



**CITY OF BELLE MEADE
MUNICIPAL PLANNING COMMISSION
REGULAR MEETING AGENDA PACKET
APRIL 16, 2024, 04:00 PM**



**AGENDA MUNICIPAL PLANNING COMMISSION
REGULAR MEETING
APRIL 16, 2024, 04:00 PM
BELLE MEADE CITY HALL, 4705 HARDING PIKE**

TO ALL MEMBERS OF THE MUNICIPAL PLANNING COMMISSION AND INTERESTED PARTIES:

This is to notify you of the regularly scheduled meeting of the Municipal Planning Commission (MPC), with public hearing and public comment on the agenda items. Public comment will also be heard on any matters related to the MPC. Items for consideration are listed below and are available on the city website, www.citybellemeade.org. The meeting will also be available through Live Stream on the city website.

I. Call to Order

II. Approval of Minutes

Consideration of the minutes of the Municipal Planning Commission held March 19, 2024.

Attachment: [MPC Minutes March 19.pdf](#)

III. Old Business

Recommendation for approval of the revised City of Belle Meade Zoning Ordinance.

Attachment: [DRAFT 2 ZONING ORD RE-WRITE.pdf](#)
Attachment: [COMPILED PUBLIC COMMENTS.pdf](#)
Attachment: [COMPILATION OF PUBLIC COMMENTS.pdf](#)
Attachment: [MPC January 23 2024 Zoning Ordinance Revision Powerpoint Presentation.pdf](#)
Attachment: [SUMMARY OF CHANGES FOR PRESENTATION.pdf](#)
Attachment: [Additional Comments.pdf](#)
Attachment: [Historic Site proposed revision to App C.pdf](#)
Attachment: [DRAFT 3 ZONING ORD RE-WRITE.pdf](#)
Attachment: [Doug Berry proposed changes.pdf](#)
Attachment: [DRAFT 4 ZONING ORD RE-WRITE.pdf](#)
Attachment: [Belle Meade Zoning Map DRAFT 2024.pdf](#)
Attachment: [NOTES FROM MPC WORK SESSION ON NEW ZONING ORDINANCE.docx](#)

IV. New Business - None

V. Other Public Comment

VI. Adjourn

VII. The next regularly scheduled meeting of the Municipal Planning Commission will be held May 21, 2024 at 4:00 p.m.



**MINUTES
MUNICIPAL PLANNING COMMISSION – REGULAR MEETING
MARCH 19, 2024, 3:00 PM
BELLE MEADE CITY HALL, 4705 HARDING PIKE**

Call to Order

Chairman Gavin Duke called the meeting to order at 3:04 p.m.

Commission Members Present

Chairman Gavin Duke

Haley Dale

Rusty Moore

Larry Wieck

Scott Kendall

Ashley Levi

Carter Dawson joined the commission at 3:17 p.m.

Staff Present

Planning Director Mary Samaniego

City Recorder Rusty Terry

City Attorney Doug Berry

Approval of Minutes

Consideration of the minutes of the Municipal Planning Commission held February 20, 2024.

Motion to approve: Dale Second: Moore Vote: All aye

Old Business

Recommendation for approval of the revised City of Belle Meade Zoning Ordinance.

Planning Director Mary Samaniego stated this is the continuation of the discussion of the first reading for the proposed changes to the zoning ordinance. Adding that when she presented the proposed changes and at the last meeting she spoke to what was proposed to be amended and the planning, thought and rationale behind those changes.

Samaniego stated that at this time the Planning Commission should start making amendments to the proposal as they deem necessary and vote on each amendment individually so that everything can be tracked.

Wieck asked for a point of clarification, there was a Draft Two and in the Agenda there is a Draft Three.

Samaniego stated that Draft Two was the one they had been reviewing and Draft Three are amendments that she is proposing based on technical comments received from the public, offering the example that there be a definition for a term. Samaniego added that she is not proposing policy changes, and had

included those as redlines in Draft Three, adding that the City Attorney Doug Berry had also proposed the same type changes.

City Attorney Berry stated that currently there was a motion to approve Draft Two and the additional changes in Draft Three would have to be subject to motions to amend, adding that his edits deal with Board of Zoning jurisdiction. Berry stated that each change should be treated separately.

Motion to add Deer Park Drive, plus Signal Hill Drive and Sunny Brook Drive to Zoning Designation Residence C and for that zoning designation to keep the existing .225 FAR but to reduce the roof height to a 30 foot maximum: Dale
Second: Moore

A discussion of the board members ensued.

Vote Aye: Dale, Moore, Levi, Dawson, Wieck Abstain: Kendall,
Chairman Duke

A discussion of defining attic space ensued.

City Attorney Berry suggested an appropriate amendment on defining attic space.

Motion to define attic space as an un-inhabitable space of 6 feet or less: Dale

A discussion among board members ensued.

Planning Director Samaniego restated the motion on the floor: An attic is a space at the top of the structure with a height of seven feet or less.

Motion to adopt the definition of attic as stated by Planning Director Samaniego: Dale Second: Dawson

A board discussion ensued.

Vote Aye: Dale, Moore, Chairman Duke, Wieck, Levi, Dawson Vote No: Kendall

Commission member Dale read the current calculation of Gross Floor Area and definition of Gross Floor Area.

A board discussion ensued.

Motion to add Gross Floor Area does not include attic space as defined in this section to the definition of Gross Floor Area: Dale Second: Moore

A board discussion ensued.

Vote: All aye

A board discussion ensued regarding screened in porches and their inclusion in hardscape.

Planning Director Samaniego stated: A hardscape includes a lateral projection

of uncovered porches or covered but not enclosed porches, in the code as it stands today. Under the proposed code roofed porches and balconies whether they are screened, enclosed or open would count as gross floor area.

A board discussion ensued.

Motion - If and when we define a detached garage, it is not allowed to be attached to the main structure in any way: Wieck Second: Dale

A discussion ensued about accessory structures and a connection to a residence, and the motion is restated

Motion restated: to add the definition of attached garage and detached garage as presented in Draft Three, the special conditions for attached garages should be included in detached garages and the definition of detached garages should not include any reference to connecting them to the residence; the attached garage is treated as gross floor area, not counted as hardscape is included in the building; the detached garage is not calculated in gross floor area, is counted as hardscape and is included in the envelope: Wieck

Vote: All aye

Motion: Do not include an entire basement in FAR if there is an entrance from the exterior; simply to state that if you have access from the outside, some percentage of the floor area is counted in FAR: Wieck

A discussion ensued regarding basement FAR.

Motion: For the calculation of the basement level FAR on a sloped lot that the basement be counted as FAR at the point where the finished height exceeds seven feet in ceiling height from finished grade and excludes everything else: Dale Second: Moore

A discussion ensued.

Motion Revised: Any basement with a pedestrian entrance at or above finished grade, fifty percent (50%) of the floor area would be counted as Gross Floor Area: Dale Second: Moore Vote: All aye

Motion to change FAR from .17 to .2 in Residence A & B and Estates A & B: Wieck Second: Chairman Duke

A discussion ensued.

Vote Aye: Moore, Chairman Duke, Wieck, Kendall, Levi **Vote No:** Dale **Vote Abstain:** Dawson

Motion: For lots in Residence A & B that are 40,000 square feet or less that the maximum roof height be set at 35 feet at the front building line: Dale Second: Moore

A brief discussion ensued.

Vote Aye: Dale, Moore, Chairman Duke, Wieck, Levi, Dawson **Vote No:** Kendall

Motion to set maximum square footage of a home at 35,000 square feet:
Duke

A discussion ensued.

Motion: The maximum square footage on lots that are 10 acres or less is 20,000 square feet: Moore Second: Chairman Duke

A discussion ensued.

Vote Aye: Dale, Moore, Duke, Wieck, Kendall, Dawson Vote Abstain: Levi

Motion to approve the cleanup language that has been added to Drafts Three and Four by the city attorney and planning director: Moore Second: Dale

Dale stated she would like to amend the motion to exclude appendix C which references the Historic Site.

A discussion ensued.

Moore withdrew the motion.

New Business - None

Public Comment - None

Adjourn

Motion to adjourn: Levi Second: Chairman Duke

The meeting was adjourned at 4:49 p.m.

Chairman Gavin Duke

City Recorder Rusty Terry

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 of the City of Belle Meade. Such 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 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 terms established by prior ordinances to which they are appointed hereunder, and upon expiration of these terms, the mayor shall appoint their successors, each of whom shall serve a term of three years so that the terms of two or three members of said commission shall expire each year. Any vacancy in membership shall be filled for the unexpired term by the mayor, who shall also have authority to accept the resignation of any such appointed member. Any member of the municipal planning commission may be removed before the expiration of their term by the mayor with the consensus of the board of commissioners. The board of commissioners shall elect the successor to the commissioner 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 commission may be approved by a majority vote of those present, and failure to receive such approval shall constitute a rejection or denial of such matter or proposal.

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

SECTION

- 14-201. Definition
 - (1) General statement
 - (2) Terms and definitions
- 14-202. Zoning Districts
 - (1) Zoning Map
 - (2) Zoning Districts
 - (3) Historic Overlay Districts
 - (4) Zoning Boundary Determination

Table 1. District Bulk and Setback Regulations
- 14-203. Uses.
 - (1) General statement.
 - (2) Permitted Residential Uses
 - (3) Conditional Non-residential Uses
 - (4) Conditional Residential Uses
 - (5) Prohibited Uses

Table 2. Use Special Approval, Calculations, Placement, and Conditions
- 14-204. Development Standards.
 - (1) General statement.
 - (a) Number of dwellings
 - (b) Footprint and Floor Area Ratio
 - (c) Hardscape Ratio
 - (d) Swimming Pool Ratio
 - (e) Principal Use Height
 - (f) Accessory Structure Height
 - (g) Height Exemptions
 - (h) Fences and Walls
 - (i) Retaining Walls
 - (j) Parking
 - (k) Change in Elevation
- 14-205 Temporary Signs
- 14-206 Procedure before the Historic zoning commission
- 14-207 Board of zoning appeals
- 14-208 Non-Conforming Uses and Structures
- 14-209 Site Plans and other information to accompany permit applications
- 14-210 Occupancy Permits
- 14-211 Amendments
- 14-212 Effective Date
- 14-213 Enforcement
- 14-214 Penalty for Violations
- 14-215 Ordinances in Conflicts
- 14-216 Validity
- 14-217 Statement of Compliance

14-218 Appendices

14-201. Title and purpose.

- (1) 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. 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.
 - (e) "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) "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) "Communication 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) "Communication 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.
- (j) "Conditional 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.
- (k) "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.
- (l) "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) "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) "Floor area ratio." That ratio is defined by the numerator of "gross floor area" as divided by the square footage of the lot.
- (o) "Front building line." That portion of the dwelling defined by its exterior wall, which is closest to the front lot line.
- (p) "Footprint." All ground areas occupied or covered by a dwelling whether enclosed or not.
- (q) "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) "Garden 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.
- (s) "Green space." The undeveloped portion of a lot planted with grass, trees, flowers, shrubs, or other vegetation.
- (t) "Greenhouse". A glass or plastic enclosed building used for cultivating plants.
- (u) "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. Any basement that has a door and/or pedestrian access/height at or above finish grade counts as gross floor area (image below).



BASEMENT AREA COUNTS AS GROSS FLOOR AREA

- (v) "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) "Hardscape ratio." The ratio of the square footage of hardscape to the square footage of the lot.
- (x) "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) "Home-based Business." This use must be completely within the residence or completely within any accessory structure and may include:
 - 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) "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) "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) "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.

- (cc) "Lot of 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) "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) "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) "Mechanical Equipment"
- (gg) "Multi-family Housing." A structure or group of structures with more than one dwelling unit intended to provide temporary or permanent housing.
- (hh) "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) "Open 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) "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) "Pool house." A structure constructed in connection with a swimming pool, which may contain bathrooms, dressing rooms and cooking facilities.
 - (ll) "Porte cochere." A roofed structure extending from 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) "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) "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) "Retaining walls." Retaining walls are walls constructed for the purpose of retaining earth.
 - (pp) "Right-of-way." A general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to transportation purposes.
 - (qq) "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) "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) "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) "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) "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) "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) "Sports 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) "Storage Shed". Structures for the housing or storage of tools, machinery and/or equipment for the general maintenance of a residence.
 - (yy) "Swimming 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) "Tennis Court." including all areas within their enclosures.
 - (aaa) "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) "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) "Zoning Map." A map of the City of Belle Meade, Davidson County, Tennessee, prepared by Barge, Cauthen & Associates dated October 24, 2006, as revised by this ordinance.

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.

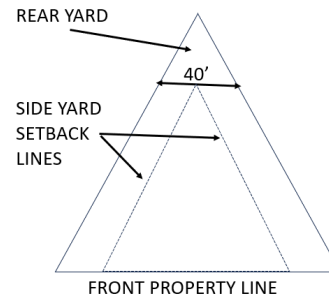
TABLE 1. District Bulk and Setback Regulations

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 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) Garage or porte cochere attached to the main dwelling or residence.
 - ii) Living quarters.
 - iii) Garden structures.
 - iv) Storage Sheds.
 - v) Dog houses.
 - vi) Children's playhouses.
 - vii) Landscape water feature.
 - viii) Hot tubs and spas
 - ix) Mechanical equipment location.
 - (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. 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 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 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
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	None
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.
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 televisions 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	No	Yes	Yes	Having a depth of more than eighteen inches (18").
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

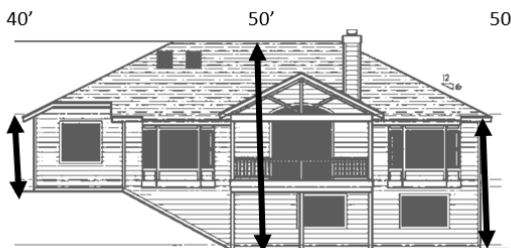
					included in a building or structure shall be located at or below ground level within the building envelope in which such building or structure is also located. Solar panels may be installed upon the roof of any building.
Patio/Deck	No	No	Yes	No	None
Pool House	Yes - CU	No	Yes	Yes	None
Porte Cochere	No	Yes	No	Yes	All dwellings constructed after September 1, 1997, shall have such a 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.
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 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: 0.17
 - 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 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 shall exceed forty (40') in height as measured at the front building line. No dwelling shall have a height of less than fifteen feet (15') feet. The maximum height of a structure along its sides or rear shall not exceed fifty feet (50') measured from the finished grade.



- (f) No accessory residential structure shall exceed eighteen (18') in height as measured at the front setback line.
- (g) The following shall be exempt from the height provisions:
 - i) Parapet walls extending not more than four feet (4') above and in line

- with the external walls of the main building,
 - ii) Chimneys not extending more than twelve feet (12') above the point at which the chimney penetrates the roof of the main building
 - 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) 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
 - iii) 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.
 - iv) 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.
 - 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 a 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 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 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) The board of zoning appeals established in Title 2 of the Belle Meade Code shall be governed by the following provisions and have full power and authority to hear appeals and to apply and construe the provisions of this chapter in all matters properly brought before it.
- (2) 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 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.
 - (c) Proper 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.
 - (d) A notice of the pending hearing and of the relief sought shall be posted by the city building official on the property affected at least five (5) days before the scheduled hearing.
- (3) 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.
 - (5) 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, 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) Activities:
 - (a) Prior to the commencement of any activity, a historic home or site shall request a permit for activities to be conducted on the site during the course of the following twelve-month period.
 - (b) The permit shall be reviewed and resolved by the commissioners at the next scheduled meeting of the board of commissioners for which there has been provided timely notice of the review of the permit.
 - (c) In reviewing the request for permit, is anticipated that the following activities fall within the approved uses of a historic home or site:
 - (i) Sales of customary gift shop items;
 - (ii) Sale of food and beverages including the operation of a restaurant facility subject to review and approval of terms and conditions imposed by the board of commissioners in connection with the issuance of a permit for such operations;
 - (iii) As many as three (3) special "fair or "festival" type 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.

**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

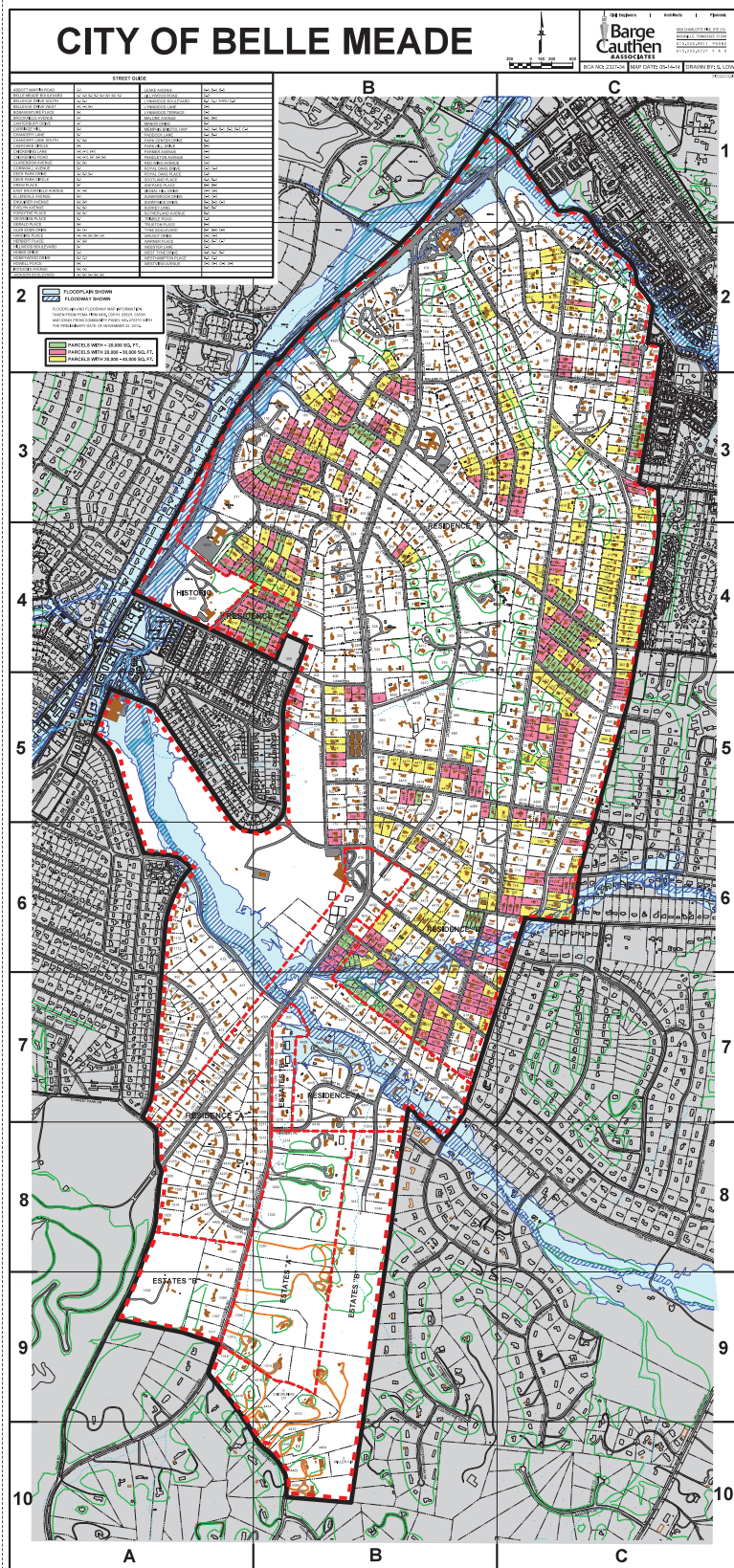
height when planted and shall be located in a minimum of two (2) rows with the plants staggered and spaced ten feet (10') apart. All landscaping and screening requirements shall be set forth on the conditional use site plan.

- (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)



Mary-

Why are only certain lots being grouped under the proposed Residence "C" when there are others that could qualify for this new zoning district? Do you realize that the new FAR creates a severe reduction in allowable square footage for other lots under 40,000 square feet not designated Residential "C"? We completed a restoration last year on our home (XXXXXXX) that would not have been possible under these proposed regulations.

If this is passed it will put new severe limitations on owners of lots under 20,000 square feet not included in Residential "C". For example under the current FAR we were allowed to build on our 17,182 square foot lot a 3,866 square foot house. Under this proposed change, we would only have been able to build a 2,921 square foot home. Is the intent of this change to penalize these small lots left in Residential "B" in this way?

Thank you for taking comments from our Belle Meade community,

Thanks for your time dealing with these changes to protect and improve our city. My wife and I are 33 year residents of Belle Meade on Jackson Blvd. I would like to see greater flexibility to demolish older homes that are deemed historic. Some homes even though deemed to be historic are dilapidated and need to be torn down. I feel that any property owner should have the freedom and right to demolish any home on any lot that they own. I realize this may not be approved, but at least more flexibility should be allowed for homes in poor condition to be torn down.

Please pass along my comments to the appropriate person.

In reviewing the Zoning Ordinance Proposal recently sent out by the city, you have our lot in the pink category indicating between 20,000 and 30,000 square feet. Please note, our lot size is 240 feet deep, 70 feet wide in the front and 60 feet wide in the back. Thus, it is likely somewhere between 15,500 and 17,000 square feet.

Please change it to the small parcel green category. Also, if you wish to discuss I can be reached at XXXXXX or I would be glad to stop by to visit in person if needed.

Thank you for your help on this matter and also for all the hard work you and your team have put in to produce this new proposed update.

I have two more edits for your consideration:

- Chapter 2 – zoning guide (table of contents):
 - The actual, first section in the document is “title and purposes”, and it is skipped/missed.
 - By skipping the first section as noted above, all of the numbering in this table of contents is off.
- In the municipal planning public hearing on 1/23/24, there was discussion about including attic spaces in either gross square footage calculations:
 - Specifically, it was discussed that any attic with 5’-6” height or greater that had flooring would have to be included for such calculations.
 - As you very likely already know, ceiling height requirements for habitable spaces other than closets is 7’-0”.
 - So, if an attic does not have a ceiling height of 7’, then it cannot ever be habitable space.
 - In such a situation, habitable space can only be created if there is a subsequent addition made to the house that raises the peak of the roof. In that case, then the entire zoning review process would kick in.
 - If an attic has a maximum ceiling height of less than 7’-0”, then it should NOT be counted in the gross square footage calculation.

Thank you for this consideration.

Section 14-202 – 2 - Terms and Definitions:

- u – Gross floor area:

- The last sentence reads “Any basement that has a door and/or a pedestrian access/height at or above the finish grade counts as gross floor area.”
 - This wording leaves quite a large opening for building out a lower floor that has an access door which is just below grade. I can certainly understand how one would NOT want to include the gross floor area of a completely or mostly underground level. However, there can easily be a situation where the access door is only just a step or a few steps down from finish grade. In that case, this lower level would be excluded completely from gross floor area but could easily have most of it be above grade. This is a loophole and needs to be clearer in terms of how much % of the entry door and/or level is below grade.
- y – Home-based business:
 - The first statement in the initial section reads “Office of a physician, dentist, musician, lawyer, accountant, architect, or other professional persons.”
 - This list of specific jobs, even including the term “other professionals” could be seen as prejudicial and could exclude persons who are not considered “professionals” who want and need a home business.
- ee – Lot lines, property lines, boundary:
 - There is a space between “be” and “considered” inadvertently left in the first section (i) of this section.
- ff – Mechanical equipment:
 - There is no definition given here.
 - If it does not need a definition, then this should be deleted.
- ii – Open carport:
 - The second sentence reads “A carport is typically considered a ‘detached structure’ regardless of size and its proximity to the home or garage.”
 - Does this mean that carports are considered “detached structures” even if they are actually attached?
 - This needs to be clarified.
- ll – Porte cochere:
 - The section reads “A roofed structure extending from a building over an adjacent driveway intended to shelter those loading and unloading a vehicle. The definition of a porte cochere does not include the definition of an open carport.”
 - A carport could easily meet the definition of a porte cochere and the visa versa.
 - This could leave the board open to difficult interpretation without further clarification if it is desired that a porte cochere be different from a carport.

Section 14-205 – Development standards – 1:

- g – height restrictions:
 - i – parapet walls:
 - Parapet walls should be included in this height restriction.
 - Parapet walls make a building look taller than the roof that they conceal.
 - The overall intent of the height restriction is undermined by this exclusion.
 - iii – cupolas, domes and spires:
 - There is no qualification for the mass that a cupola, dome or spire can be.
 - Each of these features could be built to be as large as desired, regardless of how tall they are.
 - For example, a house with a large, domed roof could have its entire, domed roof be above the height restriction.
 - The overall intent of the height restriction can be undermined by not limiting how big the cupola, dome or spire can be.

- h – fences and walls:
 - ii – parallel to the front lot line:
 - It currently reads that a fence or wall should extend from “the furthest rear corner of the dwelling”.
 - From a design perspective and often from a practical perspective, a fence or wall should or has to offset slightly from the corner.
 - Abutting exactly at a corner can look odd especially if materials change between house and fence/wall.
 - There should be a specific measurement of latitude from this corner for abutting the fence/wall. Perhaps no more than 12”.
 - v – finished side to face outwards:
 - It does not designate who decides what the finished side is.
 - Without such clarity, there could be an argument made for which side is finished.
 - There is no mention made, that I can find, of fences and walls that conceal mechanical units or trash/recycling cans:
 - These are needed and desired elements for many, if not most, houses.
 - There should be some exceptions to the main rules for fences with these purposes. At the very least, there should be clarity for these purposes.
- j – parking:
 - There does not appear to be any leeway provided for the small lots that the new residence C addresses.
 - Parking is quite difficult on small lots and should be potentially considered for an exception when lots are this small.

Section 14-207 – Procedure before the Historic Zoning Commission:

- In this heading, should Historic Zoning Commission be capitalized for each word? Currently, only Historic is capitalized.
- 8:
 - This sentence reads “If plans change while construction work is in progress, a new CoA application must be submitted and another HZC meeting must be held.”
 - Most all (if not all) construction/renovation projects have plan changes occur. Many of them are minor and not consequential to zoning.
 - This section allows for no leeway here and will result in many persons violating this ordinance.
 - If this ordinance was followed as currently drafted, it would overwhelm the City and its review processes.
 - There needs to be clarity here to differentiate between material and non-consequential changes.

Hi-

This is probably more of a question but why weren't Sunnybrook Dr, Signal Hill and Glen Eden included in the new Residence C zoning? Most of our lots are under 20,000 sq ft. My own lot is roughly 18,500 sq ft.

I confirmed with Rusty Moore this morning that it is NOT intentional to prohibit advertising of Estate Sales or Home Businesses on websites/internet. We both believe that the current language is simply outdated so I'm not going to spend time contacting the estate sale companies to tell them otherwise. Instead, let's just get the language updated in our rewrite of the Zoning Ordinance so that either we eliminate any language regulating how they advertise or we broaden it to include internet.

Michael Hedges, CEO of the winery and I attended the Belle Meade City Planning Commission informational session last week to learn more about the proposed changes to the City's municipal building and zoning codes. There was a proposed addition to Appendix C, the section of the code which specifically governs Belle Meade Historic Site:

(f) No vehicular access of any kind is allowed off of Parmer Avenue.

While we understand the purpose of this addition, to protect our neighbors on Parmer Ave from guest traffic at Belle Meade Historic Site, we do not feel this proposed change is addressing an actual and current issue. Furthermore, it puts our site at risk if we should need to temporarily access that portion of the property for maintenance or emergency reasons. We have not received any complaints or concerns from neighbors regarding actual traffic in this area of our property. I would add that we voluntarily fenced and landscaped over the previous drive access on Parmer Ave the one time we were approached by a neighbor with an actual complaint.

Mr. Atwood spoke on the record at the end of the meeting about the need for Appendix C to be rewritten in a more comprehensive fashion. He and Michael Hedges spoke after the meeting and had a very productive conversation regarding Mr. Atwood's thoughts. At this point we believe it would benefit all parties to look at updating Appendix C in a more comprehensive fashion, to clarify and modernize the processes through which oversight and approval of new construction and activities are achieved.

We do want to be sensitive to the timelines that Mary and your office have regarding the larger overhaul of the city codes. We support and appreciate all the work that is being done in this regard and do not want to be an impediment or cause delay of any sort in this larger and more vital municipal project.

With that said, we believe that the basic tenets of oversight and clarity on construction, repair, alteration, and use of buildings on our site can be achieved through an efficient and collaborative revision of this document. If acceptable, we would ask our attorney to work with Doug Berry and your team to this end. This could either be approached

within the current
timeframe of the existing municipal code revision, or as a separate project. If
we are looking at it as a separate project, we would respectfully ask that the
current changes to Appendix C be withheld until a time such that the larger
overhaul can be
accommodated. Thank you for your time in considering our request.

I propose a change to paragraph (4) (f) in Appendix C as follows: DELETE “ No vehicular access of any kind is allowed off of Parmer Avenue.” and REPLACE WITH: “There shall be no vehicular ingress to the Historic Site from Parmer Avenue , nor shall there be any vehicular egress from the Historic Site to Parmer Avenue.”

You will recall that I addressed the latest Municipal Planning Board meeting in January and stated that I thought that the current revision of the Code should include a total re-work of Appendix C governing the Historic Site. The reason for my opinion is that there have been substantial and material changes to the use of the Historic Site (Belle Meade Plantation) over the past 20 years which have rendered the existing Appendix C to be almost totally irrelevant and unworkable. Having thought about my recommendation to the MPC in more detail, I am now suggesting that a revision to Appendix C be conducted in two phases. The first phase, which should be done now, would focus strictly on zoning changes to protect adjoining neighborhoods from disruptions due to the activities of the Historic Site in terms of traffic, noise, etc. The second phase, which will require far more time and effort, would be to revise Appendix C in its entirety to reflect the current quasi-commercial status of the Historic Site, and to codify how the Plantation’s activities and operations would be regulated and overseen by the City of Belle Meade.

My proposed changes to the code, with respect to the first phase, would require the Historic Site to create and maintain a substantial vegetative border between the plantation property and the full length of Parmer Avenue. This vegetative border should be maintained and possibly irrigated in order to make it a substantial year-round sound buffer between adjoining neighbors and the Historic Site. A further recommended change to the code would prohibit the Historic Site from using the north east corner of the property (or any other area) as a dumping and/or storage site for various construction and/or waste materials which for several years has created an eyesore for residents on Palmer, Scotland, and Bellevue S. Finally, the revised code should include the vehicular restrictions on and off of Parmer Avenue as outlined above.

Overall I think you and your team have provided clarity on various items. More clarity and clear "rules" when it comes to zoning creates a level playing field for all and I'm all for it. Let me know the rules and when they'll be enacted and we all make decisions accordingly.

My main concern remains the same from the former zoning code to the proposed new one. The zoning code as written when applied to lots with less than 300' of depth limit the ability to have creative and well defined architectural facades with depth and definition due to the "squeeze" in the building footprint created. If you review new construction homes built on lots less than 300' of depth since the adoption of the historic overlay, you'll see architecture with very little variances in the depths of the front elevation. Minimal to no front porches except those that slid through the "old" application of the zoning code where 60' of front porch protrusion through the front setback was allowed. This is happening because adding a beautiful 10x20 front porch on a home would result in "losing" the remaining building envelope to the right and left of the front porch along the front setback of the building envelope.

For example, a 200' wide lot where you have 100' of building envelope width would only have 10'x20' of that depth utilized, leaving the remaining 10x90' of depth unusable for conditioned space foot print.

Speaking from personal experience on our application, I think there is so much more opportunity for historic and architectural creativity if some kind of exception would be added to the code for front entries.

I believe a similar nominal exception for equipment (HVAC/ Pools/ETC) in the side or rear setbacks would improve architecture and function of new projects.

I hope this perspective is beneficial to everyone considering these revisions. While I know the perspective of a developer is not valued like that of a full time resident, I do care more than the average developer about the future design of new construction homes coming to Belle Meade and the surrounding areas.

1. Need Mechanical Equipment definition
2. "Rear yard." A required area of open space on a lot, unobstructed by manmade buildings or other structures, not otherwise permitted in this chapter, and located between the rear setback line and the rear lot line. I guess clarify that the rear yard is on the ground??
3. Swimming pool definition includes above-ground and on-ground pools...should it?
4. Questioning height of doghouse (would fall under 18' accessory structure height limit)
5. Create a new definition for a water feature under 18" in depth allowed outside the building envelope.
6. Add as a condition to detached garage "Garages shall have their doors facing to the side or rear of the property."
7. Add the following to the table regarding garage. "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." Probably rename just plain "garage" as "attached garage".

I believe these issues should be considered:

1. Corner lots. Our lot is one of the larger properties in our neighborhood. . We have lived here about 30 years. We have very large set backs from Iroquois and Royal Oaks. During that time, many homes with smaller lots have been allowed more leeway with their building envelope.

I think it's fair and reasonable to allow the corner lots , especially large corner lots, to have more usable space as well. The idea of corner lots having two front yards is unclear and unfair. The houses all face one direction, the front.

2. Members of committees: Our committees are made up of many professionals who benefit in business from their Belle Meade committee positions. If the city is for all home owners, the committees should reflect that. I understand the need for professional input, but should they be voting at all?

3. Communication. I think all homeowners NEAR new construction should be notified including those across the street, behind the property and at two or three houses from the construction. They are all impacted.

4. Regard for older homes. Our house is about 100 years old. At one time it had a formal garden, garden features and a carriage house that was torn down. We could completely remove our house, build one twice as large , move it toward the street to add features.

Instead, it would seem more appropriate and fair to be able to use our large front and side yard for garden additions and features . That option would keep the integrity of the neighborhood better than a giant new house. It seems the two older homes on our block have fewer options than the rest of Iroquois Avenue between Belle Meade and Lynnwood.

As an owner / resident of a house that will be zoned as a new Residence C district (XXXX), I feel that I am uniquely positioned to speak on this topic. My family spent significant time and resources with an amazing team (including Charlie Rankin and BFT Land Design) investigating how to expand our house to accommodate our young, growing family while keeping the character of 1938 Tudor Revival home. Specifically, after working for a year with our team as well as Lyle Patterson and previewing /adjusting our plans numerous times based on his feedback so that we were best positioned for success, we were told a month prior to going in front of the board

to not even bring the proposal forward. Frustrating, expensive, and heartbreaking. As a result, we bought and are renovating a 1925 house on the non-Belle Meade side of Westover (XXXXX) maintaining the character of that house while modernizing the interior.

That being said, there are a few issues not being addressed that should have separate guidelines compared to the four other districts based on use and mobility within the lot, namely (1) side setbacks; and (2) forward facing garages (there are forward facing two car garages on both sides of my house which is appropriate for narrow lots due to hardscape requirements and ingress/egress of automobiles and should be considered openly vs being an exception). Extending the building envelope forward and backward doesn't actually help as the hardscape required for a rear facing garage is significantly onerous, carves up too much of a beautiful backyard, and creates additional storm water issues due to the hardscape. Further, with the tight lot, the turnaround is practically impossible for a full size SUV (I used to work for GM and am intimately familiar with the turning radius required).

Proposal:

- * Side setbacks 30% of lot width vs 50% for other districts with min setback of 10% per side. For a 60 foot wide lot, this increases the building envelope to 42 feet from 30 feet and decreases a minimum side setback to 6 feet from 12 feet.
- * Allow forward facing / 45 degree garages behind house (not on front of house to maintain character of street)

Hi Mary: I received the notice on the re-designation of our property at XXXXXX to a Residence C.

Please correct me if I am wrong but I think the bottom line is: this allows builders or homeowners to put larger homes on these smaller lots since the biggest change is that the City is reducing setback provisions for front & back yards?

Like all homeowners that could be impacted by this change, I think the other question that everyone would ask is why is this a good thing for us? It has worked for many years so why the need for the change now?

1

Question - I read through the new proposed regs, and did not see anything about corner lots. We drew everything to comply with the restrictive existing codes pertaining to our side setback off Jackson. In the real world, we would have loved to have given ourselves a little more room to have a more functional garage and screened porch behind it. We would also love to have a real fence / wall (instead of a 3 footer) on the Jackson side of the back yard as we have three small kids and a lot of the neighborhood kids spend time at our house.

Am I missing the new proposed treatment of corner lots or have you guys not gotten that far yet? Thanks for everything you do!

Mary:

I've reviewed the latest draft of the proposed new ordinance, and really appreciate the work that you, and your team, have put into updating and clarifying the document. I think the new language, definitions and organization will certainly make navigating the zoning code much easier.

I did want to send you a few thoughts relative to some of the proposed changes to the code in hopes that they will be helpful as the City seeks to refine the draft proposal.

Basement FAR – My largest concern is with how basement space is being defined in the proposed code. I understand the desire of some residents to reduce the allowable size of homes, and recognize that homes built on sloping lots have experienced an advantage with no basement space being counted toward FAR. However, I think that the wording of the proposed code suggests that if there is grade access at any point around a building, then the whole basement counts towards FAR, whether the space is finished or not, or above ground or not. The reality of the lots in Belle Meade is that typically only a portion of the home's basement is accessible to grade level, with the rest being built into grade (eg. a walk-out basement that faces the back, or one side). In most of these cases, there is a portion of the basement level that can be finished living space, but a portion is most often then left unfinished due to a lack of windows and access to the outdoors. I think the language of the proposed code as it is written now,

"Any basement that has a door and/or pedestrian access/height at or above finish grade counts as gross floor area"

indicates that if there is an exterior exit available anywhere, the whole basement area must be counted toward FAR (see attached 'Illustration 1'). I think this will create a hardship on many properties around the city.

To explore an example of a 1 acre lot (43,560 s.f.), the allowable footprint would be 5,227 s.f. (12%) and the allowable FAR would be 7,405 s.f. (0.17). If the owner were to build a home with a footprint of 4,000 s.f. (1,227 s.f. under the allowable) which had a 3-car garage on the basement level, then they would already be over the allowable FAR, with a 4,000 s.f. 1st floor and a 4,000 s.f. basement level. As you can see, there is no room left to have a 2nd floor. There would not even be enough square footage available to have a pitched roof, since attic space over 5'-6" would also be counted toward FAR. This will require owners to place a large portion of their home in undesirable, underground space.

Keeping in mind that FAR is a measurement intended to control the overall "mass" of a house, I would propose the following possible solution. Perhaps finished basement area that is 18", or less, below surrounding finished grade should be counted toward FAR. I've attached an illustration of how this might be interpreted (see attached 'Illustration 2'). I believe that this would more effectively accomplish the goal of controlling FAR in that it is directly related to how much mass is exposed above finished grade.

Covered Porches included in Gross Floor Area – My concern with including covered porches in the gross floor area calculation is that it disincentivizes outdoor living spaces. While it will decrease the overall mass of the homes, I worry that houses will become more 'dense'...favoring indoor heated & cooled space to covered outdoor spaces. This change would also disincentivize covered accessory structures, such as covered pavilions around swimming pools, as they would be counted against FAR. I think

outdoor living spaces are not only desirable for today's lifestyles, but they also compliment the 'beautiful meadow' concept on which Belle Meade was founded. I would argue that covered porches are best kept a part of the 'hardscape' allowance.

Increasing area considered 'Gross floor area' while simultaneously reducing FAR allowance – It concerns me that the code would drastically increase the amount of space that counts toward Gross floor area, while simultaneously noticeably decreasing the value of the allowable FAR. I think the combination of both factors will drastically change the potential of lots within the City...perhaps more than intended.

Establishing an "in effect" date: I would ask that the City consider granting a grace period between the passage of the new zoning code, and actually starting to enforce the new code. I think this change, especially to the FAR requirements, will cause a burden for residents who are currently in the design process. The suggested changes to the code will make a substantial difference in the allowable size of homes, and there are undoubtedly homes currently in the process of being designed which will have to be drastically revised to accommodate the new code.

I would suggest a six-month gap between passage of the new code and the beginning of enforcement. I think that would give citizens, and design professionals, adequate warning to either get their projects finished, or adapt their design to the new code requirements. Enacting this change on such a short time line will likely cause citizens to incur large fees to redesign their project, and cause lengthy delays while plans are being revised. As a design professional actively designing projects in the city, I have projects for which I don't currently know how to advise clients, as I don't know how the final draft of the new code will read. I think this creates an undue burden on both citizens and design professionals, and I think a six-month grace period will provide for a smoother, more organized adoption of the new ordinance.

Zoning Map – I would like to suggest that the City consider adding color to the zoning map to help distinguish zoning districts. I think the existing map is difficult to read, and would suggest referring to zoning maps of both Oak Hill and Forest Hills to see how the use of color can help better designate zoning districts. (see attached 'Illustration 3'). While the City is in the process of updated and improving their code, this seems like a good time to make this improvement.

Residence 'C' – I think this new designation is a great idea. I would suggest the City consider expanding this to other areas that have unusually small lots, such as Bellevue Drive S., Deer Park Circle, Deer Park Ln.

Illustration 1

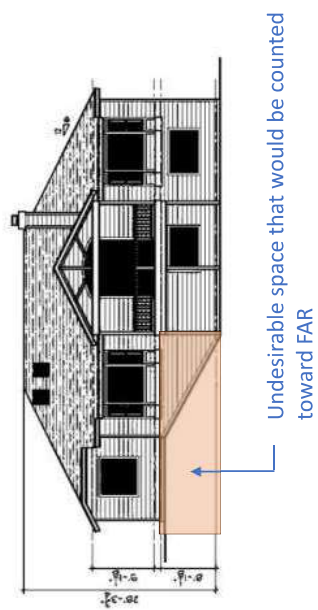
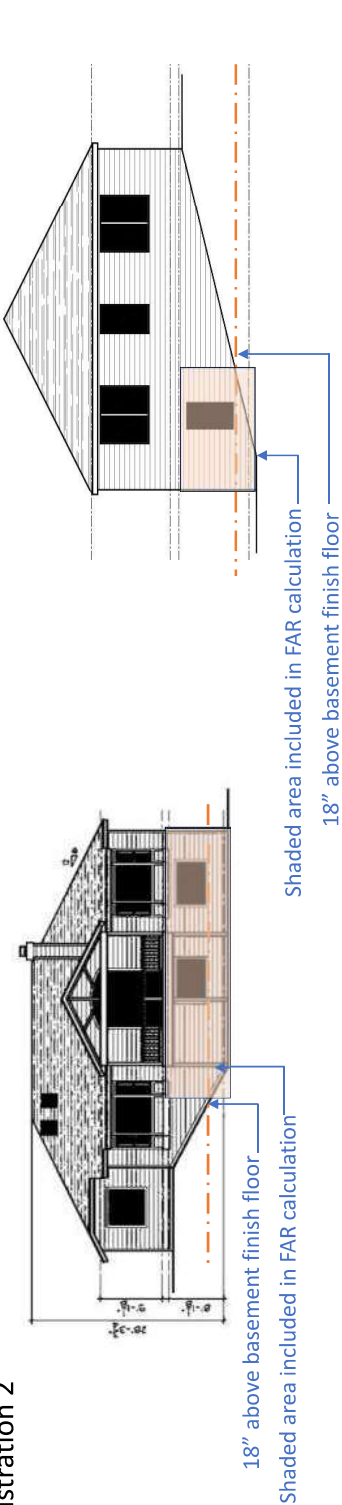
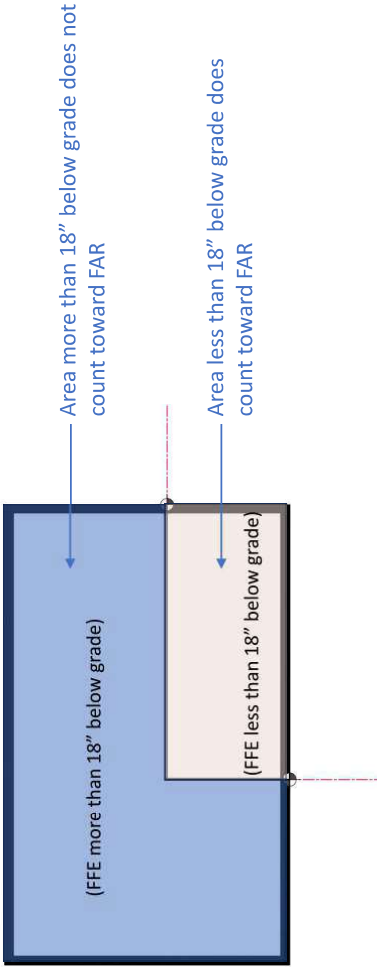


Illustration 2



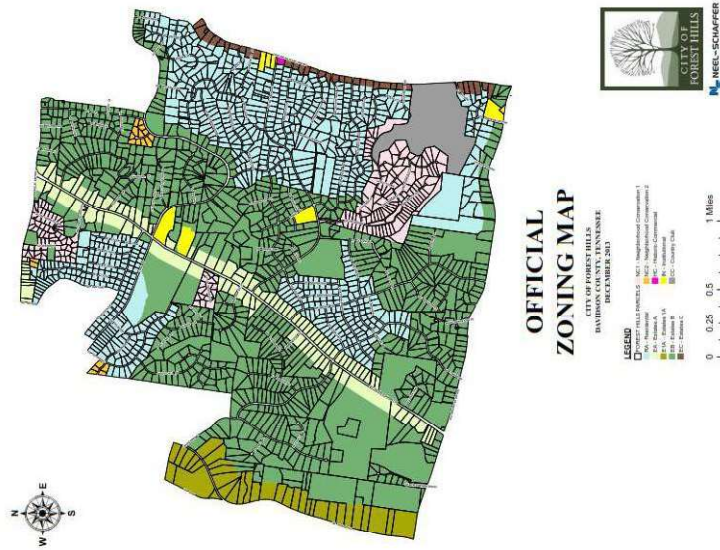
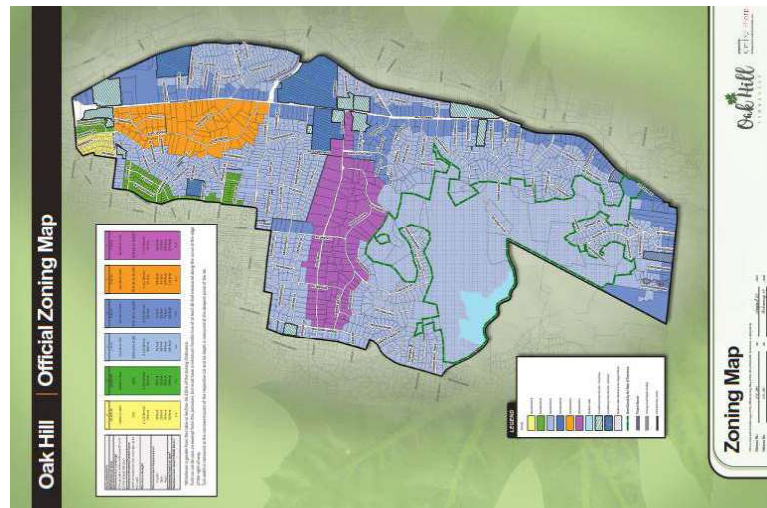
EXAMPLE REAR ELEVATION

EXAMPLE SIDE ELEVATION



EXAMPLE BASEMENT FLOOR PLAN

Illustration 3



Mary,

As discussed, I would like to provide my feedback to the summary changes of the new Belle Meade zoning ordinance:

I strongly oppose the proposed change relating to the reduction in FAR proposed in the new building code. I purchased my home in 2019 with an intent to live in it until my family needed more space. I made that decision with a great deal of thought knowing that the lot size I purchased could accommodate over 7,000 square feet of FAR, which would be the appropriate size for the expansion I planned for my lot when my family expanded and grew into needing that space.

Further, the price I paid for my lot in 2019 took the allowable FAR square footage into account in my calculations of the amount I would be able to pay for the lot given its expansion potential by code. The revised code limits my ability to build the future house that I had planned to build to accommodate my growing family and it materially diminishes the value of my lot as it reduces the square footage of the home that I can build on it. For these reasons, I am strongly opposed to the changes to the FAR proposed in the changes to the zoning ordinance.

My family is now expanding as planned and keeping with my original plan I intend to expand the FAR on my lot in the future according to my original intent when I purchased my lot. I am very disappointed to learn that the proposed change to the zoning would no longer allow me to build to the original expectations I had when I purchased the property.

Further, I don't understand how this can be justified while the new code creates a new zoning district for small lots that allow for a .225 FAR while reducing existing lots from that standard to the revised lower standard at 0.17.

Please let me know who I need to contact to discuss this further and what the next steps are for addressing this with the zoning change planning committee.

Belle Meade mansion has gotten a pass for years. they need to follow ,zoning and permitting procedures. I'm not sure why the state fire marshal isn't involved with them meeting life safety requirements for public assembly

I have read through the proposed changes, and want to point out an area that I feel would be overly punitive to corner lots (even though I know my addition has been grandfathered, so this is not a self-serving observation!)

Using my house for an example, which is XXXXXXXX, if you measure my lot in the real world, it contains about .8 acres when you take the Shepard Place setback into account. But, when you also take the Jackson Blvd setback into account – which is large – my legal acreage is .69. At a .225x, that would allow for a 6,763 SF coverage, which when you take into account porches, garages, etc, nets out a low 5,000s SF house. Belle Meade is an affluent neighborhood, and a 5,000 SF 4 bedroom house feels like a very reasonable size on what would be considered a smaller, infill lot.

But, with the new proposed .17x calculation, the total coverage would only be 4,370 SF, which nets out something in the high 3,000s, which feels more like a size that would be found in a much more urban neighborhood. It would not work well for my family of 5, and it would also be much smaller than the existing homes on the street and would feel totally out of place (not to mention most if not all of the houses that already exist on corner lots would be well over the new calc).

I would ask that you would consider including corner lots into the “Residence C” calcs, as otherwise all the corner lots in Belle Meade will be greatly reduced in intrinsic value, and the future homes that would be allowed to exist on them would likely be out of place with their peer residences.

I do not dispute the need to adjust the current zoning ordinance to bring clarity and to curb the massing of new or renovated houses. I would, however, advocate that the changes to the zoning ordinance be made in such a way to avoid unforeseen consequences.

With the Floor Area Ratio, the limits are being lowered, and the definition is being expanded to include more space than what has previously been included. This will squeeze the size of the houses more than people may realize. The allowable floor area ratio on smaller lots is being lowered from .225 to .17. This is a 32% reduction in allowable floor area. Walkout basements and covered porches will now be counted, which would further reduce the amount of first floor and second floor conditioned space that could be built. To understand the impact, please consider the houses under construction at 436 Lynnwood and 510 Park Hill. As designed, the house at 436 Lynnwood used 80% of the available floor area. With the new limits and new definitions, the house would need to be reduced in size by 43% in order to be brought into compliance. Similarly, the house at 510 Park Hill used 90% of the available floor area. With the new limits and new definitions, the house would need to be reduced in size by 40% to be brought into compliance. While I am sympathetic to the desire to reduce the massing of new houses, I do not think people would drive past those two houses and think that they are 40% too large.

If the changes to the Floor Area Ratio are that substantial, I believe there will be a glut of BZA cases in the future – typically claiming hardship based on lot size and topography.

The 20,000 square foot cap on FAR is not unreasonable to me. Oak Hill has a cap of 18,000 square feet for its largest lots. Oak Hill does not count attic space, but the 2,000 square foot difference makes them comparable. However, if the definition of gross floor area were further expanded, the 20,000 square foot cap would become more of an issue.

With detached garages being exempt from FAR calculations, can a definition for “detached” or “detached garage” be added to the zoning ordinance? This would help bring clarity. In Metro, if a garage is attached to the main house via an open-air breezeway, it is still considered detached. In Oak Hill, the same garage would be considered attached.

Lastly, I would submit for consideration that the city might benefit from granting a measure of

exemption to gross floor area, building footprint, and front setback requirements for covered front porches. If covered front porches count towards gross floor area the result will be a lack of front porches on new houses. If porches of a certain size were exempt from gross floor area and building footprint calculations, and they were allowed to encroach on the front setback, this would encourage more diverse designs – especially on smaller lots. I realize this runs counter to the goal of bringing clarity and simplicity to the zoning ordinance, but I think it is worth considering.

COMPILATION OF PUBLIC COMMENT BY TOPIC		
<i>FROM</i>	<i>ISSUE</i>	<i>NUMBER OF COMMENTS</i>
PUBLIC	FAR reduction for lots less than 40,000 sf not is Res C from .225 to .17	5
PUBLIC	Consideration of basements calculations for Gross Floor Area	5
PUBLIC	Expansion of Residence C	3
PUBLIC	Development standards in Appendix C and Parmer Ave access to Historic Site	3
PUBLIC	Allow corner lots to only have block averaging for actual front of house	3
PUBLIC	Keep covered porches as hardscape and not gross floor area	3
PUBLIC	Exempt front porches and mechanical equipment from setbacks and Gross Floor Area calculations	2
PUBLIC	Update Zoning Map to reflect each lots acreage range and add color	2
PUBLIC	Clarify attic calculation to minimum height	2
PUBLIC	Greater flexibility in demolition review process	1
PUBLIC	Expand types of home based businesses	1
PUBLIC	Clarify difference between carport and porte cochere	1
PUBLIC	Remove height exemptions for architectural features	1
PUBLIC	Suggestion of off-set for fences off the rear and clarify finished side	1
PUBLIC	Require screening for mechanical equipment and trash areas	1
PUBLIC	Allow administrative approval of amendments to HZC approvals	1
PUBLIC	Omit option for above ground or on ground pools	1
PUBLIC	Definition landscape water features under 18"	1
PUBLIC	Detached garage door placement (side or rear)	1
PUBLIC	Expand notice requirements	1

PUBLIC	Reduction of side setbacks	1
PUBLIC	Allow forward facing garages	1
PUBLIC	Establish a 6 month effective date for new zoning regulations	1
PUBLIC	Define detached garage and explain breezeways	1
MS	Definition of Affected Parties	
MS	Correct Table of Contents	
MS	Definition of Mechanical Equipment	
MS	Expand procedures for estate sale and their advertising	
	Rename attached garage	



OVERVIEW OF CHANGES TO THE BELLE MEADE ZONING ORDINANCE



BACKGROUND

The Belle Meade Zoning Code is the set of local standards that help create the quality and type of residential development envisioned by the Belle Meade community. The zoning code regulates land use, building size and placement, parking, landscaping and parcel size. These regulations use “zoning districts” to allow different standards that best fit the existing character of the different neighborhoods and define how property within the city limits may be developed or redeveloped.



BACKGROUND

The existing zoning regulations have not been comprehensively updated since 1997. In the past few decades, development patterns and building trends have changed in some significant ways. The current Zoning Ordinance needs to be rewritten to better fulfill the vision to preserve the “thoughtfully curated” character and distinctly “beautiful city in a meadow” described within the Belle Meade Together Plan.



BACKGROUND

In 2021, a consulting company was retained by the City to re-write the Zoning Ordinance. However, upon presentation of the final draft of that Ordinance, the City determined that it lacked the needed clarity and attention to detail necessary for a uniqueness of Belle Meade. Therefore, that draft Zoning Ordinance was not adopted.



BACKGROUND

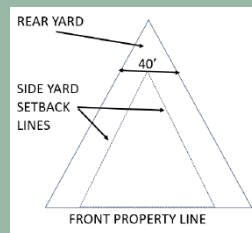
An internal review team was formed consisting of Commissioner Haley Dale, Municipal Planning Commission member Larry Wieck, City Manager Jennifer Moody, Planning Director Mary Samaniego, in consultation with City Attorney Doug Berry. This taskforce worked for several months to complete a comprehensive rewrite of the code that is easy to use, clarifies procedures and legal requirements, and incorporates some policy changes.



OVERVIEW OF CHANGES

EASE OF USE

- Overall consolidation and re-organization so all regulations for an issue (parking, detached garages, fences, Board of Zoning Appeals requirement, etc.) are in one section.
- Several new illustrations were added to clarify intent of said regulation.





OVERVIEW OF CHANGES

EASE OF USE

- A table has been created to streamline the setbacks, lot width, and minimum lot sizes of the different zoning districts.

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'



OVERVIEW OF CHANGES

EASE OF USE

- Communication Facilities are now a Conditional Use in the Appendices.
- Deleted previously stated requirement redundancies in the Appendices.
- Moved non-conforming section from Appendices to new Code section.



OVERVIEW OF CHANGES

EASE OF USE

- A large table has been created to clarify Board of Zoning Appeals approval, whether a structure is Gross Floor Area or Hardscape, building envelope placement, and conditions of approval.

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
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.



OVERVIEW OF CHANGES

EASE OF USE

- Many new definitions are added, and some existing definitions are expanded and clarified.
- Old provisions related to volume calculations have been deleted.
- Simplified setback calculation of triangular lots.
- Trucks larger than a pick-up truck are no longer prohibited but conditions added under the parking section.



OVERVIEW OF CHANGES

CLARIFYING PROCEDURES/LEGAL REQUIREMENTS

- Corner lot setback exemptions would be approved by Board of Zoning Appeals as a Variance and not the Planning Commission.
- Requirements related to subdivision of property to be moved to Subdivision Regulations.
- Overall Zoning Ordinance purpose statement added.



OVERVIEW OF CHANGES

CLARIFYING PROCEDURES/LEGAL REQUIREMENTS

- Clarified swimming pool requirements in relation to building code requirements.
- Revised temporary sign provisions to follow Zoning Case Law.
- Add approval process for the Historic Zoning Commission from the adopted City of Belle Meade design guidelines.



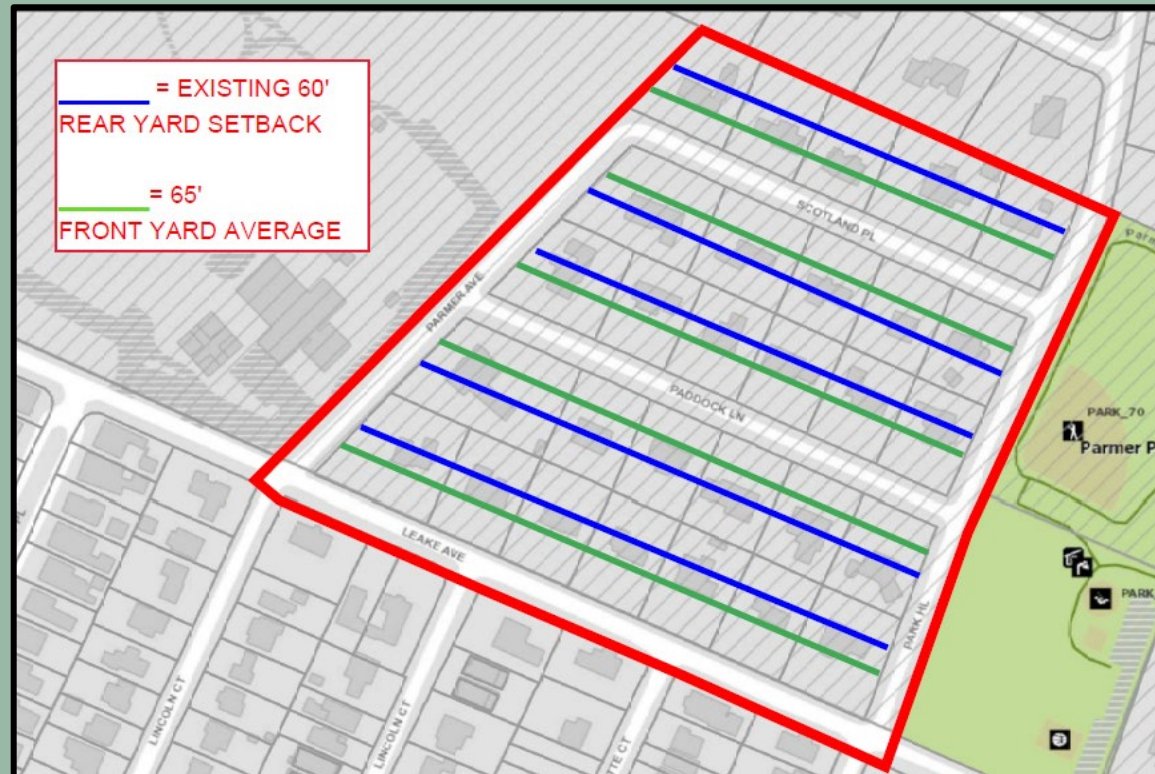
OVERVIEW OF CHANGES

POLICY CHANGES

- A new zoning district (Residence C) has been created to recognize the small lots on Scotland Place, Paddock Lane, Leake Avenue, and Parmer Avenue.



OVERVIEW OF CHANGES





OVERVIEW OF CHANGES

POLICY CHANGES

- Deleted sleeping quarters as an accessory use.
- Home-based businesses are now a Conditional Use approved by the Board of Zoning Appeals and not by right as an accessory use. The standards for this use have been clarified and broadened.



OVERVIEW OF CHANGES

POLICY CHANGES

- FAR calculates changed from
 - *For lots of more than forty thousand (40,000) square feet, the floor area ratio is .196.*
 - *For lots of forty thousand (40,000) square feet or less, the floor area ratio shall be .225. to*
 - *For zoning districts Residential A & B and Estate A & B: 0.17 and For zoning district Residential C: 0.225.*



OVERVIEW OF CHANGES

POLICY CHANGES

- A maximum of 20,000 square feet for a residence has been added City-wide.
- The calculation for gross floor area has been simplified to include everything under roof of the residence excluding basements not directly accessible from the outside.



OVERVIEW OF CHANGES

"Gross floor area" currently exempts:

- Attics less than five feet and six inches (5' 6")
- All vertical penetration areas for circulation/shaft areas that connect floors
- Cornices, pilaster, buttresses, etc. that extend beyond the exterior wall
- Roof overhangs of more than twenty-four inches (24")
- Covered but not enclosed porches
- Balconies
- Chimneys more than two feet (2') beyond the nearest wall
- Porte cocheres



OVERVIEW OF CHANGES

POLICY CHANGES

- Clarified residence height calculation and added new maximum height of 18' for all accessory structures.
- Differentiated between retaining walls and walls/fences along property lines. Walls/fence require a building permit and "good side" must face out.



OVERVIEW OF CHANGES

POLICY CHANGES

- Removed additional hardscape allowances for tennis courts.
- Added a condition for the Historic Site that no driveway to Parmer Avenue is allowed.



MOVING FORWARD

The draft ordinance is now available on the city's website for review and comment by the public. After all public comments are taken into consideration, a Final Draft Zoning Ordinance will be considered by the Municipal Planning Commission once and then it will proceed to a public hearing and consideration for approval by the Board of Commissioners during two separate meetings. According to the anticipated timeline, a new zoning ordinance could be in effect this spring.

SUMMARY OF CHANGES TO THE NEW BELLE MEADE ZONING ORDINANCE

EASE OF USE

- Overall consolidation and re-organization so all regulations for an issue (parking, detached garages, fences, Board of Zoning Appeals requirement, etc.) are in one section.
- Several new illustrations were added to clarify intent of said regulation.
- A table has been created to streamline the setbacks, lot width, and minimum lot sizes of the different zoning districts.
- Communication Facilities are now a Conditional Use in the Appendices.
- Deleted previously stated requirement redundancies in the Appendices.
- Moved non-conforming section from Appendices to new Code section.
- Many new definitions are added, and some existing definitions are expanded and clarified.
- A large table has been created to clarify what uses require a Board of Zoning Appeals approval, whether a structure is calculated using Gross Floor Area or Hardscape, if the structure is required to be in the building envelope, and any additional specific conditions of approval.
- Old provisions related to volume calculations have been deleted.
- Simplified setback calculation of triangular lots.
- Trucks larger than a pick-up truck are no longer prohibited but conditions added under the parking section.

CLARIFYING PROCEDURES/LEGAL REQUIREMENTS

- Corner lot setback exemptions would be approved by Board of Zoning Appeals as a Variance and not the Planning Commission.
- Requirements related to subdivision of property to be moved to Subdivision Regulations.
- Overall Zoning Ordinance purpose statement added.
- Clarified swimming pool requirements in relation to building code requirements.
- Revised temporary sign provisions to follow Zoning Case Law.
- Add approval process for the Historic Zoning Commission from the adopted City of Belle Meade design guidelines.

POLICY CHANGES

- A new zoning district (Residence C) has been created to recognize the small lots on Scotland Place, Paddock Lane, Leake Avenue, and Parmer Avenue.
- Deleted sleeping quarters as an accessory use.
- Home-based businesses are now a Conditional Use approved by the Board of Zoning Appeals and not by right as an accessory use. The standards for this use have been clarified and broadened.
- FAR calculates changed from (A) *For lots of more than forty thousand (40,000) square feet, the floor area ratio is .196. (B) For lots of forty thousand (40,000) square feet or less, the floor area ratio shall be .225.* to *For zoning districts Residential A & B and Estate A & B: 0.17 and For zoning district Residential C: 0.225.*
- A maximum of 20,000 square feet for a residence building area has been added City-wide.
- The calculation for gross floor area has been simplified to include everything under roof of the residence excluding basements not directly accessible from the outside.
- Clarified residence height calculation and added new maximum height of 18' for all accessory structures.
- Differentiated between retaining walls and walls/fences along property lines. Walls/fence require a building permit and "good side" must face out.
- Removed additional hardscape allowances for tennis courts.
- Added a condition for the Historic Site that no driveway to Parmer Avenue is allowed.

From: [John Scott Kendall](#)
To: [Mary Samaniego](#)
Subject: Brief Comments & Recommendations - March 19, 2024 Municipal Planning Commission meeting
Date: Thursday, March 14, 2024 9:18:06 AM

Mary, please see my brief comments and recommendations for the proposed ordinance.

I was not able to find the redline of the existing ordinance marked with the changes, so I spent time comparing the existing ordinance to the new proposed ordinance page by page.

After review, I believe the committee has worked hard to provide a streamlined ordinance for the modern world, and at the same time they have kept many of the paragraphs and much of the mathematical framework exactly as before, which is wonderful.

The few items to consider changing, in my view, are:

- <!--[if !supportLists]-->• <!--[endif]-->I recommend the original FAR & GFA mathematical framework & definitions remain unchanged. The new proposed FAR & GFA are modified and more restrictive. The original FAR & GFA were carefully refined over many decades and have been producing marvelous results, preserving and enhancing the original intent of Belle Meade.
- <!--[if !supportLists]-->• <!--[endif]-->Max pool size was reduced from 3% to 2%.
Recommending to change back to 3%.
- <!--[if !supportLists]-->• <!--[endif]-->Maximum GFA of 20,000 sf appears to be completely new. Recommending to just remove any maximum GFA.
- <!--[if !supportLists]-->• <!--[endif]-->Recommend adding back in paragraph 204.2 “Exempt Lateral Projections.” This is standard in most luxury small cities, for example Jupiter Island,...
- <!--[if !supportLists]-->• <!--[endif]-->The illustrations need to be turned into outline forms without detail so to not set any design standard unintentionally
- <!--[if !supportLists]-->• <!--[endif]-->Table 2 under “Mechanical Equipment” says “solar panels may be installed upon the roof of any building.” Belle Meade should discourage solar panels on visible front roofs.
- <!--[if !supportLists]-->• <!--[endif]-->Need to add a sentence: "Communication Towers are prohibited in Belle Meade except for the existing tower at _____, which is subject to the following . . .
- <!--[if !supportLists]-->• <!--[endif]-->Paragraph 14-208 3(B)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” – while this language is in the original ordinance, it would seem better to remove ‘substantially’ and change to: “*a finding by the board that the same will be subject to such conditions and safeguards as will protect the character of the community and the use and enjoyment of adjacent property by its owners and occupants, and will not be out of harmony with existing development in the neighborhood*”
- <!--[if !supportLists]-->• <!--[endif]-->A significant one that I believe is essential that we need to add is: all neighbors within 250 feet of any proposed variances or new construction will be notified in writing, via either email or letter.

Doug,

Thank you for talking with me this afternoon about the proposed revisions to Appendix C. As we discussed, Belle Meade Historic Site has no plans or intent to allow regular access to the Historic Site from Parmer Avenue. The Historic Site, however, believes it is important to maintain access from Parmer Avenue in two very limited respects: to respond to emergency situations and to facilitate site maintenance that cannot be reasonably accomplished through other access. In that regard, I am sending you the Historic Site's proposed revisions to Appendix C, Subsection (4)(f):

(f) No vehicular access of any kind is allowed off of Parmer Avenue; except that access is permitted for (1) responding to emergencies; and (2) site maintenance upon approval by the city manager following reasonable notice, which approval shall not be unreasonably withheld.

Please call me if you want to discuss this further, and Michael Hedges plans to attend Tuesday's planning commission meeting and will be happy to answer questions then.

Best regards,
Bob

BASS BERRY + SIMS

Bob Cooper
Member

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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 of the City of Belle Meade. Such 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 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 terms established by prior ordinances to which they are appointed hereunder, and upon expiration of these terms, the mayor shall appoint their successors, each of whom shall serve a term of three years so that the terms of two or three members of said commission shall expire each year. Any vacancy in membership shall be filled for the unexpired term by the mayor, who shall also have authority to accept the resignation of any such appointed member. Any member of the municipal planning commission may be removed before the expiration of their term by the mayor with the consensus of the board of commissioners. The board of commissioners shall elect the successor to the commissioner 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 commission may be approved by a majority vote of those present, and failure to receive such approval shall constitute a rejection or denial of such matter or proposal.

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

SECTION

14-201. Title and purpose

(1) Title

(2) Purpose and Authority

14-202. Definition

(1) General statement

(2) Terms and definitions

14-~~202~~203. Zoning Districts

(1) Zoning Map

(2) Zoning Districts

(3) Historic Overlay Districts

(4) Zoning Boundary Determination

Table 1. District Bulk and Setback Regulations

14-~~203~~204. Uses.

(1) General statement.

(2) Permitted Residential Uses

(3) Conditional Non-residential Uses

(4) Conditional Residential Uses

(5) Prohibited Uses

Table 2. Use Special Approval, Calculations, Placement, and Conditions

14-~~204~~205. Development Standards.

(1) General statement.

(a) Number of dwellings

(b) Footprint and Floor Area Ratio

(c) Hardscape Ratio

(d) Swimming Pool Ratio

(e) Principal Use Height

(f) Accessory Structure Height

(g) Height Exemptions

(h) Fences and Walls

(i) Retaining Walls

(j) Parking

(k) Change in Elevation

14-~~205~~206 Temporary Signs

14-~~206~~207 Procedure before the Historic zoning commission

14-~~207~~208 Board of zoning appeals

14-~~208~~209 Non-Conforming Uses and Structures

14-~~209~~210 Site Plans and other information to accompany permit applications

14-~~210~~211 Occupancy Permits

14-~~211~~212 Amendments

14-~~212~~213 Effective Date

14-~~213~~214 Enforcement

14-~~214~~215 Penalty for Violations

14- 215 <u>216</u>	Ordinances in Conflicts
14- 216 <u>217</u>	Validity
14- 217 <u>218</u>	Statement of Compliance
14- 218 <u>219</u>	Appendices

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. 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.
 - (e) "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) "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) "Communication 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) "Communication 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.
- ~~(j)~~ "Conditional 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.
- ~~(+)(k)~~ 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.
- ~~(+)(l)~~ "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.
- ~~(+)(m)~~ "Driveway/parking area." A private vehicle access route and associated parking areas between the street and a use on a lot, plot, or site.
- ~~(+)(n)~~ "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.
- ~~(+)(o)~~ "Floor area ratio." That ratio is defined by the numerator of "gross floor area" as divided by the square footage of the lot.
- ~~(+)(p)~~ "Front building line." That portion of the dwelling defined by its exterior wall, which is closest to the front lot line.
- ~~(+)(q)~~ "Footprint." All ground areas occupied or covered by a dwelling whether enclosed or not.
- ~~(+)(r)~~ "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.
- ~~(+)(s)~~ "Garden 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.
- ~~(+)(t)~~ "Green space." The undeveloped portion of a lot planted with grass, trees, flowers, shrubs, or other vegetation.
- ~~(+)(u)~~ "Greenhouse". A glass or plastic enclosed building used for cultivating plants.
- ~~(+)(v)~~ "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. Any basement that has a door and/or pedestrian access/height at or above finish grade counts as gross floor area (image below).



BASEMENT AREA COUNTS AS GROSS FLOOR AREA

(v)(w) "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)(x) "Hardscape ratio." The ratio of the square footage of hardscape to the square footage of the lot.

(x)(y) "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)(z) "Home-based Business." 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)(aa) "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)~~(bb) "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)~~(cc) "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)~~(dd) "Lot of 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)~~(ee) "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)~~(ff) "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)~~(gg) "Mechanical 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)~~(hh) "Multi-family Housing." A structure or group of structures with more than one dwelling unit intended to provide temporary or permanent housing.
- ~~(hh)~~(ii) "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)~~(jj) "Open 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)~~(kk) "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)~~(ll) "Pool house." A structure constructed in connection with a swimming pool, which may contain bathrooms, dressing rooms and cooking facilities.
- ~~(ll)~~(mm) "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)~~(nn) "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)~~(oo) "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)~~(pp) "Retaining walls." Retaining walls are walls constructed for the purpose of retaining earth.
- ~~(pp)~~(qq) "Right-of-way." A general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to transportation purposes.
- ~~(qq)~~(rr) "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)~~(ss) "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)~~(tt) "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)~~(uu) "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.

~~(uuu)~~(vv) "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.

~~(vvv)~~(ww) "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.

~~(www)~~(xx) "Sports 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.

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

~~(yyy)~~(zz) "Swimming 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.

~~(zzz)~~(aaa) "Tennis Court." including all areas within their enclosures.

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

~~(ddd)~~(eee) "Zoning Map." A map of the City of Belle Meade, Davidson County, Tennessee, prepared by Barge, Cauthen & Associates dated October 24, 2006, as revised by this ordinance.

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.

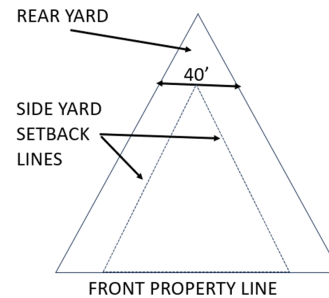
TABLE 1. District Bulk and Setback Regulations

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 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 Sheds.
 - v) Dog houses.
 - vi) Children's playhouses.
 - vii) Landscape water feature.
 - viii) Hot tubs and spas
 - ~~ix)~~ Mechanical equipment location.
 - ~~ix)~~ 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. 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 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 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>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<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.</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	<u>None 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</u>

					<u>the hardscape calculations.</u>
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</u>

					<u>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	No <u>*</u>	No	Yes	Yes	Having a depth of more than eighteen inches (18") <u>shall be</u>

Water Feature					<u>in the building envelope. *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. 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: 0.17
 - 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 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 shall exceed forty (40') in height as measured at the front building line. No dwelling shall have a height of less than fifteen feet (15') feet. The maximum height of a structure along its sides or rear shall not exceed fifty feet (50') measured from the finished grade.



- (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) ~~Parapet walls extending not more than four feet (4') above and in line~~

- ~~with the external walls of the main building;~~
~~i) ii)~~ Chimneys not extending more than twelve feet (12') above the point at which the chimney penetrates the roof of the main building
~~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) iii)~~ 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) iv)~~ 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) 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 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) The board of zoning appeals established in Title 2 of the Belle Meade Code shall be governed by the following provisions and have full power and authority to hear appeals and to apply and construe the provisions of this chapter in all matters properly brought before it.
- (2) 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 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.
 - (c) Proper 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.
 - (d) A notice of the pending hearing and of the relief sought shall be posted by the city building official on the property affected at least five (5) days before the scheduled hearing.
- (3) 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.
- (5) 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, 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) Activities:
 - (a) Prior to the commencement of any activity, a historic home or site shall request a permit for activities to be conducted on the site during the course of the following twelve-month period.
 - (b) The permit shall be reviewed and resolved by the commissioners at the next scheduled meeting of the board of commissioners for which there has been provided timely notice of the review of the permit.
 - (c) In reviewing the request for permit, is anticipated that the following activities fall within the approved uses of a historic home or site:
 - (i) Sales of customary gift shop items;
 - (ii) Sale of food and beverages including the operation of a restaurant facility subject to review and approval of terms and conditions imposed by the board of commissioners in connection with the issuance of a permit for such operations;
 - (iii) As many as three (3) special "fair or "festival" type 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.

**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)

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 ~~officially~~ 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

SECTION

- 14-201. Definition
- (1) General statement
 - (2) Terms and definitions
- 14-202. Zoning Districts
- (1) Zoning ~~Map~~map
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14-201. Title and purpose.

- (1) 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.~~
 - ~~(e)~~(c) "Building envelope." The area on a lot available for the construction of a dwelling, or other accessory buildings incidental to the same, enclosed by the front setback line, the rear setback line, and the two side setback lines.

- (d) "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.~~
- (e) "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.
- (f) "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.
- (g) "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.
- (h) "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.
- (i) "Driveway/parking area." A private vehicle access route and associated parking areas between the street and a use on a lot, plot, or site.
- (j) "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.
- (k) "Floor area ratio." That ratio is defined by the numerator of "gross floor area" as divided by the square footage of the lot.
- (l) "Front building line." That portion of the dwelling defined by its exterior wall, which is closest to the front lot line.
- (m) "Footprint." All ground areas occupied or covered by a dwelling whether enclosed or not.
- (n) "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.
- (o) "Garden ~~Structure~~structure." A detached decorative structure that is used in conjunction with the use and enjoyment of outdoor areas. Examples of Garden ~~Structures~~structures include but are not limited to: ~~Potting~~potting sheds, ~~Arbors~~, ~~Pergolas~~, ~~Gazebos~~, ~~Outdoor Fireplaces~~arbors, pergolas, gazebos, outdoor fireplaces.
- (p) "Green space." The undeveloped portion of a lot planted with grass, trees, flowers, shrubs, or other vegetation.
- (q) "Greenhouse". A glass or plastic enclosed building used for cultivating plants.
- (r) "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. Any basement that has a door and/or pedestrian access/height at or above finish grade counts as gross floor area (image below).



BASEMENT AREA COUNTS AS GROSS FLOOR AREA

- (v)(s) "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)(t) "Hardscape ratio." The ratio of the square footage of hardscape to the square footage of the lot.
- (x)(u) "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)(v) "Home-based ~~Business~~business." This use must be completely within the residence or completely within any accessory structure and may include:
- 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)(w) "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)(x) "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)(y) "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)~~(z) "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.

~~(ed)~~(aa) "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)~~(bb) "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)~~(cc) "Mechanical ~~Equipment~~equipment"

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

~~(hh)~~(ee) "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)~~(ff) "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)~~(gg) "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)~~(hh) "Pool house." A structure constructed in connection with a swimming pool, which may contain bathrooms, dressing rooms and cooking facilities.
- ~~(ii)~~(ii) "Porte cochere." A roofed structure extending from 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)~~(jj) "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)~~(kk) "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)~~(ll) "Retaining walls." Retaining walls are walls constructed for the purpose of retaining earth.
- ~~(pp)~~(mm) "Right-of-way." A general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to transportation purposes.
- ~~(qq)~~(nn) "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)~~(oo) "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)~~(pp) "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)~~(qq) "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)~~(rr) "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)~~(ss) "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)~~(tt) "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)(uu)~~ "Storage ~~Shed~~shed". Structures for the housing or storage of tools, machinery and/or equipment for the general maintenance of a residence.

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

~~(aaa)(xx)~~ "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)(yy)~~ "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)(zz)~~ "Zoning Map"Zoning map." A map of the City of Belle Meade, Davidson County, Tennessee, prepared by Barge, Cauthen & Associates dated October 24, 2006, as revised by this ordinance.

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.~~

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.

~~(a)~~

~~(b)~~(a) 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.

~~(e)~~(b) 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)~~(c) 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)~~(d) Neighborhood conservation overlay is applied to all five (5) zoning districts in the city and within the boundaries of the entire city.

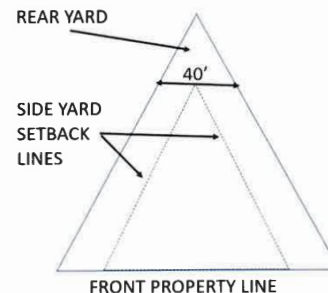
TABLE 1. District Bulk and Setback Regulations

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) -Garage or porte cochere attached to the main dwelling or residence.
 - ii) Living quarters.
 - iii) Garden structures.
 - iv) Storage ~~Shed~~sheds.
 - v) Dog houses.
 - vi) Children's playhouses.
 - vii) Landscape water feature.
 - viii) Hot tubs and spas
 - ix) Mechanical equipment location.
 - (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~~non-residential uses.
 - (a) Churches. ~~See Appendix A~~, other places of worship, and schools.
 - (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
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	None
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.
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	No	Yes	Yes	Having a depth of more than eighteen inches (18").
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

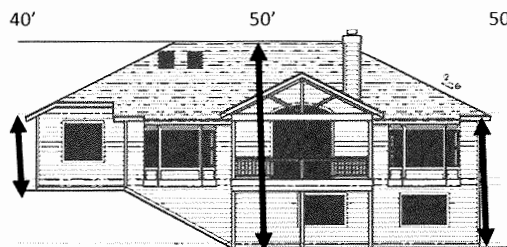
					included in a building or structure shall be located at or below ground level within the building envelope in which such building or structure is also located. Solar panels may be installed upon the roof of any building.
Patio/Deck	No	No	Yes	No	None
Pool House	Yes - CU	No	Yes	Yes	None
Porte Cochere	No	Yes	No	Yes	All dwellings constructed after September 1, 1997, shall have such a 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.
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 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: 0.17
 - 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 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 shall exceed forty (40') in height as measured at the front building line. No dwelling shall have a height of less than fifteen feet (15') feet. The maximum height of a structure along its sides or rear shall not exceed fifty feet (50') measured from the finished grade.



- (f) No accessory residential structure shall exceed eighteen (18') in height as measured at the front setback line.
- (g) The following shall be exempt from the height provisions:
 - i) Parapet walls extending not more than four feet (4') above and in line

- with the external walls of the main building,
 - ii) Chimneys not extending more than twelve feet (12') above the point at which the chimney penetrates the roof of the main building
 - 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) 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
 - iii) 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.
 - iv) 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.
 - 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 a 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 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~~ (HZA) for review and approval. No permit of any kind shall be issued until such a certificate of appropriateness has been issued by the HZA. The HZA shall require detailed construction plans and data pertinent to its review. The planning director will advise the HZA 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 HZA shall act within thirty (30) days of acceptance of a completed CoA application and materials submittal. The HZA shall grant the CoA with or without conditions or deny the same, and shall state the grounds for any denial in writing.
- (5) The HZA will make their decisions on CoA applications based on the design guidelines. In making its review the HZA 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 HZA has delegated to the planning director the ability to administratively approve work without prior review of the work by the HZA. 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 HZA.
 - (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 HZA meeting must be held.
- (8) If plans change while construction work is in progress, a new CoA application must be submitted and another HZA 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 as are set forth in this chapter and Tennessee Code Annotated §§13-7-201 to 207.
- (2) *Administrative review.* The board may ~~hear appeals and to apply and construe~~ 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 ~~in all matters properly and brought before it~~ the board of zoning appeals on appeal by any person deeming to be adversely affected by such action;
- (3) ~~(2)~~ *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 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.

- (e) ~~Proper notice~~ (b) 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.
- (d)(c) 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 be~~ 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.~~

- ~~(5)~~—(6) *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.

**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 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) 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.**

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)

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

SECTION

- 14-201. Title and purpose
- (1) Title
 - (2) Purpose and Authority
- 14-202. Definition
- (1) General statement
 - (2) Terms and definitions
- 14-202203. Zoning Districts
- (1) Zoning ~~Map~~map
 - (2) Zoning ~~Districts~~districts
 - (3) Historic ~~Overlay Districts~~overlay districts
 - (4) Zoning ~~Boundary Determination~~boundary determination
- Table 1. District Bulk and Setback Regulations
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- (1) General statement.
 - (2) Permitted ~~Residential Uses~~residential uses
 - (3) Conditional ~~Non-residential Uses~~non-residential uses
 - (4) Conditional ~~Residential Uses~~residential uses
 - (5) Prohibited ~~Uses~~uses
- Table 2. Use Special Approval, Calculations, Placement, and Conditions
- 14-204205. Development Standards.
- (1) General statement.
 - (a) Number of dwellings
 - (b) Footprint and ~~Floor Area Ratio~~floor area ratio
 - (c) Hardscape ~~Ratio~~ratio
 - (d) Swimming ~~Pool Ratio~~pool ratio
 - (e) Principal ~~Use Height~~use height
 - (f) Accessory ~~Structure Height~~structure height
 - (g) Height ~~Exemptions~~exemptions
 - (h) Fences and ~~Walls~~walls
 - (i) Retaining ~~Walls~~walls
 - (j) Parking
 - (k) Change in ~~Elevation~~elevation
- 14-205206 Temporary Signssigns
- 14-206207 Procedure before the Historic-historic zoning commission
- 14-207208 Board of zoning appeals
- 14-208209 Non-Conforming Usesconforming uses and Structuresstructures
- 14-209210 Site Plansplans and other information to accompany permit applications
- 14-210211 Occupancy Permitspermits
- 14-211212 Amendments
- 14-212213 Effective Datedate
- 14-213214 Enforcement
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14- 215 <u>216</u>	Ordinances in Conflicts <u>conflict</u>
14- 216 <u>217</u>	Validity
14- 217 <u>218</u>	Statement of Compliance <u>compliance</u>
14- 218 <u>219</u>	Appendices

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)~~ (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.

~~(j)~~(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.

~~(l)~~(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.

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

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

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

~~(p)~~(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.

~~(q)~~(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.

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

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

~~(t)~~(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 ~~Business~~business." 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)~~(v) "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.

~~(kk)~~(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)~~(rt) "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)~~(vw) "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.

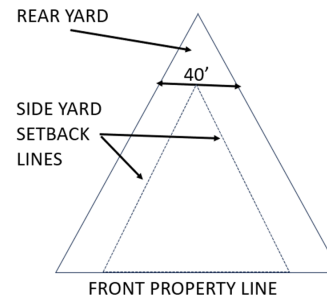
TABLE 1. District Bulk and Setback Regulations

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 ~~Sheds~~sheds.
 - 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 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.
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. *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. 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.

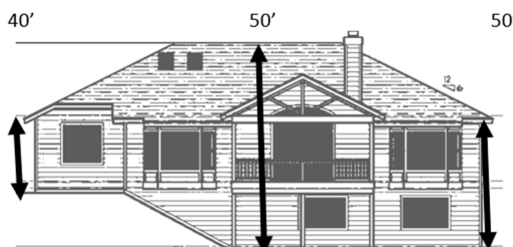
CU - Conditional Use approval by the board of zoning appeals subject to criteria in Section 14-208(3)(b)

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: ~~0.17~~0.20

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 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 structuredwelling~~ 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) Parapet walls extending not more than four feet (4')~~ above and in line with the external walls of the main building;
 - ~~i) ii) Chimneys not extending more than twelve feet (12')~~ above the point at which the chimney penetrates the roof of the main building
 - ~~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) iii) 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) iv) 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) 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.
- (c) ~~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.~~
- ~~(5) 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

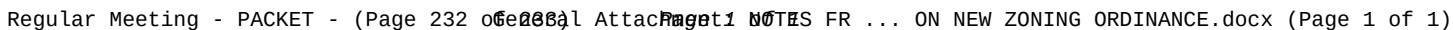
height when planted and shall be located in a minimum of two (2) rows with the plants staggered and spaced ten feet (10') apart. All landscaping and screening requirements shall be set forth on the conditional use site plan.

- (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)



The following attachment is not a PDF, so a link to the native file format is being provided instead:

[NOTES FROM MPC WORK SESSION ON NEW ZONING ORDINANCE.docx \(LINK\)](#)