

PUBLIC CHAPTER NO. 634**SENATE BILL NO. 2578****By Haynes**

Substituted for: House Bill No. 2711

By Mike Turner

AN ACT to amend Tennessee Code Annotated, Title 13, Chapter 3, Part 4 and Title 13, Chapter 4, Part 3, relative to planning commission powers to recommend adoption or establishment of provisions and guarantees for sustainable and other types of development.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 13, Chapter 3, Part 4, is amended by adding the following as a new Section 13-3-413:

A regional planning commission shall have the power to promulgate provisions in its subdivision regulations and recommend amendments to the zoning ordinance for the establishment of review and approval powers for site plans and the establishment under the zoning provisions for review and approval of planned unit developments, overlay districts, mixed use developments, condominiums and other types of sustainable design and development of property. The provision of well-designed and properly constructed infrastructure within said developments is vital to health, safety and welfare of the public utilizing said development and the community as a whole. These types of development typically contain infrastructure that may be dedicated to a governmental entity or may be controlled by other types of bodies or non-governmental entities including, but not limited to, property owner associations. These infrastructure and internal development improvements such as, but not limited to, public and non-public roads, water and sewer lines, landscaping, green space, sustainable design features and other improvements as required by the planning commission, either through its subdivision regulation or through the local government's zoning ordinance, shall be subject to bonding or other methods of guaranteeing their installation. The planning commission may set and hold these guaranteeing instruments or may designate another governmental body that duty and function.

SECTION 2. Tennessee Code Annotated, Title 13, Chapter 4, Part 3, is amended by adding the following as a new Section 13-4-310:

A municipal planning commission shall have the power to promulgate provisions in its subdivision regulations and recommend amendments to the zoning ordinance for the establishment of review and approval powers for site plans and the establishment under the zoning provisions for review and approval of planned unit developments, overlay districts, mixed use developments,

condominiums and other types of sustainable design and development of property. The provision of well-designed and properly constructed infrastructure within said development is vital to health, safety and welfare of the public utilizing said development and the community as a whole. These types of developments typically contain infrastructure that may be dedicated to a governmental entity or may be controlled by other types of bodies or non-governmental entities including, but not limited to, property owner associations. These infrastructure and internal development improvements such as, but not limited to, public and non-public roads, water and sewer lines, landscaping, green space, sustainable design features and other improvements as required by the planning commission, either through its subdivision regulation or through the local government's zoning ordinance, shall be subject to bonding or other methods of guaranteeing their installation. The planning commission may set and hold these guaranteeing instruments or may designate another governmental body that duty and function.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: March 4, 2010



RON RAMSEY
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 17th day of March 2010



PHIL BREDESEN, GOVERNOR