

TITLE 14
ZONING AND LAND USE CONTROL

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING CODE.

CHAPTER 1
MUNICIPAL PLANNING COMMISSION

SECTION

- 14-101. Creation, membership, terms, vacancies, quorum, etc.
- 14-102. Chair, rules, staff, and finances.
- 14-103. General plan.

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~~Planning Commission of the City of Belle Meade. ~~Such~~The planning commission shall consist of ten members. One of the members shall be the mayor ~~of the City of Belle Meade~~ and another 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 planning commission of the City of Belle Meade shall be as follows: the~~The terms of the mayor and the 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~~their terms as 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 member elected by it, such successor likewise to be a commissioner of the city.~~
- (2) The presence of five (5) members shall constitute a quorum. Any matter or proposal before the planning commission may be approved by a majority vote of those present, ~~and failure~~Failure to receive such approval shall constitute a rejection or denial of such matter or proposal.

14-102. Chair, rules, staff, and finances.

- (1) The ~~municipal~~ planning commission shall select its chair from among the appointed members. The term of chair 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.

- (2) No member of the ~~municipal~~ planning commission shall receive compensation for their services.

14-103. General plan.

- (1) 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.
- (2) 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.
- (3) 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.
- (4) 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.

CHAPTER 2 ZONING CODE

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14-201. Title and purpose.

- (1) Title. The ordinance codified in this title shall be known as "the Zoning Code for the City of Belle Meade," and may be cited and referred to herein as "the Zoning Code."
- (2) Purpose and ~~Authority~~authority. This Zoning Code is enacted pursuant to Title 13 of the Tennessee Code Annotated. Created by this title are zoning districts that establish appropriate land uses and associated standards of development needed to implement the land use policies contained herein. In conjunction with this title an official zoning map assigns an appropriate zoning classification to all properties to which this title is applicable. This title further establishes development standards which are designed to protect the value and integrity of neighboring properties, enhance the general character and appearance of the community, and provide for a reasonable balance between efficient utilization of land, protection of this community's environmental resources and assuring the operational integrity of streets. Also established in this title are those rules and procedures deemed necessary and appropriate to administer and enforce the provisions of this title, so as to protect the public health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the City of Belle Meade.

14-202. 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.
- (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) and/or the Merriam-Webster Dictionary 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)~~ ~~"Board of Commissioners." The Board of Commissioners of the City of Belle Meade Tennessee.~~
 - ~~(d)~~ ~~"Board of zoning appeals." The Board of zoning appeals of the City of Belle Meade Tennessee.~~
 - ~~(c)~~ "Attic." The area at the top of the dwelling with a height of 7' or less.
 - ~~(e)~~(d) "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 setback line, the rear setback line, and the two side setback lines.

~~(f)~~(e) “Cabana”. A cabana is generally a three-sided structure with an open side facing an outdoor space or swimming pool.

~~(g)~~ —“City”. ~~The City of Belle Meade Tennessee.~~

~~(h)~~(f) “Communication ~~Facilities~~facilities.” 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.

~~(i)~~(g) “Communication ~~Tower~~tower”. 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.

~~(h)~~ “Conditional ~~Use~~use.” A land use that, because of its unique characteristics or potential impact on the city and surrounding neighbors may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

~~(i)~~(i) Directly affected property owner. For the purposes of meeting notification, this includes all properties that are within two property distances to the subject property. In other words, the adjoining properties (two lots in distance) in all directions to the application property.

~~(k)~~(j) "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.

~~(k)~~(k) “Driveway/parking area.” A private vehicle access route and associated parking areas between the street and a use on a lot, plot, or site.

~~(m)~~(l) "Dwelling." Also referred to as a Single-Family Dwelling or Residence. A building or structure or portion thereof which is occupied or arranged for occupancy as a single home or residence which also includes sanitary and cooking facilities for one or more persons, either permanently or temporarily.

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

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

~~(p)~~(o) "Footprint." All ground areas occupied or covered by a dwelling whether enclosed or not.

~~(q)~~(p) "Front yard." A required area of open space on a lot, unobstructed by man-made buildings or structures, located between the front setback line and the front lot line.

~~(r)~~(q) “Garden ~~Structures~~structures.” A detached decorative structure that is used in conjunction with the use and enjoyment of outdoor areas. Examples of Garden Structures include but are not limited to: ~~Potting sheds, Arbors, Pergolas, Gazebos, Outdoor Fireplaces.~~ potting shed, arbors, pergolas, gazebos, outdoor fireplaces.

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

~~(t)~~(s) “Greenhouse”. A glass or plastic enclosed building used for cultivating plants.

~~(u)~~(t) "Gross floor area" The sum of square feet (area) of all floors to equal the total

square footage of any dwelling as measured to the outside wall, including attached garage (whether conditioned or not), roofed porches and balconies (screened, enclosed, or open), porte cocheres, and other similar areas. A maximum of 50% of the floor space of any basement that has an exterior door and/or pedestrian access/height at or above finish grade counts as gross floor area (image below). A basement that does not have an exterior door and/or pedestrian access/height at or above finished grade does not count as gross floor area. Gross floor area does not include an attic as defined in this section.



BASEMENT AREA COUNTS AS GROSS FLOOR AREA

- (v)(u) "Hardscape." Any improved area of any lot that is not included in the definition of "gross floor area". See Table 2 for example, conditions, and approval procedures. The definition of hardscape does not include driveways and parking areas.
- (w)(v) "Hardscape ratio." The ratio of the square footage of hardscape to the square footage of the lot.
- (x)(w) "Height of building." The vertical distance from the average existing undisturbed natural grade along the front building line to the highest point of the roof surface of such building.
- (y)(x) "Home-based **Businessbusiness.**" This use must be completely within the residence or completely within any accessory structure and may include, but is not limited to:
 - 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.
 - 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.
 - ~~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.~~

~~(z)~~(y) "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).

~~(aa)~~(z) "Landscape water feature/ornamental pool." An outdoor fixture whose dominant use is aesthetic consisting of a catch basin, reservoir, or chamber from which one or more jets or streams of water is emitted.

~~(bb)~~(aa) "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.

~~(ee)~~(bb) "Lot of ~~Record~~record." A lot that was 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. This definition applies 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 zoning classification.

~~(dd)~~(cc) "Living quarters." Accommodations provided by an owner for occupancy from time to time by members of the owner's immediate family, domestic help, or health care providers whose presence on the premises is required by the owner or other family members.

~~(ee)~~(dd) "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. If the lot is a corner lot, the lot lines adjoining all and any rights of way shall be considered front lot lines.
- 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. On irregular lots, all other property lines other than the

front and rear shall be side lot lines.

~~(ff)~~~~(ee)~~ “Mechanical ~~Equipment~~equipment.” All compressors, generators, or other equipment necessary to the operation of the heating, ventilating and air conditioning equipment, solar panels, 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. This definition does not include boxes and/or structures placed on properties directly by a public utility agency.

~~(gg)~~~~(ff)~~ “Multi-family ~~Housing~~housing.” A structure or group of structures with more than one dwelling unit intended to provide temporary or permanent housing.

~~(hh)~~~~(gg)~~ “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.

~~(ii)~~~~(hh)~~ “Open ~~Carport~~carport.” A structure of metal, canvas or column construction open on at least two (2) sides used generally for covering vehicles. A carport is typically considered a "detached structure" regardless of size and its proximity to the home or garage

~~(jj)~~~~(ii)~~ “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.

~~(kk)~~~~(jj)~~ “Pool house.” A structure constructed in connection with a swimming pool, which may contain bathrooms, dressing rooms and cooking facilities.

~~(ll)~~~~(kk)~~ “Porte cochere.” A roofed structure extending from and structurally integrated into a building over an adjacent driveway intended to shelter those loading and unloading a vehicle. The definition of porte-cochere does not include the definition of an open carport.

~~(mm)~~~~(ll)~~ “Principle use,” The primary use for which land or a building is or may be intended, occupied, maintained, arranged or designed as established by this Ordinance.

~~(nn)~~~~(mm)~~ “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 setback line and the rear lot line.

~~(oo)~~~~(nn)~~ “Retaining walls.” Retaining walls are walls constructed for the purpose of retaining earth.

~~(pp)~~~~(oo)~~ “Right-of-way.” A general term denoting land, property. or interest therein, usually in a strip, acquired for or devoted to transportation purposes.

~~(qq)~~~~(pp)~~ “Root or storm cellar.” An underground room outside of the dwelling used for the storage of food products or to provide shelter during storm and/or disaster events.

~~(rr)~~~~(qq)~~ “Setback line.” A setback 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.

~~(ss)~~(rr) "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.

~~(tt)~~(ss) "Sight visibility triangle". The area located at the intersection of two streets, whether public or private, or a street and private driveway through which an unobstructed view of approaching traffic is necessary for motorists.

~~(uu)~~(tt) "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.

~~(vv)~~(uu) "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.

~~(ww)~~(vv) "Sports ~~Court~~court." Any hardscape area used for active recreation including but not limited to racquetball courts, pickleball courts, basketball courts, putting greens, but excluding swimming pools and tennis courts.

~~(xx)~~(ww) "Storage Shed". Structures for the housing or storage of tools, machinery and/or equipment for the general maintenance of a residence.

~~(yy)~~(xx) "Swimming ~~Pool~~pool." A structure intended for swimming, recreational bathing or wading that contains water. This includes in-ground, ~~above-ground,~~ ~~and on-ground pools~~; hot tubs; spas and fixed-in-place wading pool.

~~(zz)~~(yy) "Tennis ~~Court~~court." including all areas within their enclosures.

~~(aaa)~~(zz) "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.

~~(bbb)~~(aaa) "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.

~~(ccc)~~ "Zoning Code". ~~Title 14 of the Belle Meade Municipal Code.~~

~~(ddd)~~(bbb) "Zoning ~~Map~~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.

14-203. Zoning Districts.

- (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 five (5) districts, namely: Estates A, Estates B, Residence A, Residence B and Residence C. The location and boundaries of each district are shown on the zoning

map and are incorporated in this chapter by reference.

- (a) Estates A-~~District~~. The purpose of this district is to maintain and preserve the large estate character in areas and provide greater setbacks and a more rural appearance.
 - (b) Estates B-~~District~~. The purpose of this district is to maintain and preserve the estate character for areas generally along and beyond Chickering Road corridor. This district is established to provide the desired estate character in terms of lot size and setbacks.
 - (c) Residence A. The purpose of this district is to maintain and preserve the smaller estate character for areas generally located to the south and along Belle Meade Boulevard. This district is established to provide the desired consistent character in terms of lot size and setbacks.
 - (d) Residence B. The purpose of this district is to provide a unifying design standard among varying lot sizes and architectural characteristics within the largest portion of the City.
 - (e) Residence C. The purpose of this district is to provide a more urban development pattern among some of the smallest lots within the City.
 - (f) The district bulk and setback regulations for all zoning districts are contained in Table 1 below.
- (3) The zoning map shall also reflect any historic overlay districts created by the Board of Commissioners. ~~Historic overlay districts.~~
- (a) 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 ensure compatibility; to create an aesthetic appearance which complements the historic or other structures; to stabilize and improve property values; and to foster civic beauty.
 - (b) 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:
 - i) The district is associated with an event that has made a significant contribution to local, state, or national history; or
 - ii) It includes structures associated with the lives of persons significant in local, state, or national history; or
 - iii) 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
 - iv) It has yielded or may be likely to yield archaeological information important in history or prehistory; or
 - v) It is listed or is eligible for listing in the National Register of Historic Places.

- (c) The permitted uses, bulk regulations, and any other regulations or procedures otherwise applicable for any district in which a historic overlay is enacted shall remain unchanged, to the extent not inconsistent with this part.
- (d) 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. 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.
- (e) Neighborhood conservation overlay is applied to all five (5) zoning districts in the city and within the boundaries of the entire city.

TABLE 1. District Bulk and Setback Regulations

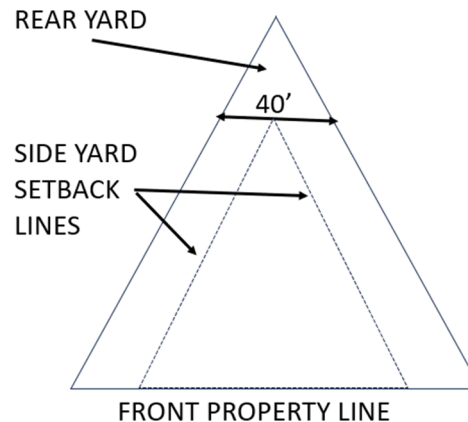
ZONING DISTRICT	Lot Area	Lot Width 5	Front Yard Setback 3	Side Yard & Corner Yard Setback 6	Rear Yard Setback 7
Estate A	200,000 SF	125'	800'	4	100' 1 120' 2
Estate B	75,000 SF	125'	125'	4	90' 1 100' 2
Residence A	70,000 SF	125'	75'	4	70' 1 100' 2
Residence B	40,000 SF	125'	75'	4	60' 1 85' 2
Residence C	20,000 SF	120'	65'	4	40'

FOOTNOTES.

1. There shall be a rear yard on every lot, which shall have a minimum depth stated above for those parts of any building which are twenty-five feet (25') in height or less.
2. There shall be a rear yard on every lot, which shall have a minimum depth stated above for those parts of any building which are in excess of twenty-five feet (25') in height.
3. No dwelling shall be constructed or altered so as to project beyond the front setback line that is established by calculating the average distance from the dwellings fronting on the same side of the street within one thousand feet (1,000') in each direction from the center of the dwelling being constructed. A front setback line as previously established and approved by the municipal planning commission shall remain in full force and effect. In cases where there are not dwellings fronting on the same side of the street within one thousand feet (1,000') in each direction, the

setback lines as listed in the table above shall apply.

4. The minimum width of any side yard shall be twenty percent (20%) of the lot width at the front setback line and that the sum of the widths of both side yards shall be at least fifty percent (50%) of the lot width at the front setback line.
Example: Lot width = 200'. The combination of both side yard setbacks must equal 100' (50% of 200') and minimum of both side yard setbacks is 40' (20% of 200').
5. Minimum lot width is measured at the front property line and must maintain minimum width to at least the required front yard setback before reducing width proceeding further back into the lot.
6. For corner lots, the setback from both of the front lot lines shall follow the provision in Table 1 footnote 3. The rear lot line shall be the lot line parallel to the front lot line that the front entry door faces, and the remaining lot line shall be a side lot line for setback/yard purposes. On any corner lot, no fence, wall, hedge, or other planting or structure that will materially obstruct the sight visibility triangle between the height of two- and one-half feet (2.5') and ten feet (10') above the centerline grades of the intersecting streets forming said corner.
7. For triangular lots, the rear setback line shall be located by extending the side yard setback lines on each side to a line which is parallel to the front setback line and which measures forty feet (40') in length, the location of which line shall provide the minimum rear yard. (Diagram below)



14-204. Uses.

- (1) For all uses, please reference any specific conditions that shall apply as listed in Table 2. No building, structure, premises, or site shall be used or arranged to be used except as provided herein.
- (2) Permitted ~~Residential-residential~~ uses. The following residential uses are permitted:
 - (a) Single family dwelling. A dwelling for one (1) family.
 - (b) Accessory uses. Accessory uses customarily incident to the above permitted uses. Accessory uses cannot be established without a permitted principle permitted use. Accessory uses are permitted by right and do not require approval by any board. All accessory structures must be in the building envelope unless otherwise noted. Such uses shall include, but not be limited to, the following:
 - i) Attached Garage or porte cochere attached to the main dwelling or residence.
 - ii) Living quarters.
 - iii) Garden structures.
 - iv) Storage ~~Shedssheds~~.
 - v) Dog houses.
 - vi) Children's playhouses.
 - vii) Landscape water feature.
 - viii) Hot tubs and spas
 - ix) Mechanical equipment location.
 - ~~ix)x)~~ Estate Sales.
 - (c) Temporary uses for construction activities. 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. 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. 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.
- (3) Conditional Non-residential uses.
 - (a) Churches and other places of worship, 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 E
 - (f) Communication Facilities. See Appendix F
- (4) Conditional Residential uses.
 - (a) Greenhouses.
 - (b) Cabanas.

- (c) Swimming pools.
 - (d) Pool houses.
 - (e) Tennis courts
 - (f) Sports Court.
 - (g) Detached garage
 - (h) Home-based ~~Business-business~~ activities.
- (5) 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 for any use of property within the city in conflict with the provisions of this section:
- (a) Short ~~Term Rental~~term rental property. No dwelling, accessory building, living quarters, pool house, or other building, structure, premises, or site may be used as 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) Root cellar or storm cellar. The erection, construction, maintenance, or use of a basement or cellar as a detached structure,
 - (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) Carports. Carports which are open and/or of metal frame, canvas, or column construction.
 - (e) Duplexes. The construction of a duplex, or other multi-family dwelling, containing two (2) or more dwellings on any lot.
 - (f) Commercial activity. Except 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.
 - (g) High front yard fences and gates. A fence, wall, or gate along the front property line or corner property line not more than three feet (3') in height.

TABLE 2. USE SPECIAL APPROVAL, CALCULATIONS, PLACEMENT, AND CONDITIONS

Use	BZA Approval	Calculated as Gross Floor Area	Counted as Hardscape	Building Envelope Required	Special Conditions
<u>Attached Garage</u>	No	Yes	No	Yes	None <u>All dwellings constructed after September 1, 1997, shall have such an attached garage or porte cochere for the storage of a minimum of one (1) standard automobile. Garage 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. 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'). Garages shall have their doors facing to the side or rear of the property. For corner lots, the garage may face the street that does not have the main front door facing it. A detached garage may connect to a residence by a covered but unenclosed breezeway. A breezeway can be no wider than the average width of a pedestrian pathway, The area of the breezeway (under roof) shall count toward the hardscape calculations gross floor area calculations.</u>
Cabana	Yes - CU	No	Yes	Yes	None
Child Playhouse	No	No	Yes	No	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.

Detached Garage	No	No	Yes	Yes	Garage 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. 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'). Garages shall have their doors facing to the side or rear of the property. For corner lots, the garage may face the street that does not have the main front door facing it.
Doghouse	No	No	Yes	No	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.
Driveway and Parking Area	No	No	No	No	See section 14-204(1)(j)
Garage	No	Yes	No	Yes	All dwellings constructed after September 1, 1997, shall have such an attached garage or porte cochere for the storage of a minimum of one (1) standard automobile. Garage 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. 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'). Garages shall have their doors facing to the side or rear of the property. For corner lots, the garage may face the street that does not have the main front door facing it.

<u>Estate sales.</u>					<u>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, 14-14 (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. No person shall engage in this activity without first obtaining from the city manager an estate sale permit. The application for permit must be made in person by the resident/owner of the property. 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. A sale advertising sign may be posted of less than eight (8) square feet only on the subject property during the time period permitted for the holding of such sale.</u>
Garden Structure	No	No	Yes	No	Not to exceed 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
Greenhouse	Yes - CU	No	Yes	Yes	None
Home-based Business	Yes - CU	Yes	No	Yes	Persons engaged in this use shall have not more than one (1) on-premises employee assisting in those activities. The board of zoning appeals shall have the authority to review all applications for permits and issue permits at their discretion after considering all the implications of traffic, congestion, noise, etc. Sales or services provided may be

					advertised only by mail, email, telephone, or other personal contact, by legal notices pursuant to court order, or by radio, newspaper, or television promotion. No use 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.
Landscape Water Feature	No <u>*</u>	No	Yes	Yes	Having a depth of more than eighteen inches (18") <u>shall be in the building envelope.</u> <u>*If placed outside of the building envelope and over 18" in depth, a Conditional Use approval by the board of zoning appeals is required prior to construction.</u> <u>Landscape water features 18" or less in depth may be placed outside of the building envelope.</u>
Living Quarters	No	Yes	No	Yes	Provided as an integral part of the principal residence or in an accessory building.
Mechanical Equipment	No	No	Yes	Yes	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 any building.
Patio/Deck	No	No	Yes	No	None
Pool House	Yes - CU	No	Yes	Yes	None
Porte Cochere	No	Yes	No	Yes	All dwellings constructed after September 1, 1997, shall have such an <u>attached</u> garage or porte cochere for the storage of a minimum of one (1) standard automobile. <u>Attached</u> Garage 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. 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'). Garages shall have their doors facing to the side or rear of the property. For corner lots, the garage may face the street that does not have the main front door facing it.
Sidewalks	No	No	Yes	No	None
Single Family Dwelling	No	Yes	No	Yes	None
Storage Shed	Yes - CU	No	Yes	Yes	None
Sports Court	Yes - CU	No	Yes	No	Located no closer than twenty feet (20') from any property line.
Swimming Pools	Yes - CU	No	Yes	Yes	Enclosed by a fence or wall not less than six feet (6') in height above the exterior adjoining grade.
Tennis Court	Yes - CU	No	Yes	Yes	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. The number, location, height, mounting, type, construction, and design of tennis court lights, and of the poles and fixtures shall be as determined by the Board of zoning appeals. Tennis courts may not be illuminated after 10:00 P.M.

CU - Conditional Use approval by the board of zoning appeals subject to criteria in Section 14-208(3)(b)

14-205. Development Standards.

- (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 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) Dwelling area is limited by footprint and floor area ratio.
 - i) The allowable footprint area of a dwelling above the natural grade of the site, plus the area of all attached 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:
 - For zoning districts Residential A & B and Estate A & B: ~~0.170.20~~
 - For zoning district Residential C: 0.225
 - iii) In no zoning district shall a dwelling have a gross floor area of less than two thousand (2,000) square feet. For lots less than 10 acres, a dwelling shall have no ~~or~~ more than twenty thousand (20,000) square feet regardless of calculation in subsection ii) above.
 - (c) Maximum hardscape ratio. The 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.
 - (d) 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.
 - (e) No ~~principal residential structure~~dwelling shall exceed forty feet (40') in height as measured at the front building line in the Estates A, Estates B, Residence A, and Residence B districts and thirty feet (30') in the Residence C district. In the Residence A and Residence B districts, for lots less than 40,000 SF in area, no dwelling shall exceed 35' in height as measured at the front building line. The maximum height of a ~~structure~~dwelling along its sides or rear shall not exceed fifty feet (50') measured from the finished grade in the Estates A, Estates B, Residence A, and Residence B districts and forty feet (40') in the Residence C district. No dwelling shall have a height of less than fifteen feet (15') feet.



- (f) No accessory residential structure shall exceed ~~eighteen (18')~~ twenty-five feet (25) in height as measured at the front setback line.
- (g) The following shall be exempt from the height provisions:
- ~~i)~~ i) Parapet walls extending not more than four feet (4') above and in line with the external walls of the main building;
 - ~~i)ii)~~ ii) Chimneys not extending more than twelve feet (12') above the point at which the chimney penetrates the roof of the main building
 - ~~iii)~~ iii) Cupolas, domes, spires, and other similar architectural elements.
- (h) Fences and walls. A fence or wall three feet (3') or less in height may be constructed at any location on a lot. 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 shall be located:
- ~~i)~~ i) Abutting a rear lot line;
 - ii) Parallel to the front lot line and extending from a side lot line to the furthest rear corner of the dwelling on the premises; and
 - ~~ii)~~ ii) Abutting a side lot line, no closer to the front lot line than its intersection with a line from it to the rear corner of the dwelling.
 - ~~iii)~~ iii) The following offsets in the fencing or walls are permitted if, in the opinion of the planning director it is required to:
 - Provide a required parking area per Section (j)(v) below.
 - Protect existing trees on the property line, provided that such offset provides an access through the fence sufficient to assure maintenance of any property between the property line and fence.
 - Ensure adequate stormwater drainage as designed and installed for the specific property.
 - ~~iv)~~ iv) ~~v)~~ The finished side of all fences must face out toward the adjoining property.
 - vi) The construction or reconstruction of any fence or wall shall require a building permit.
- (i) Retaining walls. A fence or wall three feet (3') or less 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. Walls and fences with changes of grade shall be measured from the finished grade on the lower side.

- (j) 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 dwellings constructed after the effective date of this Ordinance shall have an attached garage or porte cochere for the storage of a minimum of one (1) standard automobile. The Residence C zoning district is exempt from this standard.
 - ii) All automobiles, trucks, trailers, boats, motorcycles, or any similar vehicles, whether or not self-propelled, must be parked or stored either in an attached or detached garage, porte cochere, or on a surfaced driveway/parking area.
 - iii) All vehicles other than passenger cars, station wagons, passenger minivans, 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.
 - iv) No more than twenty-two percent (22%) of the yard area between the front building line and the front lot line, shall include driveway/parking area. The total of all driveway/parking areas on any lot shall not exceed twelve percent (12%) of the total lot area.
 - v) A minimum twenty-five (25) feet by twenty-five feet (25') turnaround area shall be provided at the attached or detached garage for access. 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.
 - vi) Between any driveway and the nearest property line there shall be a minimum of five foot (5') "green space," to be devoted to grass or other vegetation.
- (k) 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 thereof except:
 - 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.

14-206. 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.

- (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.

14-207. Procedure before the ~~Historic~~historic zoning commission.

- (1) Any property owner who wants to construct a new principal use building, an addition, or demolish an existing principal use building must first obtain a certificate of appropriateness (CoA). A CoA is a form issued to ensure that the work planned for new construction, additions or demolition meets the criteria of the Citywide Conservation Overlay Design Guidelines (“design guidelines”). The CoA must be obtained in addition to the regular building permit.
- (2) To begin the CoA process, property owners must first meet with the planning director and building official to discuss the project, answer questions, and to be advise on whether or not the plans are required to go before the historic zoning commission (HZC).
- (3) Required documentation for a CoA shall include:
 - (a) For new construction and additions, a complete set of schematic plans at scale and descriptions of materials. Site plans shall be drawn to scale and show all existing and proposed improvements. Specifications and/or samples of exterior materials will be required such as siding, roofing, doors, windows, and ornamentation.
 - (b) For demolition, photographs of the building proposed for demolition are required along with a statement describing the reasons for demolition and proposed use of the site.
- (4) Any application for new construction, repair, alteration, rehabilitation, relocation, or demolition of any principal use building or structure located in any historic district must first be referred to the ~~historic zoning commission~~(HZC) for review and approval. No permit of any kind shall be issued until such a certificate of appropriateness has been issued by the HZC. The HZC shall require detailed construction plans and data pertinent to its review. The planning director will advise the HZC whether or not the proposed work meets the design guidelines. If there is a conflict between the plans and the design guidelines, the planning director may offer advice on how to modify the plans to meet the guidelines. The HZC shall act within thirty (30) days of acceptance of a completed CoA application and materials submittal. The HZC shall grant the CoA with or without conditions or deny the same, and shall state the grounds for any denial in writing.
- (5) The HZC will make their decisions on CoA applications based on the design guidelines. 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; and

- (d) Any other factor, including aesthetic, which is reasonably related to the purpose of this part.
- (6) The HZC has delegated to the planning director the ability to administratively approve work without prior review of the work by the HZC. The types of construction and/or site activity that may be administratively reviewed are listed below. The planning director may, at any point during the review process and for any reason, choose to refer the CoA to the HZC.
 - (a) Demolition of accessory structures and appurtenances.
 - (b) Demolition of any structure that has become a major life-safety hazard and is requested to be demolished for that reason.
 - (c) Demolition of primary buildings less than fifty years of age.
 - (d) Construction of Accessory Structures
- (7) A CoA is valid for two years from the date of issuance. If no work is performed during that time period, a new CoA application must be submitted and another HZC meeting must be held.
- (8) If plans change while construction work is in progress, a new CoA application must be submitted and another HZC meeting must be held. Work undertaken contrary to original approval in a CoA or beyond the scope of the CoA requires approval from the HZC or staff. If a violation is discovered or reported, the following steps may be taken:
 - (a) The building official may issue a stop work order. At this point the property owner must obtain a CoA from the HZC. If the work does not meet the design guidelines, the HZC may require that the work be redone or modified.
 - (b) If the property owner does not respond to the stop work order, the building official may issue a citation for violating the ordinance. This will outline deadlines for responding. If the property owner still does not respond, the building official may issue a citation to appear in court.
- (9) Review of any decision of the HZC shall be by writ of certiorari under Tennessee Code Annotated, §§ 27-8-101 et seq.

14-208. Board of zoning appeals.

- (1) Jurisdiction. The board of zoning appeals ~~established in Title 2 of the Belle Meade Code shall be governed by the following provisions and have full powers such duties, powers, and authority to hear appeals and to apply and construe the provisions of this chapter in all matters properly brought before it as are set forth in this chapter and Tennessee Code Annotated §§13-7-201 to 207.~~
- (2) Administrative review. The board may hear and decide questions arising from a decision or determination made by any administrative official in the enforcement or application of this chapter or from the refusal, granting or revocation of any permit under the provisions of this chapter brought before the board of zoning appeals on appeal by any person deeming to be adversely affected by such action;
- (3) Variances. As to any piece of property existing as a separate lot or tract as of the date of adoption of this ordinance, 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.

(4) Conditional Uses. The board of zoning appeals may hear and decide requests for conditional use permits, which shall also be construed as synonymous with special exceptions as defined in T.C.A. §13-7-206. The grant of any conditional use permit shall be subject to such conditions and safeguards as the board may require for the protection of the character of the community, including but not limited to provisions for vegetative screening, controls on lighting, a finding by the board that the conditional use will not interfere substantially with the use and enjoyment of their property by adjacent owners and a finding that the proposed use also meets all specific standards for such use found in this chapter and in Appendices A-F.

(5) Procedure.

(a) The board of zoning appeals shall take no action in any case until after notice and public hearing. The presence of four (4) members shall constitute a quorum. 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 in any matter upon which the board of zoning appeals is required or authorized to pass, to ~~effect~~affect any variation or to grant any variance. Any person entitled to 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.

(b) ~~Proper notice~~Notice of a hearing before the board shall be in writing, mailed to the owner or their 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.

~~(e)~~—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.

~~(d)~~ ~~(3)~~—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:~~

~~(a)~~—~~Any questions arising from a decision or determination made by any administrative official in the enforcement or application of this chapter or from the refusal, granting or revocation of any permit under the provisions of~~

~~this chapter and brought before the board of zoning appeals on appeal by any person deeming to be adversely affected by such action;~~

~~(b) All applications for conditional use and all matters referred to it upon which it is required to pass under this chapter. The grant of any conditional use permit shall be 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) a finding by the board that the proposed conditional use also meets all of the specific standards for that use contained in the relevant appendix to this Zoning Code.~~

~~(4) Variances. As to any piece of property existing as a separate lot or tract as of the date of adoption of this Ordinance, 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.~~

~~(56) Limitations on board authority. Notwithstanding the foregoing, the board of zoning appeals shall have no authority to grant any appeal or other matter upon which it is required to pass under this chapter if the planning director, building official, or city manager certifies that the property owner seeking approval 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.~~

14-209. Non-Conforming Uses and Structures.

(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 nonconformity. 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. Any non-conforming structure or improvement may be reconstructed, so long as the footprint or other non-conformity are not increased or

enlarged. A building permit for reconstruction must be issued by the City within twelve months of the demolition of the non-conforming structure or improvement. 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, or act of God may be reconstructed and used as before any such calamity provided building permit application for such reconstruction shall be made within twelve 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.

14-210. Site Plans and other information to accompany permit applications.

- (1) Each application for a building permit shall be accompanied by a site plan, drawn to scale showing:
 - (a) The actual dimensions and square footage of the building site and building envelope with a topographical survey of the site,
 - (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 hardscapes, including, without limitation, accessory uses and planned conditional uses, the "hardscape ratio" and, the maximum accessory uses, and
 - (d) The precise dimensions, floor plans and drawings showing architectural 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 setback lines shown on the site plan.
- (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.

14-211. Occupancy permits.

- (1) No undeveloped lot or parcel of land and no building now in existence, 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.

14-212. Amendments.

Any owner of property in Belle Meade who wishes to amend this chapter shall submit a written request, in which the substance of their proposed amendment shall be stated. Such request shall be addressed to the municipal planning commission, which may consider the matter and hold a hearing thereon in its discretion. The municipal planning 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. 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. Any and all amendments must be done in compliance with Tennessee Code Annotated, Sections 13-7-201 through 204.

14-213. Effective date.

This ordinance shall be effective from and after _____ the "effective date"). All applications for building permits, variances, special exceptions, and/or other forms of relief, and all appeals, filed on or prior to _____, 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, variances, special exceptions, and/or other forms of relief, and all appeals, filed on or after _____ 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.

14-214. Enforcement.

The planning director and building official, under the direction of the city manager, shall administer and enforce the provisions of this chapter and are 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 building official or planning director 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 building official, then

the building official shall automatically terminate, and no further work may proceed until such time as a revised plan has been reviewed by the 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.

14-21.5 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 building official, planning director, or other responsible city official. The planning director or building official, through the city attorney, may, in addition to other remedies, institute injunction, mandamus or other appropriate action in state court to correct or abate a violation of this chapter. Where a violation exists, the planning director may request that utility service be curtailed until the violation is corrected or abated.

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.

14-217. Validity.

The sections, paragraphs, sentences, and words of this ordinance are severable. 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 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.

14-218. Appendices.

- (1) Appendix A. - Churches or Places of Worship and Schools
- (2) Appendix B. - Municipal Buildings
- (3) Appendix C. - Historic Home or Site
- (4) Appendix D. - Country Clubs
- (5) Appendix E. - Multi-Family Housing
- (6) Appendix F. - Communication Facility
- (7) Appendix G. -The Zoning Map

Appendix A
Churches or Places of Worship and Schools

Churches, or other places of worship, and schools constructed and operated by the State of Tennessee or any of its political subdivisions, private or charitable institutions, corporations, or individuals, shall be subject to the following provisions:

- (1) The board of zoning appeals through the conditional use process shall have exclusive jurisdiction and authority to grant a permit for the construction or improvement of churches or other places of worship and school buildings, including all accessory buildings and structures, parking areas, walkways, entrances, exits and driveways.
- (2) Where application is made for a conditional use permit under this section, the application shall be accompanied by a site plan 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 the proposed improvements, the position and dimensions of any automobile parking area, immediate or projected in the future, and such other information as deemed necessary by the planning director, or by the board of zoning appeals, for consideration of the application.
- (3) Parking areas shall be provided for all buildings proposed for use. There shall be provided and constructed, on the lot or site so proposed to be used, automobile parking space for one (1) automobile for each four (4) seats or seating spaces to be provided for in the main auditorium, sanctuary, assembly room or existing building proposed to be used as such. A seating space shall be determined to be calculated as ten (10) square feet of floor space in the main auditorium, sanctuary, or assembly room. Such parking area or areas shall not exceed twenty-five percent (25%) of the lot area upon which the building or buildings are proposed.
- (4) For the erection or use of a building for the purposes allowed by this section, the minimum requirement shall be four hundred thousand (400,000) square feet of lot area; or such lesser area as may be sufficient to ensure privacy for all neighboring properties and adequate protection from noise, congestion, and other disturbance.
- (5) No building shall be constructed or altered for use, to be closer than two hundred fifty feet (250') to the boundary of said lot in any direction, or such shorter distance, as determined by the board of zoning appeals, as may be sufficient to ensure privacy for all neighboring properties, adequate protection from noise, congestion, and/or other disturbance resulting from the location of the building on the site.
- (6) No building having a height less than fifteen feet (15') shall be permitted.
- (7) Signs may be placed on the 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 the property subject to the conditional use permit, the institution shall request a permit for activities during the course of the following twelve-month period.
 - (b) The permit shall be reviewed and resolved by the board of commissioners at the next scheduled meeting for which there has been provided timely notice of the review of the permit.

- (c) In reviewing the request for permit, the board of commissioners shall be provided with such information as they might request to balance the interests of the permittee 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 buildings, and, if outside:
 - (A) Specifically, where on the grounds;
 - (B) Approximate square footage required for the activity and the approximate number of parking places required by the activity; and
 - (C) 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 permit required for such activities.
 - (vi) The name and telephone number of that representative of the permit holder who shall be available at all times for the duration of the activity
 - (vii) A description of any signage, including way-finding signage, to be used in connection with each activity. All signage shall comply with the other provisions of this code.
 - (viii) The permit holder shall provide on-site parking for all vehicles bringing visitors to the site for such activities.
- (d) The permit holder 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 permit holder 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.

Appendix B
Municipal Buildings

Buildings erected by the City of Belle Meade for municipal purposes. The provisions of §§ 14-202 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 through the conditional use process.

Appendix C Historic Home or Site

An historic home or site shall be designated as such by this Appendix 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, the Belle Meade Winery and Historic Site, formerly known as the 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.
- (2) 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 structures must be accompanied by plans prepared by a registered architect.
- (3) No signs 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)~~ ~~(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, it 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 fundraising 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,

fundraisers 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 the police department of the city, shall post "no parking" signs on all neighboring streets within the city.

- (d) 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.
- (e) 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.
- (f) No vehicular access of any kind is allowed off of Parmer Avenue, other than emergency access.

**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 are subject to the following provisions:

- (1) A country club shall be designated as such by this Appendix 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 shall have exclusive jurisdiction and authority to grant a conditional use permit for the location and/or construction (excluding interior building renovations) of improvements upon a country club site, including the club house and any additions, all accessory buildings and structures, tennis courts, swimming pools, 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 an approval only if it is the finding of the board that there is a reasonable amount of space for the proposed facility within the country club site to avoid nuisances to adjoining landowners.

Appendix E
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 shall have exclusive jurisdiction and authority to grant a conditional use permit for the external modification of multi-family housing, including all accessory buildings, structures, parking areas, walkways, entrances, exits and driveways. 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, materially increase the congestion of public streets, increase the public danger by reason of fire, impair the public safety, impair the public health by creating a smoke nuisance, 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 require, in addition to the specific requirements of the applicable ordinances, as a condition for the approval of a permit, such provisions and safeguards as will preserve the integrity and character of the city, and will prevent the proposed use from imposing any undue financial burden upon the City.
- (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 site plan 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 existing and proposed parking area, and other information as may be deemed necessary by the planning director, or by the board of zoning appeals, for consideration of the application. Such application, together with the supporting documents and information furnished by the applicant, shall be filed with the planning director 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.

Appendix F
Communication Facilities.

Communication Facilities are subject to the following provisions:

- (1) At the discretion of 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 with compliance of the Telecommunications Act of 1996, as amended; and
 - (b) Proof that there is a "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.
- (2) 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.
- (3) 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 planning director. 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 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 planning director determines that a review of the engineer's report on the siting of the communication tower is warranted, then the City 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) 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.
 - (d) A duly licensed engineer possessing valid registration to practice professionally in the State of Tennessee must verify the safety of the communication tower itself.
 - (e) 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, structures, or replacement poles which otherwise meet the safety requirements of this section.
 - (f) All buildings constructed in connection with the communication tower must be harmonious with the surrounding landscape by using natural tones, 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 conditional use site plan.

- (g) 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.
- (h) The applicant shall comply with all other provisions of the Zoning Code and such conditions as the board of zoning appeals might impose upon the placement, construction, and modification of such wireless facilities.
- (i) 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 (costs exceeding new tower development costs are presumed to be unreasonable);
 - (v) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable; and/or
 - (vi) 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.
- (j) 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.

- (k) 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. The application shall include a certification as to the safety that the actual loading (antennas, mounts, lines, and appurtenances) will not compromise the design loading requirements approved at the initial installation of the tower. The applicant shall not be required to pay any additional co-location fee or cost reimbursements for these submissions, but prior to construction shall provide such investigation and expert advice as the building official (planning director?) might require in their discretion, to be paid for by the applicant.
- (4) Communication towers generally. 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. Communications towers are to be built and maintained so as to make the antenna and related equipment as visually unobtrusive as possible. 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.

Appendix G
Zoning Map (by reference)