

Local Government Committee 1

Amendment No. 1 to HB0964

**Hill M
Signature of Sponsor**

AMEND Senate Bill No. 915*

House Bill No. 964

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 13-3-413, is amended by designating the existing language as subsection (a) and is further amended by adding the following language 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 of approval of a preliminary plat or site plan for development of property, or the date of approval of a building permit allowing construction of a building where there was no need for prior approval of a preliminary plat or site plan for the property on which that building will be constructed, shall remain the development standards applicable to that property or building during the vesting period; provided, final approval of that development or building 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 on the date of approval of the preliminary plat or site plan for the first section or phase of the development 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.

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(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; provided, nothing in this section shall prevent a commission or local government from changing the development standards applicable to a particular development if:

(1) A period of at least ten (10) years has elapsed since the beginning of the vesting period;

(2) In the case of a multi-phase development, a period of at least fifteen (15) years has elapsed since the beginning of the vesting period for the first phase of the development; or

(3) An alternative time period from the time period described in subdivision (e)(1) or (e)(2) if both parties agree.

(f) As used in this section:

(1) "Development standards":

(A) 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; and

(B) Does not include standards mandated by federal or state law;

and

(2) "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 is further amended by adding the following language 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 of approval of a preliminary plat or site plan for development of property, or the date of approval of a building permit allowing construction of a building where there was no need for prior approval of a preliminary plat or site plan for the property on which that building will be constructed, shall remain the development standards applicable to that property or building during the vesting period, provided that final approval of that development or building 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 on the date of approval of the preliminary plat or site plan for the first section or phase of the development 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; provided, nothing in this section shall prevent a commission or local government from changing the development standards applicable to a particular development if:

(1) A period of at least ten (10) years has elapsed since the beginning of the vesting period;

(2) In the case of a multi-phase development, a period of at least fifteen (15) years has elapsed since the beginning of the vesting period for the first phase of the development; or

(3) An alternative time period from the time period described in subdivision (e)(1) or (e)(2) if both parties agree.

(f) As used in this section:

(1) "Development standards":

(A) 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; and

(B) Does not include standards mandated by federal or state law; and

(2) "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.