



APPENDIX A

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I. METROPOLITAN CODE OF LAWS

§15.64.010 *et. seq.*

Chapter 15.64 - STORMWATER MANAGEMENT

15.64.010 - Definitions.

As used in this chapter, the following words and terms shall have the meanings ascribed herein:

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. This is the regulatory standard also referred to as the "100-year flood."

"Base flood elevation" means the computed elevation to which floodwater is anticipated to rise during the base flood. Base flood elevations (BFEs) are shown on Flood Insurance Rate Maps (FIRMs) and on the flood profiles.

"Channel" means a natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.

"Community waters" means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, springs, wetlands, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the Metropolitan Government of Nashville and Davidson County.

"Contaminant" means any physical, chemical, biological or radiological substance or matter.

"Department" means the Metropolitan Government of Nashville and Davidson County's Department of Water and Sewerage Services.

"Director" means the Director of the Metropolitan Government of Nashville and Davidson County's Department of Water and Sewerage Services, or his designee.

"Discharge" means any substance disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means, intentionally or unintentionally, into community waters, the waters of the state, or any area draining directly or indirectly into the municipal stormwater system of the metropolitan government.

"Drainage basin" means a part of the surface of the earth that is occupied by and provides surface water runoff into a drainage system which consists of a surface stream or a body of impounded surface water together with all tributary surface streams and bodies of impounded surface water.

"Erosion" means the disintegration or wearing away of the earth's surface by the action of wind and water.



"Flood" means water from a river, stream, watercourse, lake or other body of standing water that temporarily overflows and inundates adjacent lands and which may affect other lands and activities through increased surface water levels, and/or increased ground water level.

"Floodplain" means the relatively flat or lowland area adjoining a river, stream, watercourse, lake, or other body of standing water which has been or may be covered temporarily by flood water. For administrative purposes, the "floodplain" is defined as the 100-year floodplain, which is the area predicted to be inundated by the base flood.

"Floodproofing" means a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.

"Flood protection elevation" means at least four feet above the base flood elevation for residential construction and at least one foot above the base flood elevation for non-residential construction.

"Floodway" means that portion of the stream channel and adjacent floodplain required for the passage or conveyance of a 100-year flood discharge. The floodway boundaries are placed to limit encroachment in the floodplain so that a 100-year flood discharge can be conveyed through the floodplain without increasing the water surface elevation by more than a foot at any point and without producing hazardous velocities or conditions. This is the area of significant depths and velocities, and due consideration should be given to effects of fill, loss of cross-sectional flow area, and resulting increased water surface elevations.

"Floodway fringe" means that portion of the floodplain lying outside the floodway. This is the area of the floodplain that may be developed or encroached upon as long as the water surface elevation of the 100-year flood is not increased.

"Green infrastructure" means an approach to wet weather management that is cost-effective, sustainable, and environmentally friendly, which incorporates management approaches and technologies that infiltrate, evapotranspire, capture and reuse stormwater to maintain or restore natural hydrologies. Green infrastructure practices include, but are not limited to open space, rain gardens, porous pavements, green roofs, infiltration planters, trees and tree boxes, swales, and curb extensions.

"Green street" means a public right-of-way that utilizes green infrastructure to manage wet weather flows and enhance water quality.

"Human occupancy" means any portion of any enclosed structure wherein humans principally live or sleep, such as mobile homes, permanent residential activities, semitransient residential activities, health care community facilities, nursing home community facilities, orphanages, family care facilities, group care facilities, or transient habitation.



"Impervious area" means the portion of a parcel of property that is covered by any material, including without limitation roofs, streets, sidewalks and parking lots paved with asphalt, concrete, compacted sand, compacted gravel or clay, that substantially reduces or prevents the infiltration of storm water. Impervious area shall not include natural undisturbed surface rock.

"Infill (regulated residential)" means the creation of eight hundred to fifteen thousand square feet of additional net impervious area (IA) for a residential dwelling(s) through new development, redevelopment, or rehabilitation in existing neighborhoods.

"Lot" means a tract, plot or portion of a subdivision parcel of land intended as a unit for the purpose, whether immediate or future, for transfer of ownership or for building development.

"Metropolitan government" means the Metropolitan Government of Nashville and Davidson County.

"Municipal separate storm sewer system of the metropolitan government" means a conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, and storm drains) designed or used for collecting or conveying stormwater; provided, however, that sanitary and combined sewers are not included in the definition of the municipal separate storm sewer system.

"Non-residential property" shall mean a parcel of property that is not a residential property as defined in this section.

"Non-stormwater discharge" means any discharge to the municipal separate storm sewer system except as permitted by subsection 15.64.205(C) of this section.

"One-hundred-year flood" is one that has an average frequency of occurrence of once in one hundred years, determined from an analysis of floods on a particular watercourse and other watercourses in the same general region. Statistically, it has a one percent chance of occurring in any given year.

"Public system" shall mean and include storm water and flood control devices, structures, conveyances, facilities or systems, including natural watercourses, streams, creeks and rivers used wholly or partly to convey or control storm water or flood water within the jurisdictional boundaries of the metropolitan government. The public system shall include, without limitation, natural conveyances (a) for which the metropolitan government has assumed maintenance responsibility; (b) to which the metropolitan government has made improvements; (c) which have or may pose a threat to public property because of flooding; or (d) for which the metropolitan government is accountable under federal or state regulations governing protection of water quality.

"Qualified control structure" shall mean a device, structure, or practice meeting design standards and approved by the department that substantially limits the discharge and / or discharge rate of



storm water from a parcel of property into or through any public system or that substantially improves the purity of storm water so discharged.

"Residential property" shall mean any property whose primary use, as shown on the use and occupancy permit issued by the Department of Codes Administration, is residential single-family or residential two-family.

"Stormwater" shall mean stormwater run-off, snow melt run-off, surface run-off, street wash waters related to street cleaning and maintenance, infiltration other than infiltration contaminated by seepage from sanitary sewers or other discharges and drainage.

"Structure" means anything constructed or erected, the use of which requires a more or less permanent location on or in the ground. Such construction includes but is not limited to objects such as buildings, towers, smokestacks, overhead transmission lines, carports and walls. Structure shall not include fences.

"Structure, permanent" means a structure which is built of such materials and in such a way that it would commonly be expected to last and remain useful for a substantial period of time.

"Structure, temporary" means a structure which is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life, or is built for a purpose that would commonly be expected to be relatively short-term.

"User" shall mean the owner of record of a non-exempt residential or non-residential property or the person or entity in possession if other than the owner.

"Watercourse" means a channel, natural depression, slough, gulch, stream, creek, pond, reservoir, or lake in which storm runoff and flood water flows either regularly or infrequently. This includes major drainageways for carrying urban storm runoff.

"Waters of the state" means any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine to effect a junction with natural surface or underground waters.

(Ord. BL2016-513 § 1, 2017; Ord. BL2014-910 § 1, 2014; Ord. BL2011-940 § 2, 2011; Ord. BL2009-407 § 10, 2009; Ord. BL2008-345 § 1, 2009; Ord. BL2007-1440 § 1, 2007; prior code § 40-1-226)

15.64.015 - Stormwater division.

There is hereby created a stormwater division within the metropolitan department of water and sewerage services ("MWS"), which in coordination with the department of public works, the metropolitan finance director, the metropolitan department of codes administration and the metropolitan planning commission, shall have the responsibility for compliance with the Clean Water Act of 1977, as amended and the National Pollution Discharge Elimination System permit



(NPDES) and applicable regulations for stormwater discharges; developing stormwater management plans; identifying capital requirements and developing necessary financing for maintenance and rehabilitation of existing and new stormwater facilities; collecting fees and charges for the division; educating the public on the importance of stormwater management and pollution control; developing written regulations and technical guidelines as may be necessary to enforce the terms of this chapter; and other related duties as required by the director ("director") of MWS.

MWS shall be responsible for plan approval and construction inspection of both private stormwater facilities and public stormwater facilities. Additionally, MWS may accept the responsibility for the operation and maintenance of private stormwater facilities only pursuant to criteria defined and adopted by the stormwater management committee and upon a written agreement approved by the metropolitan council.

(Ord. BL2016-513 § 2, 2017; Ord. BL2009-407 § 11, 2009; Ord. BL2007-1440 § 2, 2007)

15.64.020 - Director of the department of water and sewerage services—Authority.

- A. The director of the department of water and sewerage services, with the approval of the mayor, shall establish written regulations and technical guidelines as may be necessary to enforce the terms of this chapter. These regulations shall be filed in the metropolitan clerk's office.
- B. Reserved.
- C. The director of the department of water and sewerage services shall have the authority to inspect private drainage systems within the county, and to order such corrective actions to said private drainage systems as are necessary to maintain properly the major and minor drainage systems within the county.

(Ord. BL2016-513 § 3, 2017; Ord. BL2009-407 § 12, 2009; prior code § 40-1-227)

15.64.030 - Reserved.

Editor's note— Ord. BL2016-513, § 4, passed April 4, 2017, repealed § 15.64.030, which pertained to director of codes administration—Authority and derived from prior code § 40-1-228.

15.64.031 - Reserved.

Editor's note— Ord. BL2009-407, § 13, passed March 17, 2009, repealed § 15.64.031, which pertained to funding and derived from Ord. BL2007-1440 § 3, 2007.

15.64.032 - Stormwater fees.

- A. Storm Water Utility and User Fee Established. There is established a storm water utility and a system of storm water user fees for each parcel of property in Davidson County. The fees shall be used by the metropolitan government, acting through the department, exclusively for operation and management of the storm water utility and such storm water



and flood control purposes as authorized in Tenn. Code Ann. § 68-221-1101, et seq. The fees shall be owed jointly and severally by the property owner of record and the person or entity in possession of such property in the amounts shown in Table 15.64.032. For each property having multiple dwelling or commercial units and more than one water meter, the director shall fairly allocate the storm water user fees owed among users based on their actual or estimated proportionate contribution to the storm water discharged by that property.

B. Exemptions. The following properties shall be exempt from payment of the fees created by this section:

1. Owners and/or operators of agricultural land (see T.C.A. § 1-3-105(2)(A)(i) and T.C.A. § 68-221-1102(1)), in the municipality, upon which the owner or operator conducts activities that enable the owner or operator to satisfy the requirements of a qualified farmer or nurseryman (as defined by T.C.A. § 67-6-207(e)). The specific criteria for exemption of agricultural properties applies to parcels which are actively engaged in the commercial production of agricultural commodities (defined by T.C.A. § 67-6-301(c)(2)).
2. Properties from which no storm water is discharged into or through the public system.
3. Properties having no impervious area.
4. Properties wholly within the corporate boundaries of Belle Meade, Berry Hill, Forest Hills, Goodlettsville, and Oak Hill. Provided, however, that each such city may, upon approval of its legislative body, enter into the contract attached as Exhibit A to this ordinance, such that all property within its boundaries will participate in the metropolitan government's storm water utility and system of storm water user fees in the same manner as the remainder of the area within the General Services District. Such contract between any of the above cities and the metropolitan government shall be filed with the metropolitan clerk upon being executed.

C. Adjustments.

1. Properties on which a properly functioning qualified control structure has been installed shall be entitled to a downward adjustment in the fees established by this section in proportion to the improvement achieved by the qualified control structure in the purity of storm water discharged to the public system or the reduction achieved by the qualified control structure in rate or quantity of storm water discharged to the public system or both.
2. A downward adjustment of not more than fifty percent in the fees established by this section shall be available to any entity exempt from taxation under state or federal law that provides to its students or members a regular and continuing program of



- education approved by the director and concentrating on stewardship of water resources and minimization of demand on the public system.
3. The director shall develop regulations governing the fair and reasonable application of adjustments for properties entitled to one or more adjustment under the terms of this subsection. Prior to the adoption of such regulations governing adjustments in the fees, the regulations shall be published, and public comment thereon received and considered. Further, such regulations shall be approved by the stormwater management committee before becoming effective.
- D. Application. Adjustments created under this subsection shall be granted by the director upon written application by the user of any qualifying property and submission of such supporting documentation as the director may reasonably require. The director may, upon not less than thirty written days' notice, revoke a previously granted adjustment or cease to recognize an exemption upon his determination that the affected parcel of property does not qualify for the adjustment or exemption.
- E. Appeals.
1. Appeals relating to exemptions shall be taken to the stormwater management committee within sixty days after the department issues a bill for storm water fees indicating that an applicable exemption has not been recognized.
 2. An appeal from any decision made by the director under this section, including a decision relating to an adjustment or allocation among users of a single property, shall be taken to the stormwater management committee within sixty days after issuance of the decision.
 3. Users shall be entitled to appeal the department's calculation regarding the amount of the user's impervious area to the stormwater management committee. In the event the stormwater management committee approves a reduction in the amount of billable impervious area, such user's storm water fee shall be adjusted accordingly on a prospective basis. Users shall not be entitled to a refund or credit of storm water fees paid prior to said appeal.
- F. Collection. The director shall bill the fees established by this section to users who are retail customers of the department on their regular monthly water or sewer bills. The fees shall be shown as a separately identified line item. The director shall directly and at least semi-annually bill the fees created by this section to users not receiving water or sewer service from the department or shall contract for the inclusion of such fees on bills issued to the customers of other utilities operating in Davidson County, such contracts to be approved by resolution of the metropolitan council.
- G. Remedies. In addition to any other remedy available to the metropolitan government under law or contract, the department shall discontinue water service to the property of any user



who fails to pay the fees established by this section in accordance with the procedures regularly used by the department when customers fail to pay bills for water or sewer service. Fees established under this section shall constitute a lien against the property served, which lien shall run with the land. The metropolitan government may enforce the lien as prescribed by law.

- H. Regulations. The director shall promulgate regulations to facilitate administration of this section. Prior to adoption, such regulations shall be published, and public comment thereon received and considered. The regulations further shall be approved by the stormwater management committee before becoming effective. Any material change in the regulations shall be made in accordance with the same process.
- I. Review of impervious area. The department shall review all user properties at least every five years to ensure such users are being billed for the correct amount of impervious area. Upon completion of the periodic review, if a user's amount of impervious area has changed, the department shall adjust such user's storm water fee accordingly to reflect the updated amount of impervious area.

Table 15.64.032
GRADUATED STORM WATER USER FEE SCHEDULE

All with less than 400 square feet of Impervious Area \$0.00 Monthly Fee		
Residential Properties	Impervious Surface Area (Square Feet)	Monthly Fee
Tier 1	400—2,000	\$1.50
Tier 2	2,001—6,000	\$6.00
Tier 3	more than 6,000	\$11.00
Condominium (per unit)		\$3.00
Non-Residential Properties	Impervious Surface Area (Square Feet)	Monthly Fee
Tier 1	400—6,000	\$10.00
Tier 2	6001—12,800	\$30.00
Tier 3	12,801—25,600	\$70.00
Tier 4	25,601—51,200	\$150.00
Tier 5	51,201—300,000	\$300.00
Tier 6	300,001—1,000,000	\$650.00
Tier 7	more than 1,000,000	\$1,300.00
Condominium (per unit)		\$10.00

(Ord. BL2017-908 § 1, 2017; Ord. BL2017-588 § 1, 2017; Ord. BL2016-513 §§ 5—10, 2017; Ord. BL2009-407 §§ 8, 9, 2009; Amdt. 1 to Ord. BL2007-1440 § 4, 2007; Ord. BL2007-1440 § 4, 2007)



Editor's note— Exhibit A to Ord. BL2009-407 is not set out herein, but is on file and available for inspection in the metropolitan clerk's office.

State Law Reference— The Tennessee legislature, in Public Chapter 1143, provided a new standard related to agricultural exemptions for the stormwater fee. Refer to T.C.A. 68-221-107, based on Public Chapter 1143.

15.64.033 - Reserved.

Editor's note— Ord. BL2009-407, § 13, passed March 17, 2009, repealed § 15.64.033, which pertained to collection of fees and derived from Ord. BL2007-1440 § 5, 2007.

15.64.034 - Reports of stormwater division.

The director of MWS shall submit an annual written report to the metro council and shall personally appear annually before a joint meeting of the council public works and budget and finance committees on the stormwater management program. Such report shall contain, at a minimum:

1. A list of properties that are exempt from the stormwater fees or have been granted adjustments under Section 15.64.032. The report shall identify each property by street address and owner name, and shall state the adjustment amount granted or the basis for considering the property exempt.
2. A list of all stormwater projects completed within the previous year for each council district broken down by priority category.
3. The status of the stormwater management program in metro.
4. The fee structure imposed to fund the implementation of the stormwater program and the adequacy of funds to implement the program.
5. Any long-range plans which have been developed to implement the provisions of this chapter.
6. The status of any projects to control stormwater run-off.
7. Any other information deemed relevant by the director or upon request of the public works or budget and finance committees of the metropolitan council.

(Ord. BL2016-513 § 11, 2017; Ord. BL2007-1440 § 6, 2007)

15.64.040 - Stormwater management committee—Created.



- A. There is created a metropolitan stormwater management committee which shall consist of seven members.
- B. The membership of the committee shall be as follows:
 - 1. Four members who shall be registered professional engineers in the State of Tennessee with expertise in civil engineering, hydraulics, hydrology, and/or environmental sciences; and
 - 2. Three lay members from the community at large.
- C. The members shall be appointed by the mayor and confirmed by a majority vote of the whole metropolitan council.
- D. The members appointed by the mayor shall have been residents of the metropolitan government area for not less than one year, and shall continue to be so eligible as long as they shall serve.
- E. Appointed members of the committee shall serve a term of four years. The terms of office of the first appointed members shall be staggered, two for a term of two years, two for a term of three years, and two for a term of four years.

(Ord. BL2012-127 § 1, 2012; Ord. 89-1017 § 1, 1990; prior code § 40-1-229(a))

Editor's note— Ord. No. BL2012-127, § 4, states that all current members shall remain in office and all current alternate members shall be converted to full members.

15.64.050 - Stormwater management committee—Organization.

Within ten days after its appointment, the stormwater management committee shall organize itself by election of one of its members as chairman and another as vice-chairman, who shall serve for a period of one year or until his successor shall have been chosen. The director of the department of water and sewerage services shall appoint the secretary to the committee who shall be the custodian of the minutes and records of the proceeding of the committee. The director of law shall appoint a legal advisor to the committee.

(Ord. BL2012-127 § 2, 2012; Ord. BL2007-1440 § 7, 2007; prior code § 40-1-229(b))

15.64.060 - Stormwater management committee—Compensation.

All appointed members of the committee shall serve without compensation, and may be removed from membership on the committee by the mayor for continued absence from meetings of the committee, physical disability, or other just cause.

(Prior code § 40-1-229(c))



15.64.070 - Stormwater management committee—Replacement of members.

Replacement of any appointed member of the committee resigning or dismissed from the committee shall be appointed by the mayor and confirmed by the metropolitan council in the same manner as prescribed for regular appointees. Any member appointed as a replacement shall serve only for the remainder of the term of the member replaced, unless subsequently reappointed for an additional term.

(Prior code § 40-1-229(d))

15.64.080 - Stormwater management committee—Regulations—Meetings—Duties.

The stormwater management committee shall adopt such rules and regulations as it may deem necessary to conduct its business. The committee, in open meeting, shall hear all appeals, variance requests, and other relevant issues under the provisions of this chapter. The committee shall meet at regular monthly intervals with the day and time to be determined by the chairman. In the event no appeals have been filed and there is no business pending, the chairman may cancel the meeting ten days before its scheduled date.

(Ord. BL2016-513 § 12, 2017; prior code § 40-1-229(e))

15.64.090 - Stormwater management committee—Voting regulations.

Four members of the stormwater management committee shall constitute a quorum. A majority vote of members present shall be required for actions by the committee. In the event that a quorum is not present, an application shall be readvertised for the next regular meeting. No member of the committee shall act in any case in which he has a personal interest.

(Ord. BL2012-127 § 3, 2012; prior code § 40-1-229(f))

15.64.100 - Appeal and variance request procedure.

- A. 1. Whenever the director of the department of water and sewerage services shall uphold enforcement taken by the department for violations of this chapter or the regulations established in the Metropolitan Government of Nashville and Davidson County Stormwater Management Manual, Volume 1 - Regulations, the owner or authorized agent may appeal the decision of the director to the stormwater management committee. All appeals must be filed within thirty days after an adverse decision by the director of the department of water and sewerage. A filing fee in the amount established pursuant to Section 15.64.215 shall be charged to each applicant payable to metro water services.
2. Whenever the director of the department of water and sewerage services shall reject or refuse to approve a plan for noncompliance with this chapter or the regulations established in the Metropolitan Government of Nashville and Davidson County Stormwater Management Manual, Volume 1 - Regulations, the owner or authorized



agent may appeal the decision of the director to the stormwater management committee. All appeals must be filed within thirty days after an adverse decision by the director of the department of water and sewerage services. A filing fee in the amount established pursuant to Section 15.64.215 shall be charged to each applicant payable to metro water services.

3. An applicant may request a variance from the regulations established in the Metropolitan Government of Nashville and Davidson County Stormwater Management Manual, Volume 1 - Regulations, by submitting a completed application to appear before the committee. A filing fee in the amount established pursuant to Section 15.64.215 shall be charged to each applicant payable to metro water services.
- B. Any action taken by the committee shall be by motion which shall state the reasons therefore with particularity. All the decisions of the committee shall be by resolution, must be in writing, and must indicate the vote of each member of the committee upon the decision, and shall specify in what manner such variation or modifications shall be made, the conditions upon which they are to be made, and the reasons therefore.
 - C. Unless otherwise stated, every decision of the committee shall be final; subject however, to such remedy as any aggrieved party or the metropolitan government may have at law or in equity. Every decision shall be promptly entered into the minutes of the meeting of the committee by the secretary and filed with metro water services. The records of the committee shall be open to public inspection, and a copy of each decision shall be sent by mail or otherwise to each appellant.
 - D. The committee shall, in every case, render a decision without unreasonable or unnecessary delay.

(Ord. BL2016-513 § 13, 2017; Ord. BL2007-1440 § 8, 2007; Ord. BL2001-642 § 1, 2001; prior code § 40-1-229(g))

15.64.110 - Issuance of building and occupancy permits—Approval by director of the department of water and sewerage services.

- A. Prior to the issuance of a use and occupancy permit for any structure within a development, unless exempted by Section 15.64.130, in which the drainage system is to be dedicated to the metropolitan government, the drainage system shall be inspected and accepted by director of the department of water and sewerage services personnel.
- B. Prior to the issuance of a use and occupancy permit for any structure in a development, unless exempted by Section 15.64.130, where the drainage system is to remain private, a registered engineer shall submit to the director of the department of water and sewerage services a certificate that the drainage system is complete and functional in accordance with the plans approved by the director of the department of water and sewerage services.



- C. No building permit, except for structures exempted in Section 15.64.130, shall be issued until grading, drainage and erosion control plans are approved by the director of the department of water and sewerage services or his designee, and the grading permit is issued.
- D. Grading permits for certain projects, as described herein, shall be valid only for a period of eighteen months from the date of issuance. This limitation shall apply to project sites meeting each of the following criteria:
 - i. No contemporary building permit or use and occupancy permit has been issued or requested for the project site property;
 - ii. The project site is located upon a local street, minor local street, or arterial or collector street consisting of two lanes or less, according to the Major and Collector Street Plan;
 - iii. The project site is on a lot adjacent to a residential zone district or a district permitting residential use; and
 - iv. The project site is not owned by the Metropolitan Government of Nashville and Davidson County, the Metropolitan Nashville Airport Authority, the Nashville Electric Service, the Metropolitan Transit Authority, or the Metropolitan Development and Housing Authority.

Upon expiration of grading permits for properties meeting the criteria set forth in this subsection, such permits may be renewed only upon the adoption of a resolution, after a public hearing, by the metropolitan council receiving twenty-one affirmative votes to approve the permit renewal. Subject to the approval of the department of water and sewerage services, permits approved for renewal may be re-issued for an additional eighteen months without an additional application and review process.

As a condition of the issuance of grading permits subject to this section, the expiration or non-renewal thereof shall require the previously permitted operator to satisfy any closure requirements deemed necessary by the department of water and sewerage services for purposes of ensuring site stabilization and site stormwater management functionality, including installation of stormwater infrastructure and/or stormwater control measures, within a reasonable period of time.

- E. Any nonpermitted drainage system or construction or fill located within a floodplain, shall upon written notice from the director of the department of water and sewerage services, be removed at the property owner's expense.
- F. Metro water services may withhold approvals and grading permit issuance from any person, partnership, limited partnership, joint venture, corporation or any other type of business entity or related entity who has another grading permit project or building permit that is



currently in violation of stormwater regulations. For purposes of this section, partnerships, limited partnerships, joint ventures, corporations or other type of business entities owned or operated by common person(s) or having common person(s) involved in the day-to-day operation of the business will be viewed as a related entity unless a significant change of control can be evidenced.

(Amdt. 1 to Ord. BL2019-1475 § 1, 2019; Ord. BL2019-1475 § 1, 2019; Ord. BL2016-513 §§ 14, 15, 2017; Ord. BL2007-1440 § 9, 2007; prior code § 40-1-232)

15.64.120 - Construction that may increase degree of flooding prohibited.

All construction, whether by private or public action, shall be performed in such a manner as to:

- A. have no material increase in the degree of flooding in its vicinity or in other areas whether by flow restrictions, increased runoff or by diminishing retention capacity;
- B. have no adverse impact for site design including, but not limited to, no rise in the 100-year base flood elevations on any project or development located in a documented floodplain as a result of development;
- C. meet such other requirements as may be determined by the department of water and sewerage services.

The department of water and sewerage services shall promulgate regulations consistent with this section.

(Subst. Ord. BL2010-794 § 1, 2010; prior code § 40-1-230(a))

15.64.130 - Review of building permits—Drainage control referrals—Exemptions.

The department of water and sewerage services shall have authority to review all building permit applications which shall be referred to it by the department of codes administration or by officials of the satellite cities within the general services district to determine whether there is a need for plans for drainage, grading and/or erosion control. In making permit referrals to the department of water and sewerage services, the department of codes administration shall exempt permits for the following:

- A. Single-family to two-family individual residential dwellings in any given area that do not alter a drainage channel, do not alter the natural ground elevation or vegetation by an amount greater than specified in the technical guidelines to be issued by the metropolitan department of water and sewerage services, or do not meet the definition of regulated residential infill;
- B. Commercial or industrial development that:



1. Disturbs less than ten thousand square feet,
 2. Does not alter a drainage channel, and
 3. Does not alter the natural ground elevation by more than five feet.
- C. The exemptions listed in subsections A and B shall not be construed as exempting these activities from on-site drainage improvements that may be required in accordance with adopted building and construction codes, nor from compliance with Sections 15.64.150 through 15.64.180 and Sections 15.64.200 and 15.64.210.

(Ord. BL2016-513 § 16, 2017; Ord. BL2014-910 § 2, 2014; Ord. BL2007-1440 § 10, 2007; prior code § 40-1-230(b))

15.64.131 - Infill development—Applicability and requirements.

- A. No project shall add impervious area without meeting the requirements of this section, unless otherwise specifically exempt from regulation pursuant to this section.
- B. There shall be three tiers of infill development for projects that are subject to infill regulation by this section:
1. Tier I - Projects creating between eight hundred and two thousand five hundred square feet of net additional IA and with the total lot IA exceeding 30.0% must treat, by means of capture of the first inch of rainfall runoff, an IA equal to the net increase of IA.
 2. Tier II - Projects creating between two thousand five hundred and eight thousand square feet of net additional IA, without regard to total lot IA percent must treat, by means of capture of the first inch of rainfall runoff, an IA equal to the net increase of IA.
 3. Tier III - Projects creating between eight thousand and fifteen thousand square feet of net added IA, without regard to total lot IA percent, must treat, by means of capture of the first inch of rainfall runoff an IA equal to the net increase of IA. Additionally, the project design must insure there is not an increase in the 10-year storm peak flow from the site, and be certified by a professional engineer.
- C. Construction projects that meet the definition of regulated residential infill shall include provisions for the management of the first inch of rainfall runoff from an impervious area equal to the net added impervious area; and shall not be exempt from the provisions of Section 15.64.120 concerning prohibition of increase in the degree of flooding.
- D. Prior to the net addition of at least eight hundred square feet of impervious area or issuance of a building permit, a sufficient development plan and supporting information required by the latest version of the regulated residential infill guidance document shall be submitted to



and approved by the metropolitan department of water and sewerage services.

- E. The net added impervious area shall be calculated by subtracting the IA present in the aerial photography data obtained by metro in March 2014 from the proposed post-development IA and maintaining the original property boundary as the regulated project boundary, regardless of subdivision, re-plat, horizontal property regime, or any other modification of property boundaries by deed or plat.
- F. The owner/developer of a project meeting the definition of regulated residential infill shall endeavor to treat the first inch of rainfall runoff from net added impervious area using methods from the regulated residential infill guidance document. If this treatment proves impractical, analysis of the downstream management system to identify adequate drainage per the regulated residential infill guidance document or improving downstream drainage to mitigate a known flooding problem with assistance from a professional engineer may be considered for all or part of the one-inch treatment requirement.
- G. The metropolitan department of water and sewerage services shall have the authority to offer additional runoff volume reduction measures and incentives. Refer to the latest version of the regulated residential infill guidance document for details.
- H. Notwithstanding other provisions of this section to the contrary, excluded from infill regulation are projects that:
 - 1. Add less than eight hundred square feet of net new IA,
 - 2. Add more than fifteen thousand square feet of net new IA,
 - 3. Are on lots larger than forty thousand square feet, or
 - 4. Are on lots with a grading permit previously filed with the metropolitan department of water and sewerage services, as long as the post-construction IA conforms to the original grading plan.
- I. Projects on lots larger than forty thousand square feet may seek infill classification on a case-by-case basis.

(Ord. BL2014-910 § 3, 2014)

15.64.140 - Property developments—Drainage and erosion control plans required when.

- A. Persons responsible for property developments shall be required to submit detailed grading and drainage plans, with supporting calculations prepared by a registered engineer, to the department of water and sewerage services for review and approval prior to initiation of work. Where applicable, an erosion control plan prepared by a design professional or soil scientist shall be included in order to prevent sedimentation from reducing the flow



carrying capacity of the downstream drainage system.

- B. For purposes of this section, property developments shall include the grading, excavation, clearance or other alteration of the landscape for other than agricultural purposes, whether or not a building application has been filed, and whether or not subdivision of the land or construction on the land is contemplated in the near future.
- C. Review of a Grading and Drainage Plan.
 - 1. Authorization to Review. The metropolitan council is authorized to review grading drainage plans or permits issued by the department of water and sewerage services.
 - 2. Initiation. Review of a grading permit and drainage plan may be initiated by the district metropolitan council member via a written request to the director of water and sewerage services.
 - 3. Notice of Review. Within five business days of the initiation of a review, the department of water and sewerage services shall send written notice to the zoning administrator, the owner(s) of property for which the review has been requested, and the chairman of the public works committee of the metropolitan council.
 - 4. Procedure. Within thirty days from the initiation of its review, the public works committee shall hold a public hearing after consideration of the request by the public works committee to consider whether grading activity on the site is in compliance with the grading permit and drainage plan issued by the department of water and sewerage services and, if not, whether the permit should be suspended.
 - a. Determination of compliance. To determine if the grading activity on a site is not in compliance with the approved grading permit and drainage plan, after consideration of the request the public works committee shall establish at least two of the findings below at a public hearing (although establishment of two or more of these findings does not necessarily require determination of noncompliance).
 - i. The grading permit has been active for more than six months.
 - ii. No building or use and occupancy permit has been issued by the department of codes administration.
 - iii. Fill from off-site grading has been brought to and stored on the site.
 - b. When compliance is determined. If the public works committee determines that the grading activity on a site is in compliance with the approved grading permit and drainage plan, the review is concluded and grading may commence in accordance with the approved grading permit and drainage plan.



- c. Determination that grading activity is not in compliance with approved grading permit and drainage plan. If the public works committee determines that the grading activity on a site is not in compliance with the approved grading permit and drainage plan, the public works committee shall recommend to the metropolitan council that the permit be revoked via a council resolution.
5. No building permit for new building construction shall be submitted, reviewed or issued within the portion of the site for which a review has been initiated during the pendency of that review until one of the following has occurred:
 - a. The public works committee renders a final action as to whether the grading activity is in compliance with the approved grading permit and drainage plan; or
 - b. A revised plan is submitted and approved by the department of water and sewerage services, following a determination by the metropolitan council that the grading activity on site is not in compliance with the approved grading permit and drainage plan; or
 - c. Six months have passed since the initiation of a review, with no action taken by the metropolitan council.
 6. The provisions of this ordinance shall sunset two years from the date of approval.

(Ord. BL2019-1475 § 2, 2019; Ord. BL2017-908 § 2, 2017; Ord. BL2016-513 §§ 17, 18, 2017; prior code § 40-1-230(c))

15.64.150 - Application of Tennessee Water Quality Control Act and Federal Water Pollution Control Act.

Approval by the metropolitan government does not relieve the developer of obtaining any permits required by the Tennessee Water Quality Control Act and Federal Water Pollution Control Act.

(Ord. BL2016-513 § 19, 2017; prior code § 40-1-231(f))

15.64.160 - Applicability of floodplain regulations.

Uses permitted within the floodplain shall be in accordance with Article V of Chapter 17.36 of this code. The regulations and controls set forth in this chapter shall be applied within the areas designated on the zoning map or on special overlays thereto which are made a part of this chapter, and may be viewed upon request at the office of the metropolitan clerk. However, nothing contained herein shall prohibit the application of the regulations in Article V of Chapter 17.36 to lands which can be demonstrated by competent engineering survey, using the adopted profiles from which the flood protection elevation is derived, to lie within any floodplain, and conversely, any lands which can be demonstrated by competent engineering to lie beyond the floodplain shall not be subject to the regulations in Article V of Chapter 17.36. Any lands within the areas designated as floodplains on the zoning map or special overlays thereto shall be subject



to the regulations and controls pertaining to floodplains as set forth in this chapter.

(Ord. BL2016-513 §§ 20, 21, 2017; Subst. Ord. BL2010-794 § 2, 2010; prior code § 40-1-231(a))

15.64.170 - Development within floodways—Restrictions.

- A. No new structure shall be constructed within the floodway. Notwithstanding the foregoing, a structure located in the floodway as of the effective date of this ordinance may be maintained and may be repaired in the event of a casualty loss not exceeding fifty percent of appraised value of improvements on the property, provided that no such existing structure located in the floodway shall be enlarged or expanded beyond its existing height or building footprint.
- B. Notwithstanding the provisions of subsection A. to the contrary, the stormwater division may allow the construction of the following types of structures within the floodway, consistent with the provisions of the stormwater management manual, provided that the structure is designed and engineered, in such a manner so as to have no adverse impact:
 - a. Grade-level surface parking areas, paths and hiking trails.
 - b. Temporary structures, defined in Section 15.64.010 as "structure, temporary", that are one hundred square feet in size or less and are not used as a dwelling unit for humans.
 - c. Water-related features such as bridges, wharfs, docks, and boat ramps.
 - d. Public infrastructure installed by or for the benefit of the metropolitan government.
 - e. Rebuilding of an existing residential structure in the floodway that has sustained cumulative casualty loss in excess of fifty percent, provided the rebuilt structure is within the same building footprint as the damaged or destroyed structure and is elevated in accordance with the requirements of the Metro Stormwater Manual.
 - f. Athletic fields used for recreational purposes, including facilities associated with the recreational athletic fields such as dugouts, bleachers, concession stands, storage buildings, and other similar structures or facilities.
 - g. Modification or enlargement of an existing building or other structure located partially or entirely within the floodway of the Cumberland River, so long as such building or structure was in active commercial or industrial use as of July 1, 2012. No such modification or enlargement shall be permitted within the floodway of any Cumberland River tributary or undertaken without the approval of the stormwater management committee.



(Amdt. 1 to Ord. BL2018-1407 § 1, 2019; Ord. BL2018-1407 § 1, 2019; Ord. BL2012-257 § 1, 2012; Amdt. 1 to Ord. BL2011-3 § 2, 2011; Ord. BL2011-3 §§ 1, 2, 2011; Ord. BL2011-940 § 1, 2011; Subst. Ord. BL2010-794 § 4, 2010; prior code § 40-1-231(d))

15.64.175 - Residential development along the Cumberland River.

- A. Along the Cumberland River, there shall be preserved a fifty-foot buffer as measured from the floodway. No new residential structure may be built within this floodway buffer.
- B. Building within the Cumberland River floodway buffer may continue to the extent permitted in Section 15.64.170.

(Ord. BL2018-1157 § 1, 2018)

15.64.180 - Alterations of floodplains and drainage channels—Requirements.

No alterations of floodplain land and drainage channels may be made without the written approval of the director of the department of water and sewerage services. All applicable requirements of this title and, in addition, the following conditions must be met before such approval may be granted:

- A. The placement or construction of a levee, earth fill, building or other structure which alters the floodplain area shall only be permitted based on a plan prepared by a registered and licensed professional engineer of Tennessee, showing existing and proposed elevations, existing and proposed drainage channels, and existing and proposed structures, and the plan shall be approved by the director of the department of water and sewerage services of the metropolitan government certifying that the alteration and construction as proposed would not increase the degree of flooding in other areas, and that any structures proposed to be constructed in the floodplain shall meet the following special conditions.
 - 1. The minimum floor elevation of that portion of any structure intended for human occupancy shall be at least equal to or higher than four feet above the base flood elevation. Those portions of such structures not intended for human occupancy shall be at least equal to or higher than one foot above the base flood elevation. All other related facilities thereto such as electrical equipment, water service, and sanitary sewer connections shall be at least equal to or higher than one foot above the base flood elevation.
 - 2. The minimum floor elevation of any structure not intended for human occupancy, as defined, shall be at least equal to or higher than one foot above the base flood elevation. Floodproofing of these structures will only be authorized by the director of the department of water and sewerage services as specific individual exceptions to minimum floor elevation requirements where it can be shown that the proposed floodproofing is acceptable from an engineering standpoint.



- B. The proposed excavation, filling or change of alignment of any existing channel under the jurisdiction of the U.S. Corps of Engineers shall be approved by the corps of engineers.
- C. The plan is approved by the metropolitan planning commission taking into account the above conditions as well as any other pertinent factors. Any duly approved alteration of the floodplain will be so noted on the official zoning map as a matter of information. This notation will be made upon certification by the director of the department of water and sewerage services to the planning commission that such alteration has been completed in accordance with the approved plan.

(Ord. BL2016-513 §§ 22, 23, 2017; Ord. BL2007-1440 § 11, 2007; prior code § 40-1-231(b))

15.64.190 - Responsibility for off-site drainage improvements.

The construction and financing of any required off-site drainage improvement necessitated by private development within the watershed shall be the responsibility of the developer.
(Prior code § 40-1-234)

15.64.195 - Reserved.

Editor's note— Ord. BL2016-513, § 24, passed April 4, 2017, repealed § 15.64.195, which pertained to stormwater master planning district and derived from Ord. BL2009-461 § 1, 2009; Ord. BL2008-345 § 2, 2009.

15.64.200 - Floodproofing measures.

Floodproofing measures such as the following shall be designed consistent with the flood protection elevation for the particular area, and flood velocities, forces and other factors associated with the flood protection elevation. The director of the department of water and sewerage services shall require that the applicant submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the flood protection elevation for the particular area:

- A. Anchorage to resist flotation and lateral movement;
- B. Installation of watertight doors, bulkheads and shutters;
- C. Reinforcement of walls to resist water pressures;
- D. Use of paints, membranes or mortars to reduce seepage of water through walls;
- E. Addition of mass or weight to structures to resist flotation;
- F. Installation of pumps to lower water levels in structures;
- G. Construction of water supply and waste treatment systems to prevent the entrance of floodwaters;
- H. Pumping facilities for subsurface drainage systems for buildings to relieve external foundation wall and basement floor pressures;
- I. Construction to resist rupture or collapse, caused by water pressure or flotation debris.

(Ord. BL2007-1440 § 12, 2007; prior code § 40-1-231(c))



15.64.205 - Non-stormwater discharges.

- A. Except as hereinafter provided, all non-stormwater discharges into community waters, into the waters of the state, or into the municipal separate storm sewer system of the metropolitan government are prohibited and are declared to be unlawful.
- B. Unless the director has identified them as a source of contaminants to community waters, the waters of the state, or the municipal separate storm sewer system of the metropolitan government, the following discharges are permitted:
 - 1. Stormwater as defined in TCA Section 68-221-1102(5);
 - 2. Water line flushing;
 - 3. Landscape irrigation;
 - 4. Diverted stream flows;
 - 5. Rising groundwaters;
 - 6. Uncontaminated groundwater infiltration (as defined at 40 CFR 35.2005(20)) to separate storm sewers;
 - 7. Uncontaminated pumped groundwater;
 - 8. Discharges from potable water sources;
 - 9. Foundation drains;
 - 10. Air conditioning condensate;
 - 11. Irrigation water;
 - 12. Springs;
 - 13. Water from crawl space pumps;
 - 14. Footing drains;
 - 15. Lawn watering;
 - 16. Individual residential car washing;
 - 17. Flows from riparian habitats and wetlands;
 - 18. Dechlorinated swimming pool discharges;
 - 19. Street wash waters resulting from normal street cleaning operations;
 - 20. Discharges or flows from emergency firefighting activities.
- C. The director of MWS, with the approval of the mayor, shall have authority to implement this chapter by appropriate regulation. The director of MWS shall enforce the provisions of this chapter, and he or his duly authorized representative may enter, upon presentation of proper identification to the owner, occupant, or person in control thereof, any building, structure or premises within the area of jurisdiction of the metropolitan government to perform any duty imposed upon him by this chapter or by the regulations and technical guidelines promulgated by the department pursuant to this chapter. Such entry for the purpose of making any inspection required in this chapter shall be made during reasonable hours, so as to cause the least inconvenience to the occupants thereof, unless emergency circumstances exist. It is unlawful for any person, whether owner, occupant, or party in control of the building, structure, or premises, to refuse the entry of the director or any of the director's duly authorized representatives or to interfere in any manner in the performance of the



duties imposed upon the director by this chapter or by the regulations and technical guidelines promulgated by the department pursuant to this chapter.

- D. Discharges with valid and effective NPDES permits issued by the State of Tennessee that meet the pollutant parameters specified within each permit are not prohibited by this section.
- E. The provisions of this section, including subsection C of this section, shall not apply to sanitary or combined sewers, which are governed by Chapter 15.40 of the Metropolitan Code of Laws.

(Ord. BL2016-513 §§ 25—28, 2017; Ord. BL2007-1440 § 13, 2007; Ord. BL2001-642 § 2, 2001; Ord. 97-1016 §§ 1—7, 1998)

15.64.210 - Liability limitation.

The degree of flood protection intended to be provided by this chapter is considered reasonable for regulatory purposes, and is based on engineering and scientific methods of study. Larger floods may occur on occasions, or the flood height may be increased by manmade or natural causes, such as bridge openings restricted by debris. This chapter does not imply that areas outside floodplain zoning district boundaries or land uses permitted within such district will always be totally free from flooding or flood damages. Nor shall this chapter create a liability on the part of, or a cause of action against the metropolitan government or any officer or employee thereof for any flood damages that may result from implementation of this chapter.

(Prior code § 40-1-231(e))

15.64.215 - Stormwater plan and permit review charge.

Notwithstanding any other provision of the Metropolitan Code of Laws, the department shall develop a schedule of charges for services provided in reviewing permit applications, processing appeal and variance requests to the stormwater management committee, or reviewing plans submitted by private entities for proposed projects that must comply with the metropolitan government's stormwater management regulations. The schedule of charges shall not exceed the department's actual costs incurred in providing such services. A copy of the schedule of charges shall be filed with the metropolitan clerk, furnished to each member of the metropolitan council and made available on request to any citizen of Davidson County. The department shall bill and collect in accordance with the schedule of charges, which may be amended from time to time to reflect changes in the department's actual costs of providing the services contemplated herein. Fees may be waived by the department to incentivize certain practices.

(Ord. BL2016-513 § 29, 2017; Ord. BL2007-1457 § 15, 2007)



15.64.220 - Violations—Penalties.

- A. Any violation of this chapter shall be punishable by an administrative penalty in an amount authorized by Tennessee Code Annotated, Section 68-221-1106. For purposes of assessing administrative penalties under this chapter, each day of violation shall constitute a separate violation. Any assessment of an administrative penalty shall be in writing and shall be served on the violator in any manner authorized by law.
- B. In assessing an administrative penalty, the following factors may be considered:
 - 1. The harm done to the public health or the environment;
 - 2. Whether the administrative penalty imposed will be substantial economic deterrent to the illegal activity;
 - 3. The economic benefit gained by the violator;
 - 4. The amount of effort put forth by the violator to remedy this violation;
 - 5. Any unusual or extraordinary enforcement costs incurred by the municipality;
 - 6. The amount of administrative penalty established by ordinance or resolution for specific categories of violations; and
 - 7. Any equities of the situation which outweigh the benefit of imposing any administrative penalty or damage assessment.
- C. The department may also assess damages proximately caused by the violator to the municipality which may include any reasonable expenses incurred in investigating and/or enforcing violations of this part, or any other actual damages caused by the violation.
- D. In addition to all other remedies provided by law, the metropolitan government shall have the right to injunctive relief for any violation of this chapter.

(Ord. BL2016-513 §§ 30, 31, 2017; Ord. BL2010-639 § 1, 2010; Ord. BL2001-642 § 3, 2001; Ord. 95-1329 § 11, 1995)

15.64.230 - Notification to property owners upon amendments to flood maps.

Within thirty days after the publication of new flood maps for Davidson County prepared by the federal government are received by metro, the metropolitan planning department will attempt to provide written notice to every property owner, to the address on record at the property assessor's office at the time of the mailing, whose property is included within the 100-year floodplain or floodway for the first time. These mailings are intended to be informational only, sent for the convenience of the owners, and the metropolitan government will not be liable for failing to notify a property owner or if the information in the notice is incorrect or incomplete.

(Amdt. 1 to Ord. BL2011-903 § 1, 2011; Ord. BL2011-903 § 1, 2011)



II. METROPOLITAN CODE OF LAWS

§17.28.040

17.28.040 - Floodplain/floodway development standards.

- A. Limited encroachments into the preserved floodplain may be authorized as a variance by the Stormwater Management Committee, as set forth in Section 15.64 of the Metropolitan Code of Laws. Such variances shall be approved only if the committee finds that the encroachment reduces the flood danger or would improve and enhance the environmental quality of the affected floodplain section. Variances shall not be approved for greater than twenty percent of the floodplain area required to be preserved.
- B. All development shall be undertaken consistent with the flood insurance standards and requirements of the Federal Emergency Management Agency, as necessary, to maintain the eligibility of the National Flood Insurance Program within Davidson County. Notwithstanding any provision herein to the contrary, all development alterations or improvements that would otherwise be subject to Chapter 15.64 of this Code shall comply with the provisions of that chapter and the regulations and technical guidelines promulgated by the department pursuant to that chapter.
- C. Residential Development. Residential development on property encumbered by natural floodplain or floodway on the effective date of the ordinance codified in this section shall comply with the following, except for the installation of streets and utilities where required by the planning commission to alleviate an undue hardship:
 1. Single or Two-Family Lots. Land area designated as natural floodplain or floodway on the effective date of said section may be included within a residential lot, but if manipulated, shall not be counted towards satisfying the minimum lot size requirements of the base zoning district. Any residential lot, or any portion of a residential lot, containing natural floodplain shall be designated as a "critical lot" and minimum finished floor elevations shall be established on the final plat of subdivision approved by the metropolitan planning commission and the department of water and sewerage services.
 2. Cluster Lots. A single and/or two-family subdivision proposed on property containing natural floodplain and floodway areas is encouraged to employ the cluster lot option of Sections 17.12.080 or 17.36.070. Residential lots under the cluster lot option may be clustered within the manipulated areas of the natural floodplain. Any residential lot, or any portion of a residential lot, containing natural floodplain shall be designated as a "critical lot" and minimum finished floor elevations shall be established on the final plat of subdivision approved by the metropolitan planning commission and the department of water and sewerage services. Protected floodway and floodplain areas shall not be excluded from the calculation of gross land area for purposes of determining lot yield pursuant to



Section 17.12.080.

(Ord. BL2016-513 §§ 32—36, 2017; Ord. BL2011-898 § 11, 2011; Ord. BL2009-586 § 1(Exh. A, § 41), 2010; Amdt. 1 to Ord. BL2002-1021 § 1, 2003; Ord. BL99-117 § 1 (part), 2000; Amdt. 1 with Ord. 98-1268 § 1 (part), 1998; Ord. 96-555 § 7.1(D), 1997)



III. METROPOLITAN CODE OF LAWS

§17.36, Article V

Article V. - Floodplain Overlay District

17.36.170 - General provisions.

In addition to the floodplain and floodway protection provisions of Chapter 17.28, the alteration or development of land subject to flooding shall be regulated by Chapter 15.64 of the Metropolitan Code of Laws ("An Ordinance for Storm Water Management"), the purposes being to prevent the obstruction of watercourses and the protection of lives and property from the hazards of flooding. Regulation of flood-prone properties further allows for the reasonable protection of this community's natural ecosystems and wetlands areas, and qualifies Metropolitan Nashville and Davidson County for flood insurance under Public Law 1016, 84th Congress (as amended or superseded). (Ord. 96-555 § 9.5(A), 1997)

17.36.180 - Official floodplain map.

The Federal Emergency Management Agency Flood Insurance Rate Maps, along with specific basin studies that have been approved by the director of the department of public works shall constitute the official floodplain map for the Metropolitan Government of Nashville and Davidson County. In addition, the floodplain regulations of this title and Chapter 15.64 of the Metropolitan Code of Laws shall apply to lands which can be demonstrated to lie within a floodplain. Conversely, any lands which can be demonstrated by competent engineering to lie beyond the floodplain shall not be subject to these regulations. In cases of discrepancy, the official floodplain map maintained by the department of public works shall take precedence over generalized floodplain boundaries referenced on the official zoning map. (Ord. 96-555 § 9.5(B), 1997)

17.36.190 - Permitted land uses.

Land uses permitted within the floodplain overlay district shall be established by the underlying base zone district according to the district land use table (Section 17.08.030) or an adopted PUD master development plan (if applicable). (Ord. 96-555 § 9.5(C), 1997)

17.36.200 - Development standards.

All development within the floodplain overlay district shall be in conformance with Chapter 17.28, Article I of this title, Chapter 15.64 of the Metropolitan Code of Laws, and the subdivision regulations of Nashville and Davidson County. (Ord. 96-555 § 9.5(D), 1997)

17.36.210 - Floodplain alterations.

Alterations of floodplain land and drainage channels shall be in accordance with applicable provisions of Chapter 15.64, "Stormwater Management." (Ord. BL2016-513 § 37, 2017; Ord. 96-555 § 9.5(E), 1997)



17.36.220 - Report to stormwater management committee.

A request for a variance to the requirements of Chapter 15.64, Stormwater Management, shall be considered by the stormwater management committee according to the provisions of Chapter 15.64 of the Metropolitan Code of Laws. Prior to consideration of a variance, the stormwater management committee shall solicit a report from the zoning administrator and the planning department regarding the applicability of Chapter 17.28, Article I, or any other provision of this title. (Ord. BL2016-513 § 38, 2017; Ord. 96-555 § 9.5(F), 1997)