

HOUSE BILL 964

By Todd

AN ACT to amend Tennessee Code Annotated, Section 13-4-310 and Section 13-3-413, relative to development standards.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 13-3-413, is amended by designating the existing language as subsection (a) and adding the following as new subsections:

(b) During the vesting period described in subsections (c) and (d), the locally adopted or enforced development standards which are in effect on the date an application is submitted to the commission or local government for a building permit or for approval of a preliminary plat or site plan for development of property shall remain the development standards applicable to that development, provided the application for final approval of that development is made within the vesting period.

(c) The vesting period applicable to a particular development shall be a period of five (5) years beginning on the date of issuance of the building permit or date of approval of the preliminary plat or site plan which allows the development to proceed.

(d) In the case of developments which proceed in two (2) or more sections or phases, there shall be a separate vesting period applicable to each section or phase. The development standards which are in effect at the time of the application for a building permit or other site plan approval for the first section or phase shall remain the development standards applicable to all subsequent sections or phases of the development during the vesting period applicable to each section or phase.

(e) If site preparation or building construction commences during the vesting period, the development standards applicable during the vesting period shall remain in effect until the local government has certified final completion of the development.

(f) As used in this section, the term “development standards” means all locally adopted or enforced standards, regulations, or guidelines applicable to the development of property, including but not limited to zoning, planning, and storm water requirements; layout, design, and construction standards for buildings, streets, alleys, curbs, and sidewalks; lot size, lot configuration, and yard dimensions; and off-site improvements, including public or private infrastructure.

(g) As used in this section, the term “site plan” means the initial documents and drawings which describe and depict the proposed development, regardless of the terminology used by the commission or local government to denote these documents and drawings.

SECTION 2. Tennessee Code Annotated, Section 13-4-310, is amended by designating the existing language as subsection (a) and adding the following as new subsections:

(b) During the vesting period described in subsections (c) and (d), the locally adopted or enforced development standards which are in effect on the date an application is submitted to the commission or local government for a building permit or for approval of a preliminary plat or site plan for development of property shall remain the development standards applicable to that development, provided the application for final approval of that development is made within the vesting period.

(c) The vesting period applicable to a particular development shall be a period of five (5) years beginning on the date of issuance of the building permit or date of approval of the preliminary plat or site plan which allows the development to proceed.

(d) In the case of developments which proceed in two (2) or more sections or phases, there shall be a separate vesting period applicable to each section or phase. The development standards which are in effect at the time of the application for a building permit or other site plan approval for the first section or phase shall remain the

development standards applicable to all subsequent sections or phases of the development during the vesting period applicable to each section or phase.

(e) If site preparation or building construction commences during the vesting period, the development standards applicable during the vesting period shall remain in effect until the local government has certified final completion of the development.

(f) As used in this section, the term “development standards” means all locally adopted or enforced standards, regulations or guidelines applicable to the development of property, including but not limited to zoning, planning, and storm water requirements; layout, design, and construction standards for buildings, streets, alleys, curbs, and sidewalks; lot size, lot configuration, and yard dimensions; and off-site improvements, including public or private infrastructure.

(g) As used in this section, the term “site plan” means the initial documents and drawings which describe and depict the proposed development, regardless of the terminology used by the commission or local government to denote these documents and drawings.

SECTION 3. This act shall take effect on July 1, 2013, the public welfare requiring it.