

ORDINANCE NO. BL2010-635

**An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County, to modify the definitions, land use table, and development standards to add a new land use “Construction/Demolition Waste Processing (project-specific)” as a use permitted with conditions (PC) in Nashville and Davidson County (Proposal No. 2010Z-004TX-001), all of which is more particularly described herein.**

WHEREAS, to protect the health, safety, and welfare of Davidson County residents and the environment, the reuse and recycling of construction and demolition materials is one component of a larger holistic practice called sustainable or green building construction;

WHEREAS, at the end of a building’s life, demolition generates large amounts of materials that can be reused or recycled, principally wood, concrete, masonry, drywall, and ferrous metals;

WHEREAS, salvaging all or part of a structure through orderly and controlled dismantling and removal of building components can enable reuse of materials such as cabinetry, fixtures, windows, and flooring;

WHEREAS, Mayor Karl Dean’s *Green Ribbon Committee on Environmental Sustainability* detailed in its report the need to develop and implement a construction and demolition recycling program citywide to divert materials from the landfill as part of its Energy and Building Subcommittee Report section entitled “Waste Recycling and Reduction”; and,

WHEREAS, allowing “Construction/Demolition Waste Processing (project-specific)” countywide shall implement a *Green Ribbon Committee* waste reduction goal;

WHEREAS, this ordinance is to encourage and facilitate voluntary recycling and reuse of materials during construction and demolition activities on a project site.

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

Section 1. Modify Section 17.040.060 (Definitions of General Terms) by **inserting** the following definitions in alphabetical order:

“Completion” means the earliest of the following dates: the date a temporary certificate of occupancy is issued by Metro for a project, the date a certificate of occupancy is issued by Metro for a project, or the date the final inspection approving the project is completed.

“Construction” means the building, rehabilitation, remodeling, renovation or repair of any structure or any portion thereof, including any tenant improvements to an existing structure.

“Construction and demolition (C&D) waste, debris, or material” means discarded materials resulting from construction, remodeling, repair, demolition, or salvage operations that are generally considered to be not water soluble and non-hazardous in nature, including but not limited to steel, glass, brick, concrete, asphalt material, pipe, gypsum, wallboard, ceiling tiles, ceramic tile, carpeting, and lumber from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure and/or landscaping, and including rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing, landscaping and development operations for a construction project.

“Construction/Demolition Waste Processing (project-specific)” means space designated during the term of the demolition or construction project, located either physically on the project site or on another property within a one-quarter mile (1/4) mile radius of the project site boundary, where the project contractor shall divert construction and demolition debris for purposes of recycling, salvaging, and disposing of materials recovered from demolition of existing, or construction of new, buildings and structures on the project site. No materials shall be received from any other construction project, other than the designated project, for which the space was originally intended.

“Demolition” means the decimating, razing, ruining, tearing down or wrecking in whole or in part, any facility, structure, foundation, landscaping, pavement or building, (wall, fence) whether in whole or in part, whether interior or exterior.

“Reuse” means (a) the on-site use of reprocessed construction and demolition or (b) the off-site redistribution of a material which would otherwise be disposed of, for use in the same or similar form as it was produced.

“Salvage” means the controlled removal of construction or demolition waste/material from a building, construction, or demolition site for the purpose of recycling, reuse, or storage for later recycling, reuse, or proper storage for future recycling or reuse.

Section 2. Modify Section 17.08.030 (Zoning Land Use Table: Waste Management Uses) by **inserting** “Construction/Demolition Waste Processing (project-specific)” as a land use in alphabetical order.

Section 3. Modify Section 17.16.110 (Land Use Development Standards: Uses Permitted with Conditions – Waste Management Uses) by **inserting** as “B. Construction/Demolition Waste Processing (project-specific), and renumbering the section accordingly.

B. Construction/Demolition Waste Processing (project-specific)

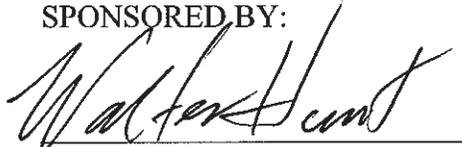
1. Applicability. The provisions of this section shall apply to any land use within Davidson County. Any site not complying with these requirements shall be prohibited.
2. Project Eligibility. All development and/or demolition projects with a non-residential base zoning district are eligible for a construction/demolition waste processing (project-specific). For those development and/or demolition projects with an agricultural or residential base zoning district, an eligible project shall comprise a minimum of three (3) acres.
3. Waste Reduction and Recycling Plan: The applicant shall submit a plan to the Director of Public Works and the Director of Codes Administration for their joint review and approval describing and detailing how the project site and its construction and demolition waste will be gathered, separated, processed, and transported, including the items a) through m) below. Additional information may be required by the reviewing agencies to ensure the property can safely and suitably handle the project's construction and demolition waste.
  - a. *Waste Manager.* The plan shall designate and identify a person who will be responsible for all construction demolition waste management, including their name, title, mailing address, e-mail address, fax number, and 24/7 phone number to respond and handle all concerns involving the site's recycling methods, processes, materials, and flow of debris on and off-site;
  - b. *Waste Processing Location.* The location where the project contractor shall divert construction and demolition debris for purposes of recycling, salvaging, and disposing of materials recovered from demolition of existing, or construction of new, buildings and structures on the project site.
  - c. *Lot Size.* There is no minimum lot size for properties with a non-residential base zoning district. For those properties with an agricultural or residential base zoning district, the waste processing location shall be at least ten times the base zoning district, or a minimum of one (1) acre, whichever is less.
  - d. *Operation Timeline.* The operating timeline for waste processing on the property from the initial start-up date to completion date, including any relevant milestone dates. A property shall have all waste processing equipment, materials, and ancillary items removed from it within 90 days of project completion, as defined in this title.
  - e. *Hours of Operation.* The hours of operation for all activities to occur on the property, including a statement of compliance with Chapter 16.44 (Noise Control) of the metropolitan code of laws;
  - f. *Materials and Storage.* A completed waste reduction and recycling schedule in a form and content established by the Director of Public Works, but at a minimum, it shall provide the following information:
    - i. The type and estimated quantity of materials to be generated, recovered, reused, salvaged, separated and processed on-site as well as off-site, including those that will be sold on the premises or off-site;
    - ii. The method and frequency of collection for the materials noted above;

- iii. The number of cubic yards to be stored on-site at any one time of processed and unprocessed materials;
  - iv. The on-site storage method for each of the materials noted above;
  - v. The on-site storage location for each of the materials noted above;
  - vi. The recycling facilities and landfills that will receive materials noted above;
  - vii. The hauling companies that will transport the materials noted above.
- g. *Sale of Materials.* The sale of materials, if any, that shall occur on the property recovered or salvaged recyclables and reusable materials may be given away or sold on the premises, or may be removed for reuse, except no mining of rock shall occur for sale to other persons and/or entities;
  - h. *Trash Dumpsters.* The location of all trash dumpsters on the property for waste not to be recovered and/or generated;
  - i. *Public Health and Environment.* A description of the on-site storage method and off-site transport methods that will be used to prevent dirt and materials from creating drift or becoming airborne, producing odors, leaking, littering, or generating run-off due to wet conditions due to weather or man-made activities so as not to create a health hazard, public nuisance, or fire hazard. All activities shall comply with all rules and regulations of the Tennessee Department of Conservation and Environment, Metropolitan Government Stormwater Regulations, and all other applicable local, state and federal laws and regulations;
  - j. *Security.* A description of how the property will be secured to prevent illegal theft of materials and dumping, including lighting;
  - k. *Inactivity.* A property shall be deemed inactive by the Director of Codes Administration, if no activity has occurred on the property during any six consecutive months, regardless of the calendar year in which such inactivity occurred. Once deemed inactive, all waste processing activities shall cease until a new application for the waste processing has been submitted, reviewed, and approved by the reviewing agencies.
  - l. *Waste Management Summary Report.* Six months after the initial approval of the Waste Reduction and Recycling Plan, and every six months thereafter, the applicant shall submit to the Directors of Public Works and Codes Administration a waste management summary report in a form and content established by the Director of Public Works. At a minimum, the report shall provide the following information and documentation verifying the type and actual tonnage of materials generated, recovered, reused, salvaged, separated, discarded, and processed on-site as well as off-site.
  - m. *Notification.* Prior to the issuance of a zoning permit, and immediately after receiving an application for a new or relocated construction/demolition waste processing (project-specific) use, the zoning administrator, shall notify the district councilmember that an application for such use has been submitted. Such notification shall only be required within the use is proposed within an agricultural or residential zoning district, or within 1,000 feet of an agricultural or residential zoning district boundary line.

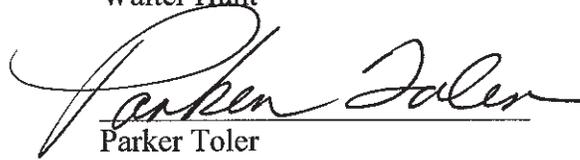
- n. *Non-Compliance.* The Directors of Public Works and Codes Administration shall determine if the applicant has complied with the approved Demolition and Construction Recovery Plan. If it is determined that the applicant has failed to comply with the applicant's recovery plan, the Performance Security shall be forfeited.
- o. *Performance Security.* The submittal of a letter of credit or cashier's check as performance security to the Director of Public Works in an amount specified by the Director for the removal of waste processing equipment, materials, and ancillary items. All forfeited performance securities shall be used for the purposes of making the property safe for public health and well-being and to promote recycling within Davidson County.

Section 4. That this Ordinance shall take effect five (5) days after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

SPONSORED BY:



Walter Hunt



Parker Toler

Members of Council