

HOUSE BILL 504

By Sargent

AN ACT to amend Tennessee Code Annotated, Section
13-7-208, relative to non-conforming uses.

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

SECTION 1. Tennessee Code Annotated, 13-7-208, is amended in subsection (e) by deleting the current language in subsection (e) and substituting the following:

(e) The provisions of subsections (b)-(d) apply only to land owned and in use by such affected business, commercial activity, industry or multifamily residential establishment, and do not operate to permit expansion of an existing business, commercial activity, industry or multifamily residential establishment through the acquisition of additional land.

SECTION 2. Tennessee Code Annotated, 13-7-208, is amended in subsection (g) by deleting the current language in subsection (g) and substituting the following:

(g) The continuous months period as referenced in this subsection shall be established by a political subdivision through its zoning ordinance, but such period shall be in a range of not less than twelve (12) months nor more than thirty (30) months. Except as provided in subsection (l), the provisions of subsections (b)-(d) shall not apply if an industrial, commercial, multifamily residential establishment or other business establishment ceases to operate for the continuous months period and the industrial, commercial, multifamily residential establishment or other business use of the property did not conform with the land use classification as denoted in the existing zoning regulations for the zoning district in which it is located. Anytime after the continuous months period, any use proposed to be established on the site, including any existing or proposed on-site sign, must conform to the provisions of the existing zoning regulations.

For the purposes of this subsection (g), the continuous months period of continuous ceased operation shall be tolled by:

(1) The period in which an industrial, commercial, multifamily residential establishment or other business establishment is party to any action in a court of competent jurisdiction regarding the use of the property until such time that a final settlement, order, decree, or judgment has been rendered;

(2) Any period in which a facility is being constructed, reconstructed, renovated, or refurbished, provided that all necessary building permits were obtained within the continuous months period;

(3) The filing of an application for a building permit for the alteration, renovation or reconstruction of a structure which is non-conforming or of a structure in which or out of which a non-conforming industrial, commercial, multifamily residential establishment or other business use operates or is located;
or

(4) The reactivation of the non-conforming use any time prior to the end of the continuous months period. In any contested matter on the cessation or reactivation of use of such property, the government has the burden of proving the cessation of the operation for the continuous months period and the property owner has the burden of proving the act of reactivation of the use during the continuous months period.

SECTION 3. Tennessee Code Annotated, 13-7-208, is amended in subsection (h) by adding the phrase “, multifamily residential establishment” after the word “commercial” in the current language of subsection (h).

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.