Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: RS2023-133, **Version:** 1

A resolution amending Ordinance No. BL2023-1690, as amended, to provide a stormwater capacity fee appeal process and to amend the applicability of the new section 15.64.035 of the Metropolitan Code.

WHEREAS, Ordinance No. BL2023-1690, adopted by the Metropolitan Council on March 7, 2023, created section 15.64.035 of the Metropolitan Code of Laws to provide for a Stormwater Capacity Fee; and

WHEREAS, Ordinance No. BL2023-1690 was amended by Resolution RS2023-2278 to extend the effective date to October 1, 2023 and further amended by Resolution RS2023-2388 to extend the effective date to January 1, 2024; and

WHEREAS, it is now desired to amend Ordinance No. BL2023-1690 before its effective date to amend the new Metropolitan Code regarding an appeal process and applicability.

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

Section 1. That Section 1, 15.64.035.G of Ordinance No. BL2023-1690, as amended, 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 located within Davidson County, excluding satellite cities 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This resolution is recommended to be withdrawn in favor of Ordinance No. BL2024-153, which is currently on first reading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.