STATE OF TENNESSEE

PUBLIC CHAPTER NO. 338

SENATE BILL NO. 2116

By Norris

Substituted for: House Bill No. 2177

By Ferguson

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 language as a new, appropriately designated section:

Section 13-7-119.

(a) Any county that has exercised zoning powers under this part shall compile its zoning ordinance and map, as amended, that is in effect so as to be able to provide any member of the public with a current zoning ordinance and map. In such a county, the county legislative body shall authenticate, compile, update, keep, maintain and make available the zoning ordinance, map, and all amendments as a public record. Any county zoning ordinance and map made available to the public through a compilation made pursuant to this section, whether in electronic or paper form, shall be presumed to be a true and accurate statement of the county's zoning ordinance and map.

(b) Any party challenging the accuracy of any county zoning ordinance or map compiled as currently in effect in accordance with this section, whether in a rezoning proceeding before a county legislative body, an appeal to a board of zoning appeals, a subdivision or site plan approval proceeding before a planning commission, or in any judicial proceeding, must prove the inaccuracy of such zoning ordinance or map by clear and convincing evidence.

SECTION 2. Tennessee Code Annotated, Title 13, Chapter 7, Part 2, is amended by adding the following language as a new, appropriately designated section:

Section 13-7-212.

(a) Any municipality that has exercised zoning powers under this part shall compile its zoning ordinance and map, as amended, that is in effect so as to be able to provide any member of the public with a current zoning ordinance and map. In such a municipality, the municipal legislative body shall authenticate, compile, update, keep, maintain and

make available the zoning ordinance, map, and all amendments as a public record. Any municipal zoning ordinance and map made available to the public through a compilation made pursuant to this section, whether in electronic or paper form, shall be presumed to be a true and accurate statement of the municipality's zoning ordinance and map.

(b) Any party challenging the accuracy of any municipal zoning ordinance or map compiled or codified as currently in effect in accordance with this section, whether in a rezoning proceeding before a municipal governing body, an appeal to a board of zoning appeals, a subdivision or site plan approval proceeding before a planning commission, or in any judicial proceeding, must prove the inaccuracy of such zoning ordinance or map by clear and convincing evidence.

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

PASSED: May 14, 2009

RON RAMSEY
SPEAKER OF THE SENATE

KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 1st day of June 2009

PHIL BREDESEN, GOVERNOR