

SENATE BILL 2181

By Niceley

AN ACT to amend Tennessee Code Annotated, Title 13,
Chapter 7, relative to zoning.

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

SECTION 1. Tennessee Code Annotated, Title 13, Chapter 7, Part 1, is amended by adding the following new section:

(a) In addition to notice and publication requirements required by law, not less than sixty (60) days before the first public hearing on a proposed zoning ordinance or amendment to an existing zoning ordinance, the governing body of the county considering the ordinance or amendment shall mail notice of the hearing by first class mail to each owner of real property who owns real property that is located in whole or in part within the boundary of real property that would be affected by the proposed ordinance or amendment. Notice provided under this subsection (a) must describe in detail for the proposed ordinance or amendment each proposed change to the use of the property, impact on the property, or action taken relative to the property.

(b) If a county governing body provides notice under subsection (a), the county shall maintain a written list of each person to whom notice was provided and the chair of the governing body shall file a certified copy of the list with the county clerk not less than five (5) business days after the provision of notice was completed under subsection (a).

(c) If a requirement under subsection (a) or (b) is not met, an owner of real property who owns real property located in whole or in part within the boundary of real property affected by a zoning ordinance or amendment to a zoning ordinance may bring an action in a court of competent jurisdiction to have the adoption of the ordinance or amendment by the county governing body voided. An owner shall not file an action

under this subsection (c) more than one (1) year after the respective requirement upon which the action is based is not met.

SECTION 2. Tennessee Code Annotated, Section 13-7-115, is amended by designating the existing language as subsection (a) and adding the following new subsection (b):

(b) This section does not preempt the requirements of Section 1.

SECTION 3. Tennessee Code Annotated, Title 13, Chapter 7, Part 2, is amended by adding the following new section:

(a) In addition to notice and publication requirements required by law, not less than sixty (60) days before the first public hearing on a proposed zoning ordinance or amendment to an existing zoning ordinance, the governing body of the municipality considering the ordinance or amendment shall mail notice of the hearing by first class mail to each owner of real property who owns real property that is located in whole or in part within the boundary of real property that would be affected by the proposed ordinance or amendment. Notice provided under this subsection (a) must describe in detail for the proposed ordinance or amendment each proposed change to the use of the property, impact on the property, or action taken relative to the property.

(b) If a municipal governing body provides notice under subsection (a), the municipality shall maintain a written list of each person to whom notice was provided and the chair of the governing body shall file a certified copy of the list with the county clerk not less than five (5) business days after the provision of notice was completed under subsection (a).

(c) If a requirement under subsection (a) or (b) is not met, an owner of real property who owns real property located in whole or in part within the boundary of real property affected by a zoning ordinance or amendment to a zoning ordinance may bring an action in a court of competent jurisdiction to have the adoption of the ordinance or amendment by the municipal governing body voided. An owner shall not file an action under this subsection (c) more than one

(1) year after the respective requirement upon which the action is based is not met.

SECTION 4. Tennessee Code Annotated, Section 13-7-210, is amended by designating the existing language as subsection (a) and adding the following new subsection (b):

(b) This section does not preempt the requirements of Section 3.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.