



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: BL2024-153, **Version:** 1

An ordinance amending section 15.64.035 of the Metropolitan Code of Laws.

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

Section 1. That Section 15.64.035.G of the Metropolitan Code of Laws is amended by deleting the section in its entirety and replacing it with the following:

G. Applicability

The provisions of this section shall apply to properties in Davidson County that (1) receive storm water service fully or partly through a combined sewer system or (2) are infill lots located in previously developed parts of the MS4 area that receive storm water service fully or partly through another closed-pipe network maintained by the Metropolitan Government. The provisions of this section do not apply to properties located in the satellite cities or properties, including without limitation single-family, duplex, and multifamily properties, in any part of the MS4 area not expressly covered in the preceding sentence.

Section 2. That Section 15.64.035 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 determination of the square footage of the post development impervious surface project area used for the stormwater capacity fee calculation. The review of the square footage shall be based upon a review of the square footage calculation provided by the developer and a review of the square footage calculation determination by the Metropolitan Government. The decision of the reviewer shall be final.

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

Analysis

This ordinance amends Section 15.64.035 of the Metropolitan Code of Laws, previously approved by the Council through Ordinance No. BL2023-1690 on March 7, 2023, establishing a stormwater capacity fee for Davidson County.

The ordinance under consideration 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 amended language responds to legal concerns about the applicability to properties that do not have connections to the piped stormwater infrastructure. The ordinance amends the provision to explicitly include

properties in Davidson County that either “receive storm water service full or partly through a combined sewer system” or “are infill lots located in previously developed parts of the MS4 area that receive storm water service fully or partly through another closed-pipe network maintained by the Metropolitan Government.” The ordinance would also exclude single-family, two-family, and residential multi-family properties 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, where the review is limited to the square footage calculation of the relevant impervious surface area. 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 review of the square footage would be based upon a review of 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.