

- determine whether grading activity, including excavation, clearance, or other alteration of the landscape, on the site is in compliance with the requirements of the applicable grading and drainage plan and this subsection. Grading activity is not in compliance with this subsection if the following factors are established:
- a. The grading and drainage plan has been approved and active for more than 60 days; and
 - b. Fill, not authorized by law, from off-site activity has been brought to and stored on the site; or
 - c. No building permit or use and occupancy permit has been issued by the department of codes administration for the site.
4. Determination of compliance.
- a. If the department director or designee determines that the grading activity is not in compliance with the approved grading and drainage plan or this subsection, the department director or designee shall revoke the grading and drainage plan.
 - b. If the department director or designee determines that the grading activity is in compliance with the approved grading and drainage plan and this subsection, the review is concluded and the grading activity may commence or continue in accordance with the issued grading and drainage plan.
5. Review of building permit for site. The department of water and sewerage services shall not review any building permit application referred pursuant to Section 15.64.130 for a site for which a review pursuant to this subsection has been initiated until the site has been determined to be in compliance in accordance with this subsection.

Section 2. This Ordinance shall take effect from and after its final passage, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

This ordinance, as amended, amends section 15.64.140 of the Metropolitan Code regarding the review of grading permit and drainage plans. The existing code requires property developers to submit detailed grading and drainage plans as part of the development process.

The bill provides for a Council Member to initiate the review of a grading and draining plan by submitting a written request to the director of the Department of Water and Sewerage Services. Written notice of the review would then be sent to the zoning administrator, the property owner, and the district council member within five business days of the initiation.

The MWS department director or a designee must determine within 30 days of the initiation whether grading activity, including excavation, clearance, or other alteration of the landscape, complies with the requirements of the bill and the applicable grading and drainage plan.

This provision would be applicable when the following factors apply: (1) a grading and drainage plan was approved and active for more than 60 days; (2) unauthorized by fill from off-site activity has been brought to and stored on the site, and (3) no building permit or use and occupancy permit has been issued for the site by the department of codes administration.

The department director or designee shall revoke the grading and drainage plan if the activity is found to be out of compliance. Grading activity may commence or continue in line with the existing plan if the activity is found to be in compliance. The Department of Water and Sewerage Services shall not review any building permit application if a grading permit and drainage plan is under review until the site is found to be in

compliance with this section.

In addition, a provision was added at the August 6 Council meeting stating that no part of this ordinance shall be construed as permitting landfills as defined and regulated by federal or state law.