

ORDINANCE 2023-10

AN ORDINANCE TO AMEND TITLE 14, CHAPTER TWO OF THE BELLE MEADE ZONING CODE TO REPEAL THE POWER OF THE BOARD OF ZONING APPEALS TO GRANT SPECIAL EXCEPTIONS AND CLARIFY THE JURISDICTION OF THE BOARD TO GRANT VARIANCES AND CONDITIONAL USE PERMITS AND TO APPROVE NON-CONFORMING USES AND STRUCTURES.

WHEREAS, the City of Belle Meade has adopted a Zoning Ordinance, Title 14-201 *et seq* of its Code, which governs land use and the construction and improvement of structures within the City;

WHEREAS, pursuant to the Zoning Ordinance and the State of Tennessee zoning enabling legislation, Tenn. Code Ann. §§13-7-207, the City has created a Board of Zoning Appeals;

WHEREAS, the jurisdiction and powers of the Board are as defined and established by the ordinances of the City and by state statute;

WHEREAS, it has become necessary to clarify the jurisdiction and powers of the Board as carried out within the City;

NOW, THEREFORE:

SECTION ONE: BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BELLE MEADE that the following sub-sections and sub-parts of Section 14-202 are amended as follows:

Section 14-202(1)(c)(iii) of the Zoning Code is amended to add a new sub-part (Q) which shall read:

(Q) Non-residential uses listed in Section 14-202 (2) and governed by Appendices A-D and H.

Section 14-202(1)(d)(i) of the Zoning Code is amended to add after the words “board of zoning appeals” the words “as a conditional use.”

SECTION TWO: BE IT FURTHER ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BELLE MEADE that the following sub-sections and sub-parts of Section 14-202 (3) of the Zoning Code are amended as follows:

Section 14-202 (3) Prohibited Uses is amended to delete the words “or special exception” in the third line of the introductory paragraph and further to add a new subsection (h) which shall read:

(h) Any fence or wall adjoining a front lot line in excess of three (3) feet in height.

SECTION THREE: BE IT FURTHER ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BELLE MEADE that the following sub-sections and sub-parts of Section 14-206 of the Zoning Code are amended as follows:

Section 14-206 (2) is amended to delete at the end of the second sentence the words “to effect any variation or to grant any special exception.”

Section 14-206 (3) (a) is amended to add at the end of the first sentence, after the word “chapter,” the words “and state law.”

Section 14-206 (3) (a) (ii) is amended to delete the first sentence of that sub-part in its entirety and to substitute the following:

“All applications for variances or conditional use permits and any other matters referred to it upon which it is authorized to rule under this chapter.

Section 14-206 (3)(a) (iii) is amended to delete the words “special exception” and insert therefor the words “variance or conditional use permit.”

Section 14-206 (3)(c) is amended to delete that subsection in its entirety.

Section 14-206 (3)(d) is amended to delete that subsection in its, to renumber it Section 14-206 (3)(c), and to substitute the following therefor:

Variances. As to any piece of property existing as a separate lot or tract as of August 16, 1950, the board of zoning appeals shall have power and authority to approve variances from the strict application of this chapter, where, by reason of exceptional narrowness, shallowness, exceptional topographic conditions, or other extraordinary and exceptional situation or condition of a specific piece of property, the strict application of the zoning ordinance would result in practical difficulties to or exceptional or undue hardship upon the owner of such property, provided that such relief may be granted without detriment to the public good and without substantially impairing the intent and purpose of the zoning ordinance of the City, and such resulting construction will not be out of harmony with other homes in the neighborhood.

SECTION FOUR: BE IT FURTHER ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BELLE MEADE that Title 14, Chapter 2 of the Zoning Code is further amended to add a new Section 14-206 (3)(e), which shall read as follows:

Section 14-206 (3)(e). Nonconforming Uses and Nonconforming Structures. Nonconforming uses and structures shall be considered by the Board of Zoning Appeals according to the standards set out in Appendix F of the Zoning Code.

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

A copy of the current ordinance with the changes enacted by this ordinance is attached as Exhibit 1.

Passed on first reading:

November __, 2023

Reviewed and Recommended by Planning Commission:

November ___ 2023

Passed on Second Reading after Public Hearing:

December ___, 2023

Rusty Moore, Mayor

Rusty Terry, City Recorder