

HOUSE BILL 33

By Keisling

AN ACT to amend Tennessee Code Annotated, Section 13-3-413 and Section 13-4-310, relative to the time frame of 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 a new subsection (b):

(b) When a building permit has been issued or the planning commission has granted approval for a preliminary plat or site plan, or the planning commission or the legislative body when the legislative body acts as an administrative body, as provided for in their locally adopted subdivision regulations or zoning resolution or ordinance, has granted approval to one of the other types of developments denoted in subsection (a), the locally adopted development standards on the date of the said approval shall be in effect for the entire time the approval is valid. Development standards required or mandated by the state or federal government are not deemed locally adopted development standards for purposes of this subsection. The planning commission through its subdivision regulations and where applicable the legislative body through the zoning resolution or ordinance shall establish an initial vesting time during which time the approval of a preliminary plat, building permit, site plan, or any of the denoted development types shall remain valid. The issuance of the building permit, approval of the preliminary plat, site plan, or any of the denoted development types shall establish the beginning date of the initial vesting period. The initial vesting period shall be in effect even if no building or infrastructure construction or site preparation activities such as the disturbance of soil, rocks or vegetation take place. Such initial vesting time frame shall be not more than three (3) years nor less than one (1) year. If no building or

infrastructure construction or site preparation activities have commenced at the end of the designated initial vesting time frame, then the approval of the preliminary plat, building permit, site plan, or any of the denoted development types shall be deemed expired as an administrative action by the planning commission and as an operation of law by the legislative body. The developer or property owner may appeal this expiration of the initial vesting time to the chancery court of the county in which the preliminary plat, building permit, site plan or any denoted development type is located. If building or infrastructure construction or site preparation commences during the initial vesting time frame set out by the planning commission and legislative body, then the preliminary plat, building permit, site plan, or any denoted development type shall become vested in the locally adopted development standards in effect when the initial vesting occurred. No new or amended locally adopted development standards as may be adopted by the planning commission or the legislative body shall be applicable to the now vested preliminary plat and any final plat based on that preliminary plat, building permit, site plan or any denoted development types then under building or infrastructure construction or site preparation activities. For as long as the vested preliminary plat and any final plat based on the preliminary plat, building permit, site plan, or any denoted development types continue building or infrastructure construction or site preparation activities, the locally adopted development standard in effect at the date of approval of said preliminary plat, final plat based on the preliminary plat, building permit, site plan, or other denoted development types shall be the locally adopted development standards for the duration of the building or infrastructure construction or site preparation activities. When the approval of a preliminary plat, building permit, site plan or any denoted development type is no longer valid due to the expiration of the initial vesting time frame or when there is an amendment proposed for the preliminary plat, building permit, site plan, or any denoted development type, then any new application for approval or amendment shall comply with the locally adopted development standards in effect at the time of this new application or request for amendment.

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

(b) When a building permit has been issued or the planning commission has granted approval for a preliminary plat or site plan, or the planning commission or the legislative body when the legislative body acts as an administrative body, as provided for in their locally adopted subdivision regulations or zoning ordinance, has granted approval to one of the other types of developments denoted in subsection (a), the locally adopted development standards on the date of the said approval shall be in effect for the entire time the approval is valid. Development standards required or mandated by the state or federal government are not deemed locally adopted development standards for purposes of this subsection. The planning commission through its subdivision regulations and where applicable the legislative body through the zoning ordinance shall establish an initial vesting time during which time the approval of a preliminary plat, building permit, site plan, or any of the denoted development types shall remain valid. The issuance of the building permit, approval of the preliminary plat, site plan, or any of the denoted development types shall establish the beginning date of the initial vesting period. The initial vesting period shall be in effect even if no building or infrastructure construction or site preparation activities such as the disturbance of soil, rocks or vegetation take place. Such initial vesting time frame shall be not more than three (3) years nor less than one (1) year. If no building or infrastructure construction or site preparation activities have commenced at the end of the designated initial vesting time frame then the approval of the preliminary plat, building permit, site plan, or any of the denoted development types shall be deemed expired as an administrative action by the planning commission and as an operation of law by the legislative body. The developer or property owner may appeal this expiration of the initial vesting time to the chancery

court of the county in which the preliminary plat, building permit, site plan or any denoted development type is located. If building or infrastructure construction or site preparation commences during the initial vesting time frame set out by the planning commission and legislative body, then the preliminary plat, building permit, site plan, or any denoted development type shall become vested in the locally adopted development standards in effect when the initial vesting occurred. No new or amended locally adopted development standards as may be adopted by the planning commission or the legislative body shall be applicable to the now vested preliminary plat and any final plat based on that preliminary plat, building permit, site plan or any denoted development types then under building or infrastructure construction or site preparation activities. For as long as the vested preliminary plat and any final plat based on the preliminary plat, building permit, site plan, or any denoted development types continue building or infrastructure construction or site preparation activities, the locally adopted development standard in effect at the date of approval of said preliminary plat, final plat based on the preliminary plat, building permit, site plan, or other denoted development types shall be the locally adopted development standards for the duration of the building or infrastructure construction or site preparation activities. When the approval of a preliminary plat, building permit, site plan or any denoted development type is no longer valid due to the expiration of the initial vesting time frame or when there is an amendment proposed for the preliminary plat, building permit, site plan, or any denoted development type, then any new application for approval or amendment shall comply with the locally adopted development standards in effect at the time of this new application or request for amendment.

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring

it.