



**A RESOLUTION TO AMEND THE HAMILTON COUNTY
SUBDIVISION REGULATIONS 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 prior to such effective date 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, the revisions to the Hamilton County Subdivision Regulations set forth herein are intended to implement the requirements of the Act in regard to development plans approved by the Hamilton County; and,

WHEREAS, for purposes of identifying the “preliminary development plan” which will cause property rights to vest as provided for in Tennessee Code Annotated Sections 13-3-413 and 13-4-310, the Chattanooga-Hamilton County Regional Planning Commission hereby designates a “preliminary plat” as that term as used and defined in the Hamilton County Subdivision Regulations; and,

WHEREAS, for purposes of identifying the “final development plan” which will cause property rights to vest as provided for in Tennessee Code Annotated Sections 13-3-413 and 13-4-310, the Chattanooga-Hamilton County Regional Planning Commission hereby designates a “staff approved subdivision plat” and a “final plat” as that term as used and defined in the Hamilton County Subdivision Regulations; 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 Hamilton County Subdivision Regulations as follows:

- 1. Delete in its entirety Article 3 Section 300.4 Effect of Preliminary Plat Approval and replace with the following:**

Section 300.4 Effect of Preliminary Plat Approval and Vested Rights

Approval of the Preliminary Plat does not constitute approval of the Final Plat, nor does it guarantee approval of the Final Plat. Approval of the Preliminary Plat indicates general approval of the arrangement of streets, lots, and drainage as a guide to the preparation of the Final Plat.

Preliminary Plat approval by the Planning Commission does not constitute permission to begin any infrastructure improvements.

After Preliminary Plat approval, and after consultation with the governmental engineer, the developer may start construction of the streets and other improvements.

Approval of Preliminary Plat as provided herein vests property rights as provided for a preliminary development plan as set forth in Tennessee Code Annotated Sections 13-3-413 and 13-4-310. Approval of Preliminary Plat shall become effective upon the date the Planning Commission votes to approve the Preliminary Plat.

2. **Delete in its entirety Article 3 Section 300.5 Effect of Final Plat Approval and replace with the following:**

Section 300.5 Effect of Final Plat Approval and Vested Rights

Final Plat approval, signing of the "Mylar", and recording of the Final Plat in the Hamilton County Register of Deeds Office shall not be an acceptance by the public or Hamilton County of the offer of dedication of any street, or other public way, or open space shown upon the Final Plat.

Approval of a Final Plat as provided herein vests property rights as provided for a final development plan as set forth in Tennessee Code Annotated Sections 13-3-413 and 13-4-310. Approval of the Final Plat shall become effective upon the date the Planning Commission votes to approve the Final Plat.

A Final Plat that meets the definition of a Staff Approved Subdivision Plat within these regulations shall vest property rights for a final development plat as set forth in Tennessee Code Annotated Sections 13-3-413 and 13-4-310 upon the date of the last signature of approval required on the plat for recording.

3. **Delete in its entirety Article 3 Section 300.6 Plat Expiration and replace with the following:**

Section 300.6 Vesting Periods and Expiration Date of Plat Approvals

Preliminary Plat

A Preliminary Plat for a subdivision shall be vested for a period of three (3) years from the date of Planning Commission approval.

If all necessary permits are secured, site preparation commences, and Final Plat approval is obtained within the three (3) year vesting period following approval of the Preliminary Plat, then the vesting period shall be extended an additional two (2) years beyond the expiration of the initial three (3) year vesting period. During the two (2) year period the applicant shall commence construction and maintain any necessary permits to remain vested.

If all necessary permits are not secured, site preparation does not commence, and Final Plat approval is not obtained within the three (3) year vesting period from the approval date of the Planning Commission then the vesting period shall expire and Preliminary Plat approval expires three (3) years from approval by the Planning Commission.

Multi-Phase Developments

In the case of developments which proceed in two (2) or more sections or phases as described on the Preliminary Plat 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 for

the first section or phase of the development shall remain the development standards applicable to all subsequent sections or phases of the development, provided the total vesting period for all phases shall not exceed fifteen (15) years from the date of the approval of the Preliminary Plat for the first section or phase, unless Hamilton County grants an extension, provided further that the applicant maintains any necessary permits during the fifteen (15) year period.

Final Plat

Approval of Final Plats shall expire after two (2) years from the date of approval by the Planning Commission.

5. Add the following to Article 5 Section 501.4 Statements to be included on the Plat:

s) Preliminary Plat was approved on (insert date of Planning Commission approval). See Resolution Number (Insert Resolution Number) for approval of Preliminary Plat.

Respectfully Submitted,

John Bridger, Secretary

Date of Adoption: December 08, 2014

JB:GH:PD:SH:bs