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State:	Tennessee
Jurisdiction Type:	Municipal
Municipality:	County of Davidson
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Community Type - applicable to:	Urban; Suburban; Rural
Title:	County of Davidson Environmental Performance Standards
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Abstract

This ordinance is predicated on the concept that land use policy decisions and zoning decisions must be made in the context of the land’s characteristics and sound environmental science. The actual language states, “The choice of residential land uses should be based on site-specific characteristics which coincide with the many available varieties of housing. Commercial land use decision-making, conversely, is likely driven more by market forces, such as location or access, than by site characteristics. It is the intent of this article to offer incentives to minimize environmental disturbance.”

Resource

Charter and Related Private Laws and Code of Laws of the Metropolitan Government of Nashville and Davidson County, Tennessee

Article I. Environmental Performance Standards

[17.28.010 Purpose and intent.](#)

The purpose of this article is to establish standards for development in environmentally sensitive areas, in a manner which provides for reasonable use of the land while retaining to the maximum extent possible the environmentally sensitive portions in a predeveloped state. This article is predicated on the concept that land use policy decisions and zoning decisions must be made in the context of the land's characteristics. The choice of residential land uses should be based on site-specific characteristics which coincide with the many available varieties of housing. Commercial land use decision-making, conversely, is likely driven more by market forces, such as location or access, than by site characteristics. It is the intent of this article to offer incentives to minimize environmental disturbance. The requirements and standards of this article are intended to promote low-impact development in the sensitive hillsides and areas of special flood hazard of the community through

incentives to preserve these lands in an undeveloped state, to insure protection of special vegetative assets and to promote well-conceived development which recognizes the problem soils of the community. (Ord. 96-555 § 7.1(A), 1997)

17.28.020 Applicability.

17.28.030 Hillside development standards.

A. Residential Districts. The development of residentially zoned property shall minimize changes in grade, cleared area, and volume of cut or fill on those hillside portions of the property with twenty percent or greater natural slopes. Approval of a final site plan for a "critical lot" established by the subdivision regulations shall be based upon a demonstration that the proposal takes into consideration factors such as, but not limited to, soil conditions, degree of slope and feasibility of construction. The standards for review of critical lots from the adopted subdivision regulations shall apply.

1. Single or Two-Family Lots. The following provisions of this section shall not apply to single or two-family lots equal to or greater than one acre in size. For lots of less than one acre, any natural slopes equal to or greater than twenty-five percent shall be platted outside of the building envelope and preserved to the greatest extent possible in a natural state. The planning commission may authorize the creation of a single or two-family lot of less than one acre in size with natural slopes equal to or greater than twenty-five percent subject to the following standards and conditions:

a. The resulting lot shall be designated as a "critical lot" on the final plat of subdivision approved by the metropolitan planning commission and the department of public works;

b. For natural slopes that generally rise away from the fronting street, a building envelope on less than twenty percent natural slope and a minimum width of seventy-five feet at the building line shall be provided, or

c. For natural slopes that are generally parallel with the fronting street, a building envelope on less than twenty percent natural slope and a minimum width of seventy-five feet at the building line shall be provided, or

d. For natural slopes that generally fall away from the fronting street, a building envelope on less than twenty-five percent natural slope shall be provided;

e. A certified engineer can demonstrate, through the use of special design and construction techniques, that a residential structure will be constructed on the lot in a manner which effectively minimizes disturbance of the hillside and optimizes the preservation of mature trees and will not adversely impact the storm water runoff on down slope or adjacent properties;

f. All specially noted design, construction and drainage standards shall be incorporated into the preliminary and final subdivision plat approvals, and recorded in the form of a covenant running with the land; and

g. The clearing of trees exceeding eight inches in diameter from those natural slopes equal to or greater than twenty-five percent shall be minimized by sensitive construction techniques.

2. Cluster Lots. Single and/or two-family subdivisions in areas characterized by twenty percent or greater slopes are encouraged to employ the cluster lot option provisions of Section 17.12.080. In general, lots so created shall be clustered on those portions of the site that have natural slopes of less than twenty percent. The planning commission may authorize lots on natural slopes ranging up to twenty five percent, subject to the special standards and conditions noted above. Large contiguous areas containing natural slopes in excess of twenty-five percent should be recorded as common open space and permanently maintained in a natural state.

3. All Other Development in Residential Districts. For any multifamily or nonresidential form of development occurring within a residential district (the RM40 and RM60 districts excepted), manipulation of the natural slopes by grading shall result in an effective impervious surface ratio (ISR) for those portions disturbed as shown in Table 17.28.030A.

a. That portion of a multifamily development site containing large contiguous areas of natural slopes of twenty-five percent or greater should be permanently maintained in a natural state. The clearing of trees exceeding eight inches in diameter from those natural slopes shall be minimized by sensitive construction techniques.

b. The use of retaining walls, rip rap or hydraulically applied concrete to stabilize slopes within multifamily developments shall be screened as follows:

i. When oriented towards a lot or parcel zoned R or RS, apply the next higher landscape buffer yard standard from Section 17.24.240;

ii. When oriented towards another lot or parcel with an RM zoning classification, apply landscape buffer yard Standard A from Section 17.24.240; and

iii. When oriented towards a public street, apply landscape buffer yard Standard B from Section 17.24.240.

Table 17.28.030A

ISR ADJUSTMENTS (RESIDENTIAL DISTRICTS)

Natural Slope (%)	Standard ISR	X	Adjustment Factor	=	Effective ISR
<15%	Table 17.12.020B	X	1.0	=	Effective ISR
15 < 20%	Table 17.12.020B	X	0.66	=	Effective ISR
20 < 25%	Table 17.12.020B	X	0.33	=	Effective ISR
25%+	Table 17.12.020B	X	0.0	=	0

* For the purposes of calculation, slopes may be averaged for the entire lot area employing slope contour intervals of two feet.

B. Nonresidential Sites.

1. In all nonresidential zoning districts except CC, CF and MUI, manipulation of the natural slopes by grading shall result in effective impervious surface ratio (ISR) adjustments for those portions disturbed as shown in Table 17.28.030B.

2. Grading standards for hillside sites in nonresidential zone districts are as follows:

a. For lots or parcels containing natural slopes of twenty percent or greater, approval of a final site plan shall be based upon a demonstration that the development plan minimizes unnecessary disturbance to those slopes in the placement and orientation of building and parking areas. Architectural and engineering features which reduce unnecessary encroachment on steep slopes may include, but are not limited to, the use of retaining walls and structural foundations to return to natural grade.

b. The use of retaining walls, rip rap or hydraulically applied concrete to stabilize slopes on nonresidential sites shall be screened as follows:

i. When oriented towards a lot or parcel zoned R, RS or RM, apply the next higher landscape buffer yard standard from Section 17.24.240; and

ii. When oriented towards a public street, apply landscape buffer yard standard B from Section 17.24.240. (Amdt. 1 with Ord. 98-1268 § 1 (part), 1998; Amdt. 1 with Ord. 98-1268 § 1 (part), 1998; § 5(2), (3) of Amdt. 1 with Ord. 96-555 § 7.1(C), 1997)

Table 17.28.030B					
ISR ADJUSTMENT (NONRESIDENTIAL DISTRICTS)					
Natural Slope (%)	Standard ISR	X	Adjustment Factor	=	Effective ISR
<15%	Table 17.12.020C	X	1.0	=	Effective ISR
15 < 20%	Table 17.12.020C	X	0.66	=	Effective ISR
20 < 25%	Table 17.12.020C	X	0.33	=	Effective ISR
25%+	Table 17.12.020C	X	0.0	=	0

* For the purposes of calculation, slopes may be averaged for the entire lot area employing slope contour intervals of two feet.

[17.28.040 Floodplain/floodway development standards.](#)

[17.28.050 Problem soil--Requirements.](#)

[17.28.060 Protection of Cedar Glade plant communities.](#)

Article II. Operational Performance Standards

[17.28.070 Purpose and intent.](#)

The operational performance standards included in this article are intended to protect the health, safety and welfare of the citizens of Metropolitan Nashville and Davidson County by regulating potential hazardous or nuisance characteristics of land uses permitted by this title. (Ord. 96-555 § 7.2(A), 1997)

[17.28.080 Applicability.](#)

[17.28.090 Noise.](#)

[17.28.100 Lighting.](#)

[17.28.101 Air pollution control.](#)

[17.28.102 Storage capacity of flammable and combustible liquids, liquid gases and gases.](#)

[17.28.103 Compliance certification.](#)