



# Undisturbed Buffer Area



Note: The Metro Floodplain Regulation-“*SUBSTITUTE ORDINANCE NO. BL2002-1021*” ([link to Ordinance](#)) which is included on pages 4, 5, and 6 of this document must be referenced/considered when determining a development site’s buffer and “no-disturb” requirements.

- Stormwater Management Manual - Volume 1
  - Sections 2.1.9 and 12
  - Section 2.2.14
  - Section 5.9
- Construction not permitted in this area
- Left undisturbed in its natural state.
- No cut or fill
- Stormwater Management Committee guidelines established 5.9.2.2
- Interpret as no lot area is to be in the buffer
- Must be protected in the field



# Undisturbed Buffer Area

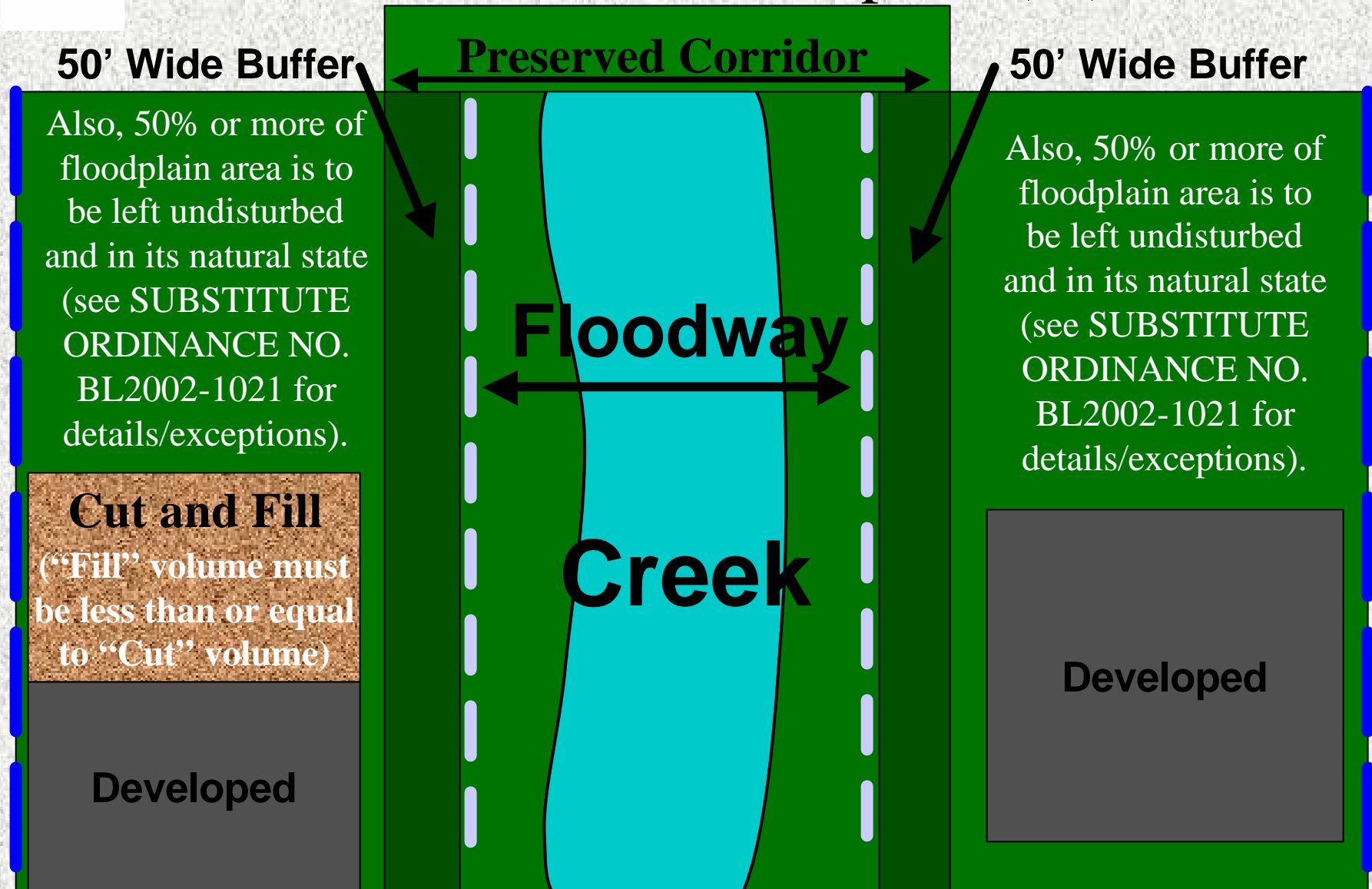
## Defined:

- 50 feet beyond floodway
- 25 feet from top of bank of significant waterway
  - “blue line” as indicated on USGS map
  - designated as a “waters of the State”
  - **OR** serves more than 40 acres
  - top of bank (not same as waters edge)
- Not required on very small waterways
  - not shown on USGS map
  - **AND** serves less than 40 acres



# Undisturbed Buffer/Floodplain Example

Site 100% in Floodplain (- -)



**SUBSTITUTE ORDINANCE NO. BL2002-1021**

**A substitute ordinance amending Title 17 of the Metropolitan Code, zoning regulations, by amending Section 17.28.040 Floodplain/floodway development standards by providing new restrictions on development in floodplains and floodways, all of which is more particularly described herein (Proposal No. 2002Z-019T).**



WHEREAS, development within floodway areas of Metropolitan Nashville and Davidson County is strictly prohibited;

WHEREAS, improper development within floodplain areas of Metropolitan Nashville and Davidson County is considered undesirable and potentially unsafe;

WHEREAS, significant portions of the remaining undeveloped developable land within Metropolitan Nashville and Davidson County is wholly or partially encumbered by floodplain and/or floodway;

WHEREAS, development within the floodplain may occur provided development does not jeopardize the long-term, environmental viability of rivers and creeks within Davidson County nor the Metropolitan Government of Nashville and Davidson County's eligibility for federal flood insurance; and,

WHEREAS, clustering single-family and two-family residential developments serves to better protect floodplains; creates a system of interconnected open space areas within, and between, developments to better protect and maintain woodlands, wildlife habitat, water quality; enhances the natural and built environments; and promotes more sustainable development.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

SECTION 1. By amending Section 17.28.040, "Floodplain/Floodway Development Standards", by **deleting** the existing text in its entirety and **inserting** the following:

Development Constraints.

Preserved floodplain. Except as noted below, all development proposed on property that is not developed, as defined herein, encumbered by natural floodplain or floodway, as of the effective date of this ordinance, shall leave a minimum of fifty percent of the natural floodplain area, including all of the floodway area, or all of the floodway area plus fifty feet on each side of the waterway, whichever is greater, undisturbed and in its original, natural state. The preserved floodplain shall be adjacent to the floodway or, as otherwise approved by the zoning administrator or by the metropolitan planning commission if the property is the subject of a subdivision or rezoning application. The clearing of trees and brush within the undisturbed area shall be prohibited. For purposes of this subsection, a portion of a lot shall be deemed to be developed if a grading or building permit has been issued or, if a portion of the lot has been disturbed by grading or, if a portion of the lot is improved with any material that substantially reduces or prevents the infiltration of stormwater by the total horizontal area of the lot including, but not limited to, roofs, streets, sidewalks and parking lots paved with asphalt, concrete,

compacted sand, compacted gravel or clay. Evidence that a portion of the property is developed shall include grading or building permits and/or aerial photographs. Absent grading or building permits, a lot shall not be deemed developed under this section if the use of the property was for agricultural activities.



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. Protected floodway and floodplain areas may be manipulated for the purpose of installing public greenways, public parks, private parks that otherwise meet the definition of "parks" contained in this Code, golf courses, and state certified wetlands.

C. 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 federal flood insurance program within Davidson County.

D. Properties zoned CC, CF, MUI, MUG, IR, IG and IWD shall not be constrained by this section, but shall otherwise conform to all provisions of Section 15.64, Stormwater Management of the Metropolitan Code of Laws.

E. 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 public works.

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 public works. 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.

SECTION 2. BE IT FURTHER ENACTED, That this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by: Bruce Stanley, Brenda Gilmore

