



TO: Tennessee Municipalities

FROM: Stephanie O'Hara, MTAS Legal Consultant

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RE: Defining "Substantial Compliance" for the Purposes of  
Tennessee Code Annotated § 13-3-413

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Tennessee Code Annotated § 13-3-413 was amended by [Public Chapter 465, Acts of 2025](#), to modify the commencement of vested development rights for development plans to begin at submission, rather than approval, of the preliminary development plan (or final development plan if a preliminary development plan is not required) and to create vested development rights for building permits, which also begins at submission for the building permit. See Tennessee Code Annotated § 13-3-413(b). However, the submission must "substantially compl[y] with the requirements of local development ordinances and regulations." Tennessee Code Annotated § 13-3-413 was further amended to require that local development ordinances specify what constitutes "substantial compliance." See Tennessee Code Annotated § 13-3-413(e). Below is a sample definition of "substantial compliance" for the purposes of this statute:

### **Substantial Compliance Definition**

Substantial compliance means that an application includes all required documents, plans, and forms, and that each submission is complete, accurate, and conforms to the city's zoning ordinance, subdivision provisions, and all applicable general regulations. The application must demonstrate that the proposed plan meets the intent and substantive requirements of all applicable codes, even if minor, technical, or non-material errors or omissions are present.

To be deemed substantially compliant, an application must:

1. Include all documents, plans, and forms as required by the city's application checklist and development procedures manual.
2. Ensure that all submissions are internally consistent, to scale, and legible.
3. Demonstrate general conformity with:
  - a. The Zoning Ordinance (e.g., lot size, density, use, setbacks),

- b. The Subdivision Regulations (e.g., block length, access, easements),
  - c. All relevant building codes, engineering standards, utility requirements, and design criteria.
- 4. Address any public health, safety, and welfare concerns associated with the proposed development.
- 5. Include any supporting studies or documentation (e.g., traffic impact analysis, drainage reports, utility availability letters) as applicable or required.

Substantial compliance does not preclude future minor amendments, but the application must clearly demonstrate intent to fully comply with all mandatory provisions and not contain any material defects that would:

- 1. Preclude meaningful review by city staff or approving authorities,
- 2. Result in nonconformance with adopted plans or ordinances, or
- 3. Compromise the public interest or administrative integrity of the approval process.

The city shall maintain and publish a current list of required documents, forms, and plan types necessary for a complete subdivision application and building permit application. Applicants are responsible for verifying and including all required components before submission.

Please note that the sample definition requires that each municipality create a list of required documents for subdivision applications and building permit applications. If you have any questions, please reach out to your municipality's assigned management or legal consultant.