

RESOLUTION 15-R-08 authorizing City solid waste collection services to be provided to multi-family developments under specified terms and conditions.

WHEREAS, Section 18(D)(1)(c) of the City's Zoning Ordinance has provided that multi-family developments with more than fifteen (15) dwelling units shall use a commercial collection service for solid waste collection since December 31, 2004; and,

WHEREAS, owners and residents of several multi-family developments built under this zoning standard have nonetheless requested City solid waste collection service and the City Council considered the issues presented on January 15, 2015; and,

WHEREAS, the City Council wishes to authorize the use of City solid waste collection services for existing and prospective multi-family developments meeting certain specified criteria.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. Notwithstanding Murfreesboro City Code, Appendix A – Zoning, Section 18(D)(1)(c), existing multi-family developments of more than 15 units in a townhome or condominium format already receiving City solid waste collection services, i.e. Riverbend Park Townhomes and the Villas of Baskinwood, may continue to receive such service.

SECTION 2. Notwithstanding Murfreesboro City Code, Appendix A – Zoning, Section 18(D)(1)(c), existing multi-family developments of more than 15 units in a townhome or condominium format not currently receiving City solid waste collection services may do so if and only if the following conditions are met. The City's Solid Waste Director shall determine if these conditions are met if a development requests City solid waste services:

- a. The entrance for each dwelling unit must be on the ground floor;
- b. Each dwelling unit must have a location for storage of the container that is not visible from either the public right-of-way or from a private street;
- c. Each dwelling unit may be served using the City's side loading automated collection vehicles and equipment; this requires that both street width and the turn radius of street corners and cul-de-sacs be of suitable dimensions;
- d. The street network of the development will allow the City's solid waste vehicles to provide service to each dwelling unit without having to back up; and,
- e. The owners, or a homeowners association with the legal ability to compel all dwelling unit owners to pay dues and assessments, agrees to hold the City harmless from all maintenance and repair costs to privately owned streets caused by the City's solid waste vehicles and further agrees to maintain the streets so that the City's vehicles may be safely and efficiently operated. The City shall not commence solid waste collection services if there are visible

signs of damage to any private road surface.

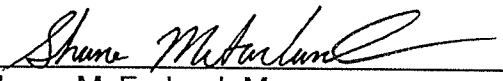
A multi-family development requesting solid waste services pursuant to this Resolution shall submit information to the Solid Waste Director. If the development meets all criteria and the Solid Waste Director approves the application, service shall be commences as soon as the City has redesigned its solid waste collection routes for an efficient allocation of personnel and equipment and has obtained and delivered to the residents the automated garbage collection system refuse containers. If the Solid Waste Director denies the application for service, the development may appeal said decision to the City Manager; the City Manager's decision shall be final.

SECTION 3. Notwithstanding Murfreesboro City Code, Appendix A – Zoning, Section 18(D)(1)(c), proposed multi-family developments of more than 15 units that already have an approved master plan and a valid approved site plan may seek to receive City solid waste collection services through the process described in Section 2. This criteria is met by and this approval is limited to: the Retreat at Northwoods, Stonecrest Townhomes and Florence Village 2 Townhomes Phase 3.

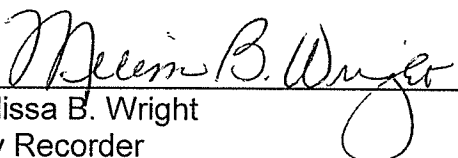
SECTION 4. Notwithstanding Murfreesboro City Code, Appendix A – Zoning, Section 18(D)(1)(c), new multi-family development of more than 15 units in a townhome or condominium format located on public streets will be able to request approval to receive City provided solid waste collection services as part of the site plan review approval process pursuant to an Ordinance amendment being considered simultaneous hereto if the dwelling units meet all criteria described in Section 2, subsections a through d above.

SECTION 5. This Resolution shall be effective immediately, the public welfare and the welfare of the City requiring it.

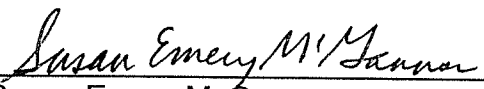
Passed: February 26, 2015


Shane McFarland, Mayor

ATTEST:


Melissa B. Wright
City Recorder

APPROVED AS TO FORM:


Susan Emery McGannon
City Attorney