

SUBSTITUTE ORDINANCE NO. BL2018-1157

An ordinance amending Chapter 15.64 and ~~Section 17.28.040~~ of the Metropolitan Code of Laws to establish and preserve a fifty foot floodway buffer along the Cumberland River (~~Proposal No. 2018Z-002TX-001~~).

WHEREAS, a floodway is a high risk area adjacent to a river that can experience frequent high velocity flood waters (as was the case on the Cumberland River in May, 2010); and

WHEREAS, Metro Water Services has purchased and removed homes from high risk areas, including the Cumberland River floodway and floodway buffer, with assistance and funding through State and Federal Emergency Management Agency (FEMA) mitigation programs to reduce the risk to life and property; and

WHEREAS, the construction of new residential structures within or adjacent to a floodway puts additional lives at risk, especially in areas already known to be high risk; and

WHEREAS, by allowing residential structures to be constructed in high risk areas, emergency workers are put in danger when trying to rescue residents from high water; and

WHEREAS, Section 6.9.2 of the Metropolitan Stormwater Management Manual (no-disturb Buffer Widths) requires the provision of a Zone 1 Buffer for FEMA studied streams which includes the floodway plus fifty feet (50'). The resulting area is considered a "no-disturb zone"; and

WHEREAS, the Cumberland River is the predominant waterway in Davidson County, has a large watershed that is capable of significant flows, and has the potential to stay at floodstage for extended periods keeping properties inundated; and

WHEREAS, residents could be unprepared to evacuate if floodwaters rise during the night and residential properties are prone to frequent turn-over in ownership; and

WHEREAS, the Metropolitan Stormwater Management Committee has been requested to grant variances to the "no-disturb zone" (Zone 1 Buffer) to allow the construction of new residential structures, in conflict with current regulations; and

WHEREAS, it is imperative that a fifty foot no-disturb buffer from the floodway along the Cumberland River be preserved and that new residential construction within the floodway and fifty foot floodway buffer be prohibited in order to promote the health, safety, and welfare of residents of Nashville and Davidson County.

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

Section 1. That Chapter 15.64 of the Metropolitan Code of Laws shall be amended by adding the following as a new Section 15.64.175:

15.64.175 – Residential development along the Cumberland River

- A. Along the Cumberland River, there shall be preserved a fifty foot (50') buffer as measured from the floodway. No new residential structure may be built within this floodway buffer. ~~No variances shall be granted from this requirement.~~
- B. ~~An existing structure located within the Cumberland River floodway buffer may be maintained and repaired. However, no such existing structure within this floodway buffer may be enlarged or expanded beyond its existing building footprint. Building~~

within the Cumberland River floodway buffer may continue to the extent permitted in Section 15.64.170.

~~Section 2. That Section 17.28.040 of the Metropolitan Code of Laws shall be amended by adding the following to the end of Section 17.28.040.A:~~

~~Variances shall not be approved for the construction of any new residential structure along the Cumberland River that is within the floodway or within a fifty foot (50') buffer from the floodway.~~

~~Section 32. This ordinance shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.~~

INTRODUCED BY:

Jeff Syracuse
Member of Council