envelope and behind an occupied "dwelling" for a period not in excess of six (6) months. Any other location, and any use in excess of six (6) months, may be allowed only with the approval of the board of zoning appeals.

(ii) Subject to the following conditions, a contractor legally performing services for a resident may place on a lot on

which the construction is being conducted a temporary construction trailer(s), portable toilets, other temporary construction facilities and/or a dumpster.

(A) The size, number and locations of temporary construction trailers, portable toilets, dumpsters and/or other temporary construction facilities shall only be placed at such locations as approved by the city building official deems in his/her sole discretion.

(B) The payment of the building permit fee shall entitle the resident, acting through its contractor, to maintain a temporary construction trailer, dumpsters, portable toilets, and/or other temporary construction facilities for a period of six (6) months. The extension of that permission for additional six (6) months periods is subject to the provisions of (A) above.

(C) The renewal of such permission for additional six (6) month terms is subject to the sole discretion of the city building official.

(2) Non-residential uses.

- (a) Churches and schools. See Appendix A
- (b) Municipal buildings. See Appendix B
- (c) Historic home or site. See Appendix C
- (d) Country clubs. See Appendix D
- (e) Multi-family housing. See Appendix H

(3) 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:

(a) Rental property. No dwelling, accessory building, living quarters, pool house, or other building, structure, premises or site may be used as a a short term rental unit as herein defined. Any use of property as a short term rental unit prior to the effective date of this ordinance may continue as permitted by state statute, Tennessee Code Annotated, §§ 13-7-601 to 606.

(b) 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.

(c) 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.

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

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

(f) Duplexes. The construction of a duplex, or other multi-family dwelling, containing two (2) or more independent housekeeping units on any lot.

(g) 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. (Ord. #97-2, Aug. 1997, as amended by Ord. #97-6, Feb. 1998; Ord. #98-3, June 1998; Ord. #98-7, Jan. 1999; Ord. #99-4, Nov. 1999; Ord. #2002-8, Aug. 2002, Ord. #2004-8, March 2005, replaced by Ord. #2006-6, Feb. 2007, and amended by Ord. #2008-5, Dec. 2008, Ord. #2010-6, Sept. 2010, Ord. #2013-7, March 2014, Ord. #2014-4, April 2014, Ord. #2014-8, Nov. 2014, Ord. #2014-9, Nov. 2014, Ord. #2018-6, Oct. 2018 *Ch7_7-26-19*, and Ord. #2020-4, Sept. 2020 *Ch8_01-19-22*)

14-203. Boundaries of districts - zoning map. (1) The zoning map is hereby adopted as the official zoning map of the City of Belle Meade.

(2) As shown on the zoning map the territory of the City of Belle Meade is divided into four (4) 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.

(3) The zoning map shall also reflect any historic overlay districts created by the board of commissioners.

(4) Neighborhood conservation overlay is applied to all four (4) zoning districts in the city and within the boundaries of the entire city. (Ord. #75-6, § 3. 1987 Code, § 11-203, as amended by Ord. #90-13, replaced by Ord. #97-2, Aug. 1997, and Ord. #2006-6, Feb. 2007, and amended Ord. #2019-8, Aug. 2019 *Ch8_01-19-22*, and Ord. #2019-9, Dec. 2019 *Ch8_01-19-22*)

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

(1) 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:

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

(b) 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.

(c) Change in elevation. There shall be no change in the existing elevation of a lot, by excavation, fill, grading, the use of retaining

walls, or combination of the foregoing or otherwise, except in accordance with this sub-section.

(i) A change in elevation of up to two feet (24") shall be permitted for the entire lot.

(ii) Within the building envelope up to a total area of six percent (6%) of the entire square footage of the lot, an additional two feet (24") elevation change shall be permitted.

(iii) An additional one foot (12") of elevation change shall be permitted on an area up to four percent (4%) of the entire square footage of the lot in the area outside the building envelope but not extending into a buffer zone extending twenty feet (20') from the property sidelines, rear property line, and front property line.

(iv) There shall be no restriction whatsoever on grade change within the building footprint.

(v) Application for increase in elevation in excess of these standards shall be appealable to the board of zoning appeals.

(d) Dwelling area as limited by floor area ratio.

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

(ii) The allowable floor area ratio on a residential structure shall be defined as function of the "gross floor area" divided by the total square footage of the lot, such that the maximum floor area ratio for buildings on a lot shall be:

(A) For lots of more than forty thousand (40,000) square feet, the floor area ratio is .196.

(B) For lots of forty thousand (40,000) square feet or less, the floor area ratio shall be .225.

(C) For lots of less than forty thousand (40,000) square feet, then the allowable volume is the base allowable volume increased by an "allowable increase factor," which shall be is determined as follows:

(1) The "allowable increase factor" is calculated as follows:

(a) $1 + [(40,000 \text{ square feet minus lot size}) \times .00001]$

(b) Such that the allowable volume for lot of less than forty thousand (40,000) square feet is the base allowable volume x allowable increase factor.

e.g.: If a lot is twenty-five thousand (25,000) square feet in size, then the allowable footprint as determined by § 14-204(1)(d)(i) is $.12 \times 25,000 = 3,000$ square feet, which means that the base allowable volume is:

1. Three thousand (3,000) square feet times eighteen feet (18') = fifty-four thousand (54,000) cubic feet, plus
2. The "allowable increase factor" is 1.15, and is calculated as follows:
 $1 + (40,000 \text{ minus } 25,000) \times .00001 = 1.15$;
3. Such that the base allowable volume for a lot of twenty-five thousand (25,000) square feet is

$$(3000 \times 18) \times (1.15) =$$

$$54,000 \times 1.15 = 62,100 \text{ cubic feet}$$

(c) For easy reference regarding the application of this formula to determine the allowable volume as a function of lot size, the table appended as Appendix G (See Appendix G) depicts on the x axis the range of lot sizes and on the y axis the corresponding allowable volume.

(iii) For all dwellings, the roof shall rise from the eave at a slope of not less than 6:12. Roof slopes of less than 6:12 shall be considered a "low slope" roof, and no more than thirty percent (30%) of the total roof area shall be allowed to be a low slope roof.

(iv) No more than twenty-two percent (22%) 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 twelve (12) percent of the total lot area. A minimum twenty-five (25) feet by twenty-five feet (25') 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 twenty feet (20') of the front property line.

(v) In no zoning district shall a dwelling, regardless of height, have a gross floor area of less than two thousand (2,000) square feet.

(e) "Gross floor area" versus "hardscape"; exempt lateral projections. (i) The following improvements of a Lot shall not be included in the measurement of the "gross floor area ratio" but shall be included in the measurement of "hardscape":

(A) The lateral projection of uncovered porches or covered but not enclosed porches;

(B) Chimneys not more than two feet (2') beyond the nearest wall of the main building or structure, and

(C) A roof overhang of more than twenty-four inches (24"), covered porches, porte cocheres and other similar areas.

(ii) Steps, not extending more than six feet (6') feet or ten percent (10%) 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:

(A) Considered as exempt from the provisions regulating side and front yard set-back lines as hereinafter established; provided, however:

(B) Such steps shall be included in the measurement of "hardscape."

(f) Height. (i) No residential structure shall exceed forty (40') in height as measured at the front setback line. No dwelling shall have a height of less than fifteen feet (15') feet.

(ii) The maximum height of a structure along its sides or rear shall not exceed fifty feet (50') measured from the finished grade.

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

(iv) Gazebos shall be limited to a maximum height of eighteen feet (18'), unless otherwise permitted by the board of zoning appeals.

(g) Fences and walls. A fence or wall less than three feet (3') in height may be constructed at any location on a lot, except that multiple retaining walls must be separated by terraces of at least six feet (6') 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 three feet (3') or less, may be constructed as a matter of right so long as, in whole, they do not alter the average existing grade in excess

of three feet (3'). Multiple retaining walls which alter the average existing grade in excess of three feet (3') 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 feet (6') in height with posts or columns that extend up to, but not more than, eight inches (8") above the fence may be located:

- (i) Adjoining a rear lot line, or
- (ii) Parallel to the front lot line and extending from a side lot line to the rear corner of the dwelling on the premises; provided, however, that the following offsets in the fencing or walls are permitted if, in the opinion of the city building official with the concurrence of the chairman of the board of zoning appeals, it is required to:

- (A) Provide a reasonable turning area for automobiles backing out of a garage located inside the rear corner of the dwelling, in which case the applicant may request an offset in the fencing between the rear of the corner of the dwelling and the property line; and/or

- (B) Protect existing trees on the property line, provided that such offset is subject to:

- (1) Access through the fence sufficient to assure maintenance of any property between the property line and fence; and

- (2) Landscaping to be maintained in accordance with the property maintenance code of the City of Belle Meade.

- (iii) 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.

(h) Side yards.

- (i) (A) Minimum width. The minimum width of any side yard shall be twenty percent (20%) 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 fifty percent (50%) 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. The requirement of fifty percent (50%) of the lot width shall also apply to any nonconforming structure, regardless of whether the proposed addition is within the applicable setback, and therefore shall be subject to review by the board of zoning appeals, as provided in § 14-206 (3)(c)(iv)(B).

(B) Between any driveway and the nearest property line there shall be a minimum five foot (5') "green space," to be devoted to grass or other vegetation.

(i) Corner lots. Unless the Municipal Planning Commission otherwise designates a building envelope, 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 (2) 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 ten feet (10') 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 thirty five (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) Lots split between districts. If a lot is located partly in one (1) district and partly in another district, the board of zoning appeals shall have the authority to designate which of the two (2) districts shall govern the development of the lot.

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

(l) 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 feet (40') in length, the location of which line shall provide the minimum rear yard required for those parts of any building which are twenty-five feet (25') in height or less. If it is proposed to construct any parts of a building on such a lot which are in excess of twenty-five feet (25') in height, then the minimum depth of the rear yard for such parts of the building shall be increased by twenty feet (20') for lots located in the Estates "A" or Estates "B" districts,

by thirty feet (30') for lots located in the Residence "A" district and by twenty-five feet (25') for lots located in the Residence "B" district.

(m) Maximum hardscape ratio: Toe square footage of hardscape, which shall include the maximum swimming pool area, as compared to the lot size shall not exceed eight percent (8%) of the lot area.

(i) Maximum swimming pool area ratio. The square footage of the surface area of the water in a swimming pool as compared to the lot size shall not exceed two percent (2%) of lot area.

(ii) Maximum tennis court area. A tennis court shall not exceed nine percent (9%) of lot area.

(iii) Maximum accessory areas. The combination of hardscape and the maximum tennis court area shall not exceed fifteen percent (15%) of lot area.

(n) 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 eight (8) passenger capacity or less, must be parked or stored in an area not visible from the street at any time.

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

(i) Lot area. Minimum requirements shall be two hundred thousand (200,000) square feet of lot area.

(ii) 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 eight hundred feet (800').

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

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

(i) Lot area. The minimum requirement shall be seventy five thousand (75,000) square feet of lot area.

(ii) Front yards. (A) 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.

(B) 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 one thousand feet (1,000') in each direction from the center of the building being constructed.

(C) In cases not otherwise covered, the set back lines in Estates "B" districts shall be one hundred twenty-five feet (125').

(iii) Rear yards. There shall be a rear yard on every lot, which rear yard shall have a minimum depth of ninety feet (90') for those parts of any building which are twenty-five feet (25') in height or less and a minimum depth of one hundred feet (100') for those parts of any building which are in excess of twenty-five feet (25') in height.

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

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

(ii) Front yards. (A) 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.

(B) 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 one thousand feet (1,000') in each direction from the center of the building being constructed. In determining the

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

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

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

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

(B) For tracts of land under forty thousand (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 (B) 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.

(ii) Front yards. (A) 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.

(B) 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 one thousand feet (1,000') in each direction from the center of the building being constructed.

(C) In cases not otherwise covered, the set back lines in Residence "B" districts shall be seventy-five feet (75').

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

(e) Historic overlay districts. (i) Historic overlay district provisions are hereby established to preserve and protect the historical and/or architectural value of buildings, structures, or areas of significant importance; to regulate exterior design, arrangement, texture and materials proposed to be used within the historic districts to insure compatibility; to create an aesthetic appearance which complements the historic or other structures; to stabilize and improve property values; and to foster civic beauty.

(ii) Historic overlay districts shall be of two (2) types: historic preservation and neighborhood conservation. These districts are both defined as geographic areas which possess a significant concentration, linkage or continuity of sites, buildings, or structures that are united by past events or aesthetically by plan or physical development, and that meet one (1) or more of the following criteria:

(A) The district is associated with an event that has made a significant contribution to local, state or national history; or

(B) It includes structures associated with the lives of persons significant in local, state or national history; or

(C) It contains structures or groups of structures that embody the distinctive characteristics of a type, period or method of construction, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

(D) It has yielded or may be likely to yield archaeological information important in history or prehistory; or

(E) It is listed or is eligible for listing in the National Register of Historic Places.

(iii) The permitted uses, bulk regulations, and any other regulations or procedures otherwise applicable for any district in which an historic overlay is enacted shall remain unchanged, to the extent not inconsistent with this part.

(iv) The creation of historic overlay districts shall be only in accordance with recommendations of the Historic Zoning Commission ("HZC") and consistent with the review guidelines established for the district by that body.

(v) The creation of historic overlay districts shall be by amendment to the zoning code and also in accordance with all procedures established under the code and state law for zoning ordinance amendments. (Ord. #75-6, § 4, as amended by Ords. #84-9, #84-14, and #85-7, modified. 1987 Code, § 11-204, as amended by Ords. #89-3; #91-4, § 1; #91-7, § 1; Ord. #94-4, § 1, July 1994; replaced by Ord. #97-2, Aug. 1997, amended by Ord. #97-6, Feb. 1998; Ord. #98-7, Jan. 1999; and Ord. #2001-5, June 2001, replaced by Ord. #2006-6, Feb. 2007, and amended by Ord. #2008-5, Dec. 2008, Ord. #2012-5, Jan. 2013, Ord. #2015-3, April 2015, Ord. #2016-7, Sept. 2016 *Ch7_6-26-19*, Ord. #2016-8, Dec. 2016 *Ch7_6-26-19*, Ord. #2017-1, Feb 2017 *Ch7_6-26-19*, 2017-5, Jan. 2018 *Ch7_6-26-19*, Ord. #2018-5, Jan. 2018 *Ch7_6-26-19*, and Ord. #2019-8, Aug. 2019 *Ch8_01-19-22*)

14-205. Non Conforming Uses. See Appendix F (Ord. #75-6, § 5. 1987 Code, § 11-205, as replaced by Ord. #97-2, Aug. 1997, and Ord. #2006-6, Feb. 2007)

14-206. Board of zoning appeals.¹ (1) 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.

(2) Public hearings. The board of zoning appeals shall take no action in any case until after notice and public hearing. The presence of three (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

¹Municipal code reference

Boards and commissions: title 2 § 2-101

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.

(a) 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.

(b) 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 five (5) days before the scheduled hearing.

(3) Powers of the board. (a) 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

(i) 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;

(ii) 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.

(iii) 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.

(b) 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.

(c) 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;

(i) A temporary building, or use, incidental to a residential development, which permit may be used for a period of not more than one (1) year.

(ii) The erection and use of

(A) 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,

(B) 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,

(C) 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

(D) 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.

(E) 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.

(iii) The erection, construction, development, arrangement or use of

(A) Buildings, structures or other uses listed or described in § 14-202(1)(c),

(B) Parking areas and/or driveways in excess of the amounts permitted in § 14-204(1)(d)(iv),

(C) Fences and walls which do not conform to the requirements, as to height or location, of § 14-204(1)(g) 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:

(1) 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;

(2) 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;

(3) 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;

(4) The proposed use will be carried out under such conditions and safeguards as the board may direct to protect the character of the community.

(iv) 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 § 14-206(1)(d) of this chapter; provided that the board shall first determine that:

(A) The volume does not exceed the allowable volume defined by § 14-204(1)(d) entitled "Dwelling area and allowable volume."

(B) Any pre-existing non-conforming use, structure and/or variance from the provisions of this chapter shall not be extended closer to the property line or otherwise expanded, by reason of the construction of such addition or new structure, unless the owner establishes to the satisfaction of the board that:

(1) There exists good cause for the expansion;

(2) 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;

(3) 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;

(4) 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;

(5) 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.

(d) Variances. If the property had on August 16, 1950, an extraordinarily unusual shape, size or topographic feature(s) as compared to other properties in the immediate neighborhood, then the BZA may grant a variance if it determines that such variance may be granted without:

(i) Detriment to the public good;

(ii) Substantially impairing the intent and purpose of this ordinance; and,

(iii) The resulting home will not be out of harmony with the other homes in the neighborhood. (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, amended by Ord. #97-6, Feb. 1998; Ord. #98-7, Jan. 1999; Ord. #98-8, Jan. 1999; Ord. #99-4, Nov. 1999; Ord. #2001-5, June 2001; and Ord. #2002-8, Aug. 2002, replaced by Ord. #2006-6, Feb. 2007, and amended by Ord. #2010-1, April 2010, Ord. #2012-5, Jan. 2013, and Ord. #2020-4, Sept. 2020 *Ch8_01-19-22*)

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, and Ord. #2006-6, Feb. 2007)

14-208. Plats and other information to accompany applications for permits. (1) Each application for a building permit shall be accompanied by a plat (the "plat"), drawn to scale of one inch equals thirty feet (1" = 30"), or such larger or smaller scale as the city building official shall, in a given case, deem appropriate, showing

(a) 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,

(b) The location, square footage, gross floor area and floor area ratio of the proposed buildings, including all walls and fences and all driveways, parking areas and other paved surfaces, upon the site,

(c) The location and square footage of all hardscape, including, without limitation, accessory uses and planned conditional uses, the "hardscape ratio" and, insofar as it is relevant, the maximum accessory uses, and

(d) 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.

(2) In accordance with the Tennessee Water Quality Act, Tennessee Code Annotated, § 69-3-108, any activity which alters the course or physical character of a stream, defined by a blue line on a seven and one half (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, replaced by

Ord. #97-2, Aug. 1997, amended by Ord. #2004-8 March 2005, replaced by Ord. #2006-6, Feb. 2007, and amended by Ord. #2017-01, Feb. 2017 ***Ch7_6-26-19***)

14-209. Procedure before the historic zoning commission.

(1) From and after the creation of any historic overlay district by the board of commissioners, any application for construction, repair, alteration, rehabilitation, relocation, or demolition of any building or structure located in, or intended to be located in, any such historic district must first be referred to the HZC for review, and no permit of any kind shall be issued until such a certificate of authority has been issued by the HZC.

(2) The HZC may required detailed construction plans and data pertinent to its review.

(3) The HZC shall act on any application within thirty (30) days of submission of sufficient data or information, and shall grant the certificate of appropriateness with or without conditions or deny the same, and shall state the grounds for any denial in writing.

(4) In making its review the HZC shall rely upon the adopted guidelines for the district and give primary consideration to:

(a) Historic or architectural value of the present structure;

(b) The relationship of the exterior architectural features of such structure to the rest of the structure, surrounding areas, and to the character of the district;

(c) The general compatibility of exterior design, arrangement, texture, and materials proposed to be used;

(d) Any other factor, including aesthetic, which is reasonably related to the purpose of this part.

(5) Review of any decision of the HZC shall be by writ of certiorari under Tennessee Code Annotated, §§ 27-8-101 et seq. (as added by Ord. #2019-8, Aug. 2019 ***Ch8_01-19-22***)

14-210. Occupancy permits. (1) 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.

(2) 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.

(3) 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, and Ord. #2006-6, Feb. 2007, and renumbered by Ord. #2019-8, Aug. 2019 **Ch8_01-19-22**)

14-211. Appendices.

(1) Appendix A. - Churches and schools.
 (2) Appendix B. - Municipal buildings.
 (3) Appendix C. - Historic home sites.
 (4) Appendix D. - Country clubs.
 (5) 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:

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

(b) Charts. Chart No. 1 illustrates, among other things, the
 (i) applicable set back requirements,
 (ii) allowable square footage and volume provisions,
 (iii) height limitations,
 (iv) maximum allowable driveways and parking areas,
 (v) landscaping requirements,
 (vi) provisions related to walls and fences and
 (vii) permitted accessory buildings, in each zoning classification

(c) Building envelope - examples:

- (i) Regular lot.
- (ii) Corner lot facing street "A."
- (iii) Corner lot facing street "B."
- (iv) Irregular property lines.
- (v) Lot with no rear property line.
- (vi) Lot on circular street.
- (vii) Lot with stepped property line(s).
- (viii) Lot with existing violation(s).

(d) Developed plot plan - examples.

- (i) Plot plan - regular lot with garage at rear.
- (ii) Plot plan - regular lot with garage at side.
- (iii) Plot plan - corner lot.

(e) Permitted roof(s) lines. Mansard and/or flat roofs.

(f) Vertical illustration of front and rear set backs and allowable heights. Example of front and rear set backs and height limits.

(g) Examples of wall heights. Wall heights.

- (6) Appendix F. - Non-conforming uses.
- (7) Appendix G.
- (8) Appendix H. - Multi-Family Housing. (Ord. #97-2, Aug. 1997, as replaced by Ord. #2006-6, Feb. 2007, and amended by Ord. #2012-5, Jan. 2013, Ord. #2014-4, April 2014. and Ord. #2017-01, Feb. 2017 **Ch7_6-26-19**, and renumbered by Ord. #2019-8, Aug. 2019 **Ch8_01-19-22**)

14-212. Temporary signs. (1) Except as otherwise restricted in this chapter or elsewhere in the municipal code, temporary, freestanding, non-commercial signs may be placed or erected on any lot in any zoning district at any time. This category includes, but is not limited to: real estate signs, political signs, garage sale signs, estate sale signs, baby announcements, lost pet signs, special event signs, banners used for parades, and any other non-commercial messages. Home occupation or contractor signs shall be considered commercial signs and are not allowed in any district.

(2) No temporary sign shall be placed in the public right-of-way.

(3) Temporary signs may not be illuminated and shall not exceed eight (8) square feet in area. (Ord. #75-6, § 11. 1987 Code, § 11-210, replaced by Ord. #97-2, Aug. 1997, and Ord. #2006-6, Feb. 2007, amended by Ord. #2013-4, July 2013, and replaced by Ord. #2019-3, June 2019 **Ch7_5-29-19**, and renumbered by Ord. #2019-8, Aug. 2019 **Ch8_01-19-22**)

14-213. 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. #97-2, Aug. 1997, as replaced by Ord. #2006-6, Feb. 2007, and renumbered by Ord. #2019-8, Aug. 2019 **Ch8_01-19-22**)

14-214. 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. (Ord. #97-2, Aug. 1997, as replaced by Ord. #2006-6, Feb. 2007, and renumbered by Ord. #2019-8, Aug. 2019 *Ch8_01-19-22*)

14-215. 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 fifty dollars (\$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. (Ord. #97-2, Aug. 1997, as replaced by Ord. #2006-6, Feb. 2007, and renumbered by Ord. #2019-8, Aug. 2019 *Ch8_01-19-22*)

14-216. 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. (Ord. #97-2, Aug. 1997, as replaced by Ord. #2006-6, Feb. 2007, and renumbered by Ord. #2019-8, Aug. 2019 *Ch8_01-19-22*)

14-217. 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. (Ord. #97-2, Aug. 1997, as replaced by Ord. #2006-6, Feb. 2007, and renumbered by Ord. #2019-8, Aug. 2019 **Ch8_01-19-22**)

14-218. 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 fifteen (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 21th day of February, 2007. (as added by Ord. #2001-1, May 2001, amended by Ord. #2006-1, March 2006, and replaced by Ord. #2006-6, Feb. 2007, and renumbered by Ord. #2019-8, Aug. 2019 **Ch8_01-19-22**)

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:

(1) 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, and replaced by Ord. #2006-6, Feb. 2007]

(2) 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. [as replaced by Ord. #2006-6, Feb. 2007]

(3) 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.

(a) 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.

(b) Such parking area or areas shall not exceed twenty-five percent (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. [as replaced by Ord. #2006-6, Feb. 2007]

(4) 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. [as replaced by Ord. #2006-6, Feb. 2007]

(5) 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 feet (250') 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.

(6) No building having a height less than fifteen feet (15') shall be used for a church, or other place of worship, or a school. [as replaced by Ord. #2006-6, Feb. 2007]

(7) 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.

(8) Activities:

(a) Prior to the commencement of any new activity on church grounds, a church or place of worship shall request a permit for activities to be conducted on the church grounds during the course of the following twelve month period.

(b) The permit shall be reviewed and resolved by the commissioners at the next scheduled meeting of the board of commissioners for which there has been provided timely notice of the review of the permit.

(c) In reviewing the request for permit, the commissioners shall be provided with such information as they might request to balance the interests of the church in the activity with the rights of the citizens of the City of Belle Meade, including but not limited to:

(i) A detailed description of the nature of the activities, and the actions required to prepare for and disassemble the activity upon completion;

(ii) Dates of activities;

(iii) Hours of operation for activities;

(iv) Specific location of activities, including whether inside or outside church buildings, and, if outside:

(A) Specifically where on the church grounds;

(B) Approximate square footage required for the activity and the approximate number of parking places required by the activity; and

(D) Such other information as may be necessary to assess the impact on the traffic on the streets of the City of Belle Meade.

(v) The terms and conditions of any other permitting required for such activities.

(vi) The name and telephone number of that representative of the church who shall be available at all times during the activity if the City of Belle Meade needs to contact the church about such activity.

(vii) A description of any signage, including way-finding signage, to be used in connection with each activity.

(A) All signage shall comply with the other provisions of this code.

(d) The church or place of worship 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.

(e) The church or place of worship shall provide on-site parking for all vehicles bringing visitors to the church or place of worship for such activities.

(f) The church or place of worship shall provide insurance for such activities and shall indemnify and hold harmless the City of Belle Meade from any and all liability arising as a result of such activity. [as replaced by Ord. #2006-6, Feb. 2007, and amended by Ord. #2016-1, April 2016 *Ch8_01-19-22*]

Appendix B

Municipal Buildings

Municipal buildings. Buildings erected by the City of Belle Meade for municipal purposes. The provisions of §§ 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. [as replaced by Ord. #2006-6, Feb. 2007]

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.

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

(2) Construction and alteration of buildings: 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.

(3) Signage: 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:

(a) Identifying signs located on individual buildings; and

(b) 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.

(4) Activities:

(a) Prior to the commencement of any activity, a historic home or site shall request a permit for activities to be conducted on the site during the course of the following twelve month period.

(b) The permit shall be reviewed and resolved by the commissioners at the next scheduled meeting of the board of commissioners for which there has been provided timely notice of the review of the permit.

(c) In reviewing the request for permit, is anticipated that the following activities fall within the approved uses of a historic home or site:

(i) Sales of customary gift shop items;

(ii) Sale of food and beverages including the operation of a restaurant facility subject to review and approval of terms and conditions imposed by the board of commissioners in connection with the issuance of a permit for such operations;

(iii) 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;

(iv) 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.

(e) 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.

(f) The historic home or site shall provide off street parking for all vehicles bringing visitors to the historic home or site and its amenities, 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), 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, and replaced by Ord. #2006-6, Feb. 2007, and Ord. #2007-7, Sept. 2007)

APPLICATION FOR ACTIVITY PERMIT
IN ACCORDANCE WITH TITLE 14, CHAPTER 2, APPENDIX C

Applicant _____ (a designated historic home or site in accordance with Appendix C, _____) hereby applies for a permit to conduct the following activities on Applicant's property for the period of _____ through _____:

- A. Hours of Operation for Access to Applicant's Home or Site:
- B. Hours of Operation for any amenities provided on site:

Gift Shop Hours of Operation:
Restaurant:
Name:
Hours of Operation:

- C. Scheduled Activities:
 - 1. Name of Activity:
 - a. Dates of activities:
 - b. Hours of Operation:
 - c. Planned activities:
 - 2. Name of Activity:
 - a. Dates of activities:
 - b. Hours of Operation:
 - c. Planned activities:
 - 3. Name of Activity:
 - a. Dates of activities:
 - b. Hours of Operation:
 - c. Planned activities:
- D. Other activities:
 - 1.

Conditions of Grant of Permit:

Applicant is solely responsible for all permits and licenses required to conduct the activities on its premises, and shall at all times assure compliance with all laws, federal, state and otherwise, that govern the conduct of activities on the premises. Applicant agrees to indemnify and hold harmless the City of Belle Meade from any and all liability of any nature and kind whatsoever arising as a result of the use of the Applicant's property and the activities conducted thereon.

Appendix D

Country Clubs

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

(1) 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.

(2) 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. [as replaced by Ord. #2006-6, Feb. 2007]

Appendix E

Zoning Map and Charts

Appendix F

Non Conforming Uses

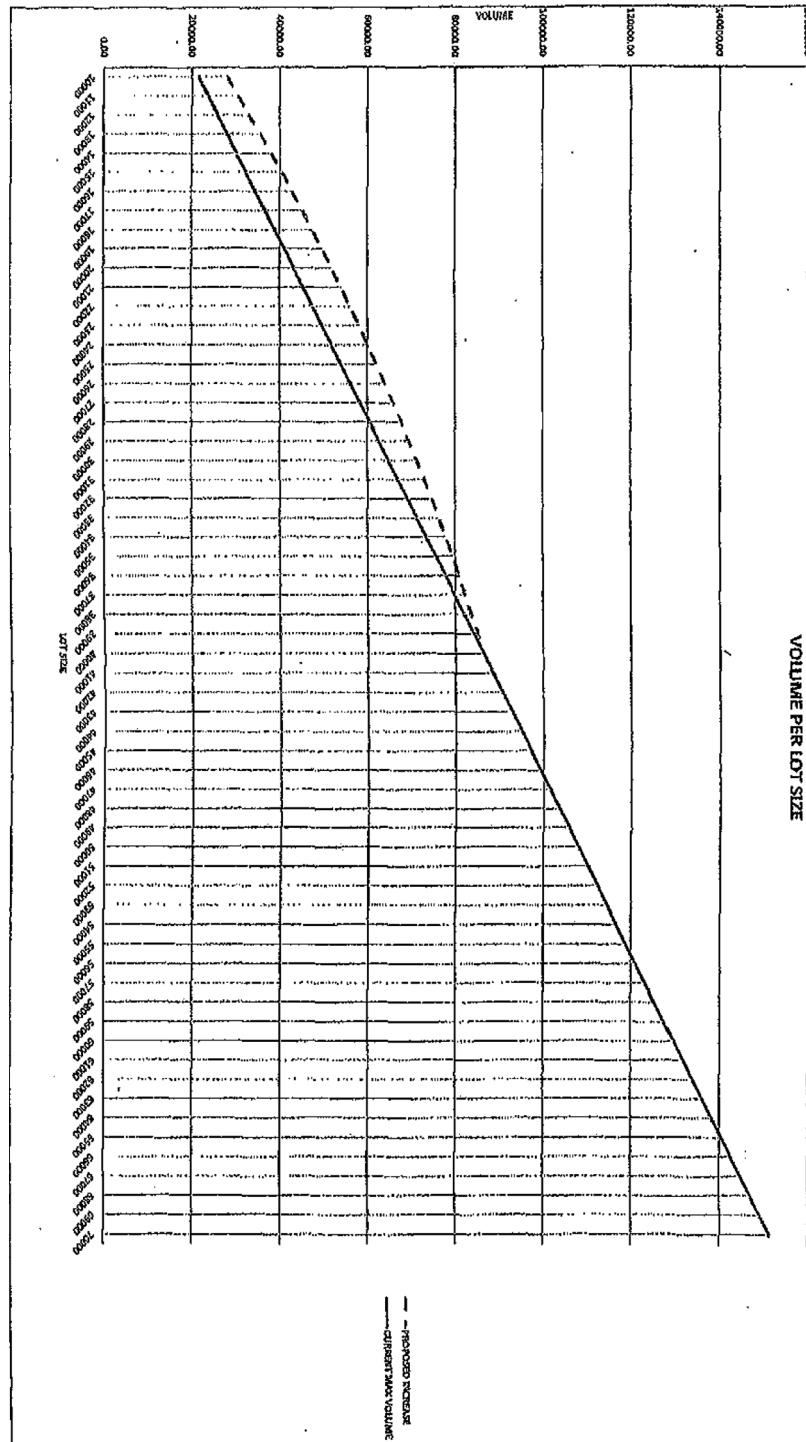
Non conforming uses. Non conforming uses and structures. Non conforming uses and structures shall be subject to the following restrictions:

(1) 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 Tennessee Code Annotated, § 13-7-208 shall be subject to the enlargement or extension requirements contained therein. 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.

(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.

(3) 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 Tennessee Code Annotated, § 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, and Ord. #2006-6, Feb. 2007, and amended by Ord. #2010-5, Sept. 2010, and Ord. #2020-4, Sept. 2020 **Ch8_01-19-22**)

Appendix G



(as added by Ord. #2012-5, Jan. 2013)

Appendix H

Multi-Family Housing

Multi-family housing. Multi-family housing, which is defined to include existing apartments, townhomes and condominiums, shall be subject to the following additional provisions:

(1) All external modifications of existing multi-family housing units shall be subject to the provisions of this code.

(2) The Board of Zoning Appeals of the City of Belle Meade shall have exclusive jurisdiction and authority to grant a permit for the external modification of multi-family housing, 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.

(3) 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 city, 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 (2/3) of the members of the board of zoning appeals shall be required for the authorization of such permit.

(4) Where application is made for a permit for external additions, alterations or changes to an existing multi-family structure, 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 multi-family structure, 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.

(5) Nothing in this appendix or the adoption of this appendix shall be read to authorize the construction of any new or additional multifamily structures within the city. (as added by Ord. #2014-4, April 2014)

CHAPTERS 3 AND 4
RELOCATED TO TITLE 12