

ORDINANCE NO. BL2019-1475

An ordinance amending Sections 15.64.110 and 15.64.140 of the Metropolitan Code of Laws pertaining to the time period for which grading permits remain valid and the review of a grading permits and drainage plans.

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

Section 1. That Section 15.64.110 of the Metropolitan Code of Laws is amended by adding the following new provisions as subsection D and re-numbering the remaining subsections as necessary:

- D. A grading permit shall be valid for eighteen (18) months from the date of issuance, but may be renewed for successive eighteen (18) month periods.

Section 2. That Section 15.64.140 of the Metropolitan Code of Laws is amended by deleting Subsection C in its entirety and substituting in lieu thereof the following:

- C. Review of a Grading and Drainage Plan.
 - 1. Authorization to Review. The metropolitan council is authorized to review grading drainage plans or permits issued by the department of water and sewerage services.
 - 2. Initiation. Review of a grading permit and drainage plan may be initiated by the district metropolitan council member via a written request to the director of water and sewerage services.
 - 3. Notice of Review. Within five business days of the initiation of a review, the department of water and sewerage services shall send written notice to the zoning administrator, the owner(s) of property for which the review has been requested, and the chairman of the public works committee of the metropolitan council.
 - 4. Procedure. Within thirty days from the initiation of its review, the public works committee shall hold a public hearing after consideration of the request by the public works committee to consider whether grading activity on the site is in compliance with the grading permit and drainage plan issued by the department of water and sewerage services and, if not, whether the permit should be suspended.
 - a. Determination of compliance. To determine if the grading activity on a site is not in compliance with the approved grading permit and drainage plan, after consideration of the request the public works committee shall establish at least two (2) of the findings below at a public hearing (although establishment of two (2) or more of these findings does not necessarily require determination of noncompliance).
 - i. The grading permit has been active for more than six months.
 - ii. No building or use and occupancy permit has been issued by the department of codes administration.
 - iii. Fill from off-site grading has been brought to and stored on the site.
 - b. When compliance is determined. If the public works committee determines that the grading activity on a site is in compliance with the approved grading permit and drainage plan, the review is concluded and grading may commence in accordance with the approved grading permit and drainage plan.
 - c. Determination that grading activity is not in compliance with approved grading permit and drainage plan. If the public works committee determines that the grading activity on a site is not in compliance with the approved grading permit and drainage plan,

the public works committee shall recommend to the metropolitan council that the permit be revoked via a council resolution.

5. No building permit for new building construction shall be submitted, reviewed or issued within the portion of the site for which a review has been initiated during the pendency of that review until one of the following has occurred:
 - a. The public works committee renders a final action as to whether the grading activity is in compliance with the approved grading permit and drainage plan; or
 - b. A revised plan is submitted and approved by the department of water and sewerage services, following a determination by the metropolitan council that the grading activity on site is not in compliance with the approved grading permit and drainage plan; or
 - c. Six months have passed since the initiation of a review, with no action taken by the metropolitan council.
6. The provisions of this ordinance shall sunset two years from the date of approval.

Section 3. This Ordinance shall take effect from and after its passage, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

SPONSORED BY:

Jonathan Hall
Member of Council