

BILL NO. BL2019-1475 (HALL) – This ordinance, as amended, would amend the Metropolitan Code of Laws (MCL) to establish a time period for which grading permits remain valid and would make amendments to the review of grading permits and drainage plans.

This ordinance would make grading permits meeting certain conditions valid for eighteen months from the date of issuance. This limitation would apply to project sites meeting the following criteria:

1. No contemporary building permit or use and occupancy permit has been issued or requested for the project site property;
2. The project site is located upon a local street, minor local street, or arterial or collector street consisting of two (2) lanes or less, according to the Major and Collector Street Plan;
3. The project site is on a lot adjacent to a residential zone district or a district permitting residential use; and
4. The project site is not owned by the Metropolitan Government of Nashville and Davidson County, the Metropolitan Nashville Airport Authority, the Nashville Electric Service, the Metropolitan Transit Authority, or the Metropolitan Development and Housing Authority.

Permits could be renewed for successive eighteen month periods upon adoption of a resolution, after a public hearing, by the Metropolitan Council receiving twenty-one affirmative votes. The expiration or non-renewal of a previously issued grading permit would require the permitted operator to satisfy any requirements deemed necessary by the Metropolitan Department of Water and Sewerage Services for the purpose of ensuring site stabilization and site stormwater management functionality, including stormwater infrastructure and stormwater control measures, within a reasonable time.

The ordinance would also make housekeeping changes to MCL Sec.15.64.140.C regarding the review of a grading and drainage plan. These changes would include clean-up of a numbering sequence and a clarification regarding non-compliance determinations. Section 15.64.140.C.4.a currently provides that a determination of non-compliance with a grading permit and drainage plan requires a finding of at least two of three recited findings. The pending ordinance would clarify that establishment of two findings does not necessarily *require* a determination of non-compliance.