

First Reading: January 6, 2015
Second Reading: January 13, 2015

ORDINANCE NO. 12892

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, TO AMEND ARTICLE IV, BY ADDING A NEW SECTION 38-35, VESTED PROPERTY RIGHTS WITHIN APPROVED 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 1, 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

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, that Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Article IV, be amended by adding a new Section 38-35, Vested property rights within approved development plans as follows:

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; and
- (j) Approval of C-7 North Shore Commercial/Mixed Use Zone site plans submitted for Staff Review or Committee Review.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect within two (2) weeks from and after its passage as provided by law.

Passed on second and final reading: January 13, 2015


_____ CHAIRPERSON

APPROVED: DISAPPROVED:


_____ MAYOR

/mem