

and single-family, two-family, and residential multi-family projects in the MS-4 area. The provisions of this section shall not apply to infill lots.

Section 2. That Section 1, 15.64.035 of Ordinance No. BL2023-1690, as amended, is amended by adding the following new subsection:

I. Appeal.

The stormwater capacity fee amount for any project may be appealed to a single engineering firm (the “reviewer”) selected by the developer from a list of contracted engineering firms approved by the Metropolitan Government. Any appeal will be limited to a review of the fee calculation based on the square footage calculation provided by the developer and a review of the calculation determination by the Metropolitan Government. The decision of the reviewer shall be final.

Section 3. This resolution shall take effect upon passage, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

This resolution is recommended to be withdrawn in favor of Ordinance No. BL2024-153, which is currently on first reading

This resolution amends Ordinance No. BL2023-1690, previously approved by the Council on March 7, 2023. BL2023-1690 established a stormwater capacity fee for Davidson County. That ordinance provided an effective date of July 1, 2023, which was previously extended to October 1, 2023 through RS2023-2278 and, later, to January 1, 2024, pursuant to RS2023-2388. The ordinance further provided that amendments to the ordinance may be approved by a resolution of Council.

The resolution under consideration amends the text of Section 15.64.035 as approved by BL2023-1690. The resolution would amend the applicability of the stormwater capacity fee. Currently, the stormwater capacity fee is applicable to “properties located in Davidson County, excluding satellite cities.” The resolution amends the provision to also exclude single-family, two-family, and residential multi-family projects in the MS-4 area and infill lots. In addition, a new subsection would be added to the section to outline the procedures for an appeal for the stormwater capacity fee. A developer could appeal the stormwater capacity fee to an engineering firm selected from a list of contracted engineering firms approved by the Metropolitan Government. The appeal would be limited to a review of the fee calculation based on the square footage calculation provided by the developer and a review of the calculation determination by the Metropolitan Government. The decision of the review would be final.