

## **ORDINANCE 2024-07**

### **AN ORDINANCE OF THE CITY OF BRENTWOOD, TENNESSEE, PROVIDING THAT THE CODE OF ORDINANCES BE AMENDED BY REVISING VARIOUS SECTIONS OF CHAPTER 78, IN REGARD TO STORMWATER MANAGEMENT AND EROSION CONTROL LANGUAGE IN THE CODE**

**WHEREAS**, since 1972, the City of Brentwood has incorporated floodplain management regulations into the Brentwood Municipal Code, with a goal of reducing flood risks to residents and property owners; and

**WHEREAS**, adoption of the proposed changes brings the Code into conformity with the updated Tennessee Department of Environment and Conservation Small Municipal Separate Storm Sewer (MS4) general permit; and

**WHEREAS**, changes also proposed in Chapter 56 of the Brentwood Municipal Code and the Brentwood Subdivision Regulations affect several key areas, including the addition of water quality treatments for Stormwater Control Measures (SCM) design, SCM as-built requirements, and enhancements to water quality measures that conform to the updated permit requirements; and

**WHEREAS**, the proposed amendments set forth in this ordinance will allow the City to continue protecting the public health, safety and welfare through effective floodplain management.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BRENTWOOD, TENNESSEE, AS FOLLOWS:**

**SECTION 1.** That Section 78-131(c) of the Code of Ordinances of the City of Brentwood, Tennessee is hereby deleted and amended to read as follows:

**Sec. 78-131. Erosion control and stormwater management.**

- (c) Water quality riparian buffers, if required pursuant to chapter 56 of this Code, shall be identified on the subdivision plan, and shall be designated as open space, as provided for in this division. No portion of a water quality riparian buffer may be within a private lot.

**SECTION 2.** That Section 78-151(c) of the Code of Ordinances of the City of Brentwood, Tennessee is hereby deleted and amended to read as follows:

**Sec. 78-151. Erosion control and stormwater management.**

- (c) Water quality riparian buffers, if required pursuant to chapter 56 of this Code, shall be identified on the subdivision plan, and shall be designated as open space, as provided for in this division. No portion of a water quality riparian buffer may be within a private lot.

**SECTION 3.** That Section 78-172(c) of the Code of Ordinances of the City of Brentwood, Tennessee is hereby deleted and amended to read as follows:

**Sec. 78-172. Erosion control and stormwater management.**

- (c) Water quality riparian buffers, if required pursuant to chapter 56 of this Code, shall be identified on the subdivision plan, and shall be designated as open space, as provided for in this division. No portion of a water quality riparian buffer may be within a private lot.

**SECTION 4.** That Section 78-186 (a)(2) and (b)(6) of the Code of Ordinances of the City of Brentwood, Tennessee is hereby deleted and amended to read as follows:

**Sec. 78-186. Designated open space.**

- (a) Residential subdivisions platted for approval under provisions of this division shall include designated open space tracts of size, location, shape and topography which will meet the intent of this division. The minimum amount of usable open space to be included in the development shall be the total number of building lots multiplied by one acre, less the total acreage included in all of said building lots; provided, however, that for purposes of determining the usable open space, the following standards and limitations shall apply:
  - (2) While 100 percent of the floodway fringe area within the legally designated floodway overlay district may be considered for calculation purposes as usable open space, only 25 percent of the land lying within the floodway area shall be considered as usable open space. For land within a water quality riparian buffer, 100 percent of the acreage may be considered as usable open space, unless the water quality riparian buffer falls within an area for which another percentage applies. Notwithstanding the foregoing, any use of the land within a water quality riparian buffer shall comply with chapter 56 of this Code.
- (b) At minimum, the following areas shall be included within the designated open space for the development:
  - (6) All water quality riparian buffers required pursuant to chapter 56 of this Code.

**SECTION 5.** That Section 78-193 (c) of the Code of Ordinances of the City of Brentwood, Tennessee is hereby deleted and amended to read as follows:

**Sec. 78-193. Erosion control and stormwater management.**

- (c) Water quality riparian buffers, if required pursuant to chapter 56 of this Code, shall be identified on the subdivision plan, and shall be designated as open space, as provided for in this division. No portion of a water quality riparian buffer may be within a private lot.

**SECTION 6.** That Section 78-208 (7) of the Code of Ordinances of the City of Brentwood, Tennessee is hereby deleted and amended to read as follows:

**Sec. 78-208. Planning Commission review.**

- (7) Erosion and sediment control measures, and location of any water quality riparian buffer, in accordance with the requirements of chapter 56 of this Code.

**SECTION 7.** That Section 78-228 (7) of the Code of Ordinances of the City of Brentwood, Tennessee is hereby deleted and amended to read as follows:

**Sec. 78-228. Planning Commission review.**

- (7) Erosion and sediment control measures, and location of any water quality riparian buffer, in accordance with the requirements of chapter 56 of this Code.

**SECTION 8.** That Section 78-248 (7) of the Code of Ordinances of the City of Brentwood, Tennessee is hereby deleted and amended to read as follows:

**Sec. 78-248. Planning Commission review.**

- (7) Erosion and sediment control measures, and location of any water quality riparian buffer, in accordance with the requirements of chapter 56 of this Code.

**SECTION 9.** That Section 78-260 (7) of the Code of Ordinances of the City of Brentwood, Tennessee is hereby deleted and amended to read as follows:

**Sec. 78-260. Planning Commission approval.**

- (7) Erosion and sediment control measures, and location of any water quality riparian buffer, in accordance with the requirements of chapter 56 of this Code.

**SECTION 10.** That Section 78-268 (7) of the Code of Ordinances of the City of Brentwood, Tennessee is hereby deleted and amended to read as follows:

**Sec. 78-268. Planning Commission review.**

- (7) Erosion and sediment control measures, and location of any water quality riparian buffer, in accordance with the requirements of chapter 56 of this Code.

**SECTION 11.** That Section 78-288 (7) of the Code of Ordinances of the City of Brentwood, Tennessee is hereby deleted and amended to read as follows:

**Sec. 78-288. Planning Commission review.**

- (7) Erosion and sediment control measures, and location of any water quality riparian buffer, in accordance with the requirements of chapter 56 of this Code.

**SECTION 12.** That Section 78-308 (7) of the Code of Ordinances of the City of Brentwood, Tennessee is hereby deleted and amended to read as follows:

**Sec. 78-308. Planning Commission review.**

- (7) Erosion and sediment control measures, and location of any water quality riparian buffer, in accordance with the requirements of chapter 56 of this Code.

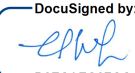
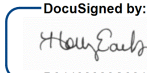
**SECTION 13.** That Section 78-328 (7) of the Code of Ordinances of the City of Brentwood, Tennessee is hereby deleted and amended to read as follows:

**Sec. 78-328. Planning Commission review.**

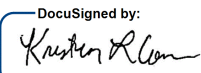
- (7) Erosion and sediment control measures, and location of any water quality riparian buffer, in accordance with the requirements of chapter 56 of this Code.

**SECTION 14.** If any section, subsection, clause, provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision or portion of this ordinance.

**SECTION 15.** That this ordinance shall take effect from and after its final passage and publication thereof, or fifteen days after its first passage, whichever occurs later, the general welfare of the City of Brentwood, Williamson County, Tennessee, requiring it.

PASSED:	1st reading	<u>07/22/2024</u>	PLANNING COMMISSION	<u>08/05/2024</u>
	2nd reading	<u>08/26/2024</u>	NOTICE OF PASSAGE	
			Notice published in:	<u>Williamson Herald</u>
PUBLIC HEARING			Date of publication:	<u>08/29/2024</u>
Notice published in:		<u>Williamson Herald</u>		
Date of publication:		<u>07/25/2024</u>		
Date of hearing:		<u>08/12/2024</u>	EFFECTIVE DATE	<u>08/29/2024</u>
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MAYOR		Mark W. Gorman	RECORDER	
			Holly Earls	

*Approved as to form:*

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CITY ATTORNEY  
Kristen L. Corn