

HOUSE BILL 2503

By Lynn

AN ACT to amend Tennessee Code Annotated, Title 13, Chapter 3 and Title 13, Chapter 4, relative to planning.

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

SECTION 1. Tennessee Code Annotated, Section 13-3-304, is amended by deleting subdivisions (b)(2) and (b)(3) and substituting instead:

(2) If the planning commission initiates the adoption of and votes to adopt an amendment to the general plan, the legislative body must pass the amendment by a majority vote in order for the amendment to be operative.

(3)

(A) The general regional plan may be amended upon the initiative of the legislative body. The initiative must be transmitted, in writing, to the planning commission for its review, consideration, and vote. The planning commission must take action on the amendment within sixty-one (61) days of the submittal of the amendment to the planning commission by the legislative body.

(B) If the planning commission votes to approve or not approve the amendment or transmits it back to the legislative body with no recommendation, the legislative body must then approve the amendment by a majority vote in order for the amendment to be operative.

(4) The general regional plan may be adopted as an element of the jurisdiction's growth plan through the process established in title 6, chapter 58, but if the regional general plan is not adopted as part of the growth plan, it nevertheless cannot be inconsistent with the growth plan or the intent of title 6, chapter 58.

SECTION 2. Tennessee Code Annotated, Section 13-4-202(b), is amended by deleting the subsection and substituting instead:

(b)

(1) Once the commission has adopted the general plan or an amendment to the general plan for the planning jurisdiction of the commission, the commission's transmittal of the certification to the legislative body may simultaneously include a resolution by the planning commission requesting the consideration and adoption of the general plan by the legislative body of the municipality, and in the case of a municipal regional planning commission, by the county legislative body for the area outside the municipal boundary limits but within the county. The municipal legislative body, by ordinance, may adopt the general plan as certified by the planning commission, and the county legislative body by resolution may adopt the elements of the plan within the jurisdiction of the county legislative body as certified by the planning commission.

(2) Once adopted by the legislative body, the general regional plan may be amended by a vote as follows:

(A)

(i) The planning commission may initiate an amendment to the general plan. If the planning commission votes to adopt an amendment to the general plan, the planning commission shall transmit its action to the legislative body, and the legislative body must pass the amendment by a majority vote in order for the amendment to be operative; or

(ii) The general regional plan may be amended upon the initiative of the legislative body. The initiative must be transmitted,

in writing, to the planning commission for its review, consideration, and vote. The planning commission must take action on the amendment and transmit its action to the legislative body within sixty-one (61) days of the submittal of the amendment to the planning commission by the legislative body; and

(B) If the planning commission votes to approve or not approve the amendment or transmits the amendment back to the legislative body with no recommendation, the legislative body must then approve the amendment by a majority vote in order for the amendment to become operative.

(c) Prior to the adoption of the general plan or an amendment to the general plan, a legislative body shall hold a public hearing thereon, the time and place of which must be published in a newspaper of general circulation in the municipality at least thirty (30) days prior to the legislative body's meeting in which the adoption or amendment is to be first considered. If a legislative body adopts the general plan, and for all land use decisions thereafter made by the legislative body, actions by the respective planning commission or board of zoning appeals, when the board of zoning appeals is exercising its powers on matters other than variances, must be consistent with the plan. The general plan may be adopted as an element of the jurisdiction's growth plan through the process established in title 6, chapter 58, but if the general plan is not adopted as part of the growth plan, it nevertheless cannot be inconsistent with the growth plan or the intent of title 6, chapter 58.

SECTION 3. This act takes effect July 1, 2022, the public welfare requiring it.