

**A RESOLUTION TO AMEND CHAPTER 38, CHATTANOOGA ZONING ORDINANCE, BY  
ADDING SECTION 38-35 TO ARTICLE IV OF THE GENERAL REGULATIONS IN ORDER  
TO DEFINE VESTED RIGHTS IN THE CONTEXT OF DEVELOPMENT PLANS**

**WHEREAS**, Tennessee Code Annotated Sections 13-3-413 and 13-4-310 as amended by Public Chapter 686, establishes statewide standards for "vesting periods" upon the approval of new development plans; and

**WHEREAS**, during the vesting periods established under the new Act, local governments may not apply development standards other than those in effect at the time of approval of the development plan, except as permitted by the Act; and

**WHEREAS**, the Act takes effect January 01, 2015, provided that local governments may pass an ordinance or resolution to identify the types of development plans that will cause property rights to become vested and specify the actions that constitute approval of such development plans; and

**WHEREAS**, most of the development plans and actions mentioned below are related to Chattanooga Zoning Ordinance, Chapter 38 of the Chattanooga City Code; and

**NOW, THEREFORE BE IT RESOLVED**, that the Chattanooga-Hamilton County Regional Planning Commission on December 8, 2014, does hereby approve the following amendments to the Chattanooga Zoning Ordinance:

**ADD new section, Article IV, General Regulations:**

**Sec. 38-35** Vested property rights within approved development plans

The following list details the specific types of development plans approved by the Chattanooga – Hamilton County Regional Planning Commission, the Chattanooga City Council, or the Chattanooga Board of Appeals for Variances and Special Permits which will cause property rights to vest, as set forth in Tennessee Code Annotated Section 13-3-413 and 13-4-310, and such action shall constitute final approval of the listed development plans:

- a. Approval of Preliminary Subdivision Plat by the Chattanooga-Hamilton County Regional Planning Commission
- b. Approval of Final Subdivision Plat by the Chattanooga-Hamilton County Regional Planning Commission
- c. A Final Plat that meets the definition of a staff approved subdivision plat upon the date of the last signature of approval required on the plat for recording
- d. Approval of a Mixed Use Zone Development Plan by Chattanooga City Council
- e. Approval of an R-1 Open Space Subdivision Option Preliminary and Final Plat by the Chattanooga-Hamilton County Regional Planning Commission
- f. Approval of a Residential or Institutional Planned Unit Development Plan (also stated as PUD Plan) by Chattanooga City Council
- g. Approval by the Chattanooga-Hamilton County Regional Planning Commission of a Special Permit, Special Exception Permit or Conditional Permit that is required by the zoning ordinance to complete a site or development plan

- h. Approval of a Special Permit/Special Exceptions permit by the City of Chattanooga Board of Appeals for Variances and Special Permits
- i. Approval of a Special Permit/Special Exceptions permit by the Chattanooga City Council
- j. Approval of C-7 North Shore Commercial/Mixed Use Zone site plans submitted for Staff Review or Committee Review

Respectfully Submitted,

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John Bridger, Secretary

Date of Adoption: December 08, 2014

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