

RESOLUTION 14-R-28 adopting a policy regarding approval of development plans for purposes of the attachment of vested property rights.

WHEREAS, various provisions of the Zoning Ordinance included in the Murfreesboro City Code and the Subdivision Regulations adopted by the Murfreesboro Planning Commission pertain to the process for obtaining approval for the development of property and the period for which such approval is valid; and,

WHEREAS, the Tennessee General Assembly has enacted the Vested Property Rights Act of 2014, codified in part at TCA 13-4-310(b) through (k), (the "Act"), which establishes statewide standards under which "vesting periods" are commenced 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 provides that local governments may pass an ordinance or resolution prior to its effective date of January 1, 2015 to identify the types of development plans that will cause property rights to become vested and to specify the actions that constitute approval of such development plans; and,

WHEREAS, the provisions set forth herein are intended to implement the requirements of the Act with regard to development plans approved by the City of Murfreesboro.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. A Master Plan prepared and submitted pursuant to and in accord with Sec. 3.1 of the City's Subdivision Regulations shall be deemed to be approved on the date that the minutes are approved which minutes document that the Planning Commission adopted a motion to approve the Master Plan.

SECTION 2. A Master Plan for development within a GDO Overlay District prepared and submitted pursuant to and in accord with Sec. 24, Article III (D) of Appendix A - Zoning of the City of Murfreesboro shall be deemed to be approved on the date that the minutes are approved which minutes document that the Planning Commission adopted a motion to approve the Master Plan.

SECTION 3. A development plan requiring approval by the City Council, including but not limited to a development plan included within a Planned Development, shall be deemed to be approved on the effective date of the ordinance adopting the Planned Development.

SECTION 4. A Site Plan that requires approval by the Board of Zoning Appeals as a part of the granting of an application for a special use permit under Sec. 8 and Sec. 9 of Appendix A – Zoning Ordinance and that does not require separate approval by the Planning Commission shall be deemed to be approved on the date that the

minutes are approved which minutes document that the Board of Zoning Appeals adopted a motion to grant the special use permit.

SECTION 5. A Site Plan that requires approval by the Building Official as a part of the issuance of a building permit and that does not require separate approval by the Planning Commission shall be deemed to be approved on the date the building permit is issued by the Building Official or designee.

SECTION 6. A Site Plan prepared and submitted pursuant to and in accord with Sec. 7 of Appendix A – Zoning of the City of Murfreesboro shall be deemed to be approved on the date that the minutes are approved which minutes document that the Planning Commission adopted a motion to approve the Site Plan.

SECTION 7. A Preliminary Plat prepared and submitted pursuant to and in accord with Sec. 3 or Sec. 4 of the City's Subdivision Regulations shall be deemed to be approved on the date that the minutes are approved which minutes document that the Planning Commission adopted a motion to approve the Preliminary Plat.

SECTION 8. A Final Plat prepared and submitted pursuant to and in accord with Sec. 3 or Sec. 4 of the City's Subdivision Regulations shall be deemed to be approved on the date that the minutes are approved which minutes document that the Planning Commission adopted a motion to approve the Final Plat.

SECTION 9. A Final Plat eligible for Administrative approval pursuant to Sec. 3.4.5 of the City's Subdivision Regulations shall be deemed to be approved on the date that the Planning Director or authorized designee signs the Final Plat.

SECTION 10. A development plan that is approved subject to conditions shall be deemed to be effective for vesting purposes on a date as provided in Sections 1 through 9. Proceeding under the development plan will nonetheless require satisfaction of all conditions applicable to the development plan.

SECTION 11. It is recognized that certain developments, and particularly developments within the GDO Overlay Districts, start with a discussion between a landowner or developer and City staff with an outline, sketch, idea or concept that is a broad, general concept of a potential development containing general areas of proposed uses and may include generalized architectural plans or features, but which does not contain substantially all of the information required for a Master Plan. Such outline, sketch, idea or concept may be discussed with the Planning Commission but will not be voted upon and will not be approved or rejected by the Planning Commission. No review, discussion or comment, favorable or otherwise, of such an outline, sketch, idea or concept, whether by staff or by the Planning Commission, shall be deemed to constitute "approval" of a preliminary development plan for the purpose of establishing vested rights to development standards under the Act.

SECTION 12. Except as specifically provided by Sec. 7 (A) of Appendix A – Zoning Ordinance with respect to approval by the Building Official in connection with issuance of a building permit, and by Sec. 3.4.5 of the Subdivision Regulations adopted by the Planning Commission with respect to certain final plats, no approval of any kind

by any member of City staff will constitute approval of a development plan for purposes of establishing vested rights to development standards under the Act.

SECTION 13. This Resolution shall be effective immediately, the public welfare and the welfare of the City requiring it.

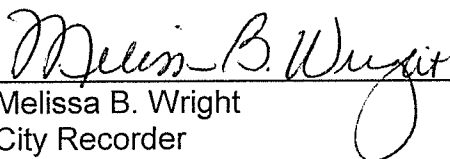
Passed: December 11, 2014



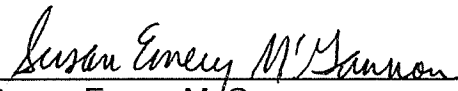
Shane McFarland, Mayor

ATTEST:

APPROVED AS TO FORM:



Melissa B. Wright
City Recorder



Susan Emery McGannon
City Attorney