

HOUSE BILL 418

By Marsh

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, Section 13-7-105, is amended by adding the following as a new subsection:

() Notwithstanding any law to the contrary, a zoning amendment affecting one (1) or more parcels of private property takes effect only upon written consent of each owner of affected property.

SECTION 2. Tennessee Code Annotated, Section 13-7-204, is amended by adding the following language at the end of the section:

Notwithstanding any law to the contrary, a zoning amendment affecting one (1) or more parcels of private property takes effect only upon written consent of each owner of affected property.

SECTION 3. Tennessee Code Annotated, Title 13, Chapter 7, Part 1, is amended by adding the following new section:

(a) Notwithstanding § 13-7-115 or any other law to the contrary, and in addition to any other requirements for notice and publication under this part, the governing body of a county shall provide notice in accordance with this section to each individual property owner whose property is the subject of a proposed amendment to the zoning ordinance that changes the designation of the zoning district, other than an overlay district, that is applicable to the property. Notice is not required under this section for any property owner who has requested rezoning of the property that is subject to the

proposed amendment to the zoning ordinance or who otherwise has actual knowledge of the proposed amendment to the zoning ordinance.

(b) Not less than thirty (30) days prior to any public hearing to consider an amendment to the zoning ordinance, the governing body of a county shall by certified mail, return receipt requested, provide written notice to each property owner required to be notified pursuant to subsection (a). Notice must be sent to the owner at the mailing address of record for purposes of receiving tax bills on the property. The mailing envelope containing the notice must clearly and conspicuously bear the following language in no less than fourteen-point, bold font:

NOTIFICATION REQUIRED BY TENNESSEE STATE LAW

(c) The certified mail receipt creates a presumption that the notice requirements of this section have been satisfied, which may only be rebutted by showing manifest error on the part of the county and a lack of actual knowledge by the property owner. Return receipt of certified mail, including return receipts marked refused or unclaimed, is proof of the notice required by this section. If notice by certified mail would be required under subsection (b) for more than one hundred (100) individual property owners, the governing body of a county may provide notice by first class or direct mail through the United States postal service.

(d) The governing body of a county may use additional methods of providing notice in addition to the notice requirements of this section.

SECTION 4. Tennessee Code Annotated, Title 13, Chapter 7, Part 2, is amended by adding the following new section:

(a) Notwithstanding § 13-7-210 or any other law to the contrary, and in addition to any other requirements for notice and publication under this part, the governing body of a municipality shall provide notice in accordance with this section to each individual property owner whose property is the subject of a proposed amendment to the zoning ordinance that changes the designation of the zoning district, other than an overlay district, that is applicable to the property. Notice is not required under this section for

any property owner who has requested rezoning of the property that is subject to the proposed amendment to the zoning ordinance or who otherwise has actual knowledge of the proposed amendment to the zoning ordinance.

(b) Not less than thirty (30) days prior to any public hearing to consider an amendment to the zoning ordinance, the governing body of a municipality shall by certified mail, return receipt requested, provide written notice to each property owner required to be notified pursuant to subsection (a). Notice must be sent to the owner at the mailing address of record for purposes of receiving tax bills on the property. The mailing envelope containing the notice must clearly and conspicuously bear the following language in no less than fourteen-point, bold font:

NOTIFICATION REQUIRED BY TENNESSEE STATE LAW

(c) The certified mail receipt creates a presumption that the notice requirements of this section have been satisfied, which may only be rebutted by showing manifest error on the part of the municipality and a lack of actual knowledge by the property owner. Return receipt of certified mail, including return receipts marked refused or unclaimed, is proof of the notice required by this section. If notice by certified mail would be required under subsection (b) for more than one hundred (100) individual property owners, the governing body of a municipality may provide notice by first class or direct mail through the United States postal service.

(d) The governing body of a municipality may use additional methods of providing notice in addition to the notice requirements of this section.

SECTION 5. This act shall take effect July 1, 2019, the public welfare requiring it.