

Adoption of Local Ordinances

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Adoption of Local Ordinances

Reference Number: MTAS-1994

Adoption of Local Ordinances Regarding Vested Property Rights

A city may, by ordinance or resolution, specifically identify the type or types of development plans that will cause property rights to vest; provided, that regardless of nomenclature used in the ordinance or resolution to describe a development plan, a plan which contains any of the information for a preliminary development plan or final development plan shall be considered a development plan that will cause property rights to vest. Although the law states a city may adopt a local ordinance or resolution, it must be in the form of an ordinance if an existing code previously enacted by ordinance (such as a zoning ordinance) will be amended. T.C.A. § 13-3-413(e); T.C.A. § 13-4-310(e).

Any such ordinance or resolution shall also specify what constitutes approval of a development plan. If a city has not adopted an ordinance or resolution pursuant to this section specifying what constitutes a development plan that would trigger a vested property right, then rights shall vest upon the approval of any plan, plat, drawing, or sketch, however denominated, that is substantially similar to any plan, plat, drawing, or sketch approved as a preliminary development plan or final development plan.

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

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