



## Types of Planning Commissions

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Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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## Types of Planning Commissions

**Reference Number:** MTAS-223

Planning commissions may be structured as municipal planning commissions (T.C.A. §§ 13-4-101 - 105) or as regional planning commissions (T.C.A. §§ 13-3-101 - 105). The department of economic and community development may create community planning commissions for unincorporated communities (T.C.A. §§ 13-3-201–203)

### Municipal Planning Commissions

**Reference Number:** MTAS-224

A municipal planning commission is to be composed of five to ten members determined by the chief legislative body (i.e., board of mayor and aldermen, city council, board of commissioners). One member is to be the mayor or someone designated by the mayor, and one is to be a member of the governing body and selected by that body. The remaining members are to be appointed by the mayor. The terms of appointed members must be arranged so that the term of one member expires each year. The legislative body determines whether and in what amount to compensate members. The mayor has authority to remove any appointed member "at his pleasure." T.C.A. § 13-4-101. A municipal planning commission must elect a chair from among its members and, if no existing charter provision exists, adopt rules for the transaction of its business. T.C.A. § 13-4-102.

If no charter provision exists to the contrary, the chief executive officer of the municipality has the authority to appoint and fix the compensation of a planning director within funds appropriated by the governing body. T.C.A. § 13-4-102.

This legislation is supplemental to and does not supersede private acts. T.C.A. § 13-4-105.

A planning commission may:

- Make reports and recommendations to the governing body about community development. T.C.A. § 13-4-103.
- Recommend building and financing programs for public improvements. T.C.A. § 13-4-103.
- Require public officials to furnish requested information. T.C.A. § 13-4-103.
- Adopt an official general plan for the municipality's physical development. T.C.A. §§ 13-4-201–203.
- Before construction, approve the location and extent of streets, parks, public spaces, public buildings and structures, and public and private utilities, T.C.A. § 13-4-104.
- Adopt and administer subdivision regulations. T.C.A. §§ 13-4-301–310.
- Certify a zoning plan (both text and map) to the governing body. T.C.A. § 13-7-202.

Planning commissions and zoning boards must review all plans for installation or replacement of a security gate or barrier at a gated community or facility. T.C.A. § 13-8-103.

### Regional Planning Commissions

**Reference Number:** MTAS-225

#### ***Single or Multi-County Regional Planning Commissions***

The Tennessee Department of Economic and Community Development, with approval of the local government planning advisory committee (LGPAC), may create and define the boundaries of planning regions. If a municipality elects to be included in a planning region, the Commissioner of the Department of Economic and Community Development shall appoint a regional planning commission of not fewer than five or more than 15 members from nominations by the chief elected officials of the county and the municipality. T.C.A. § 13-3-101

Members of the county and municipal legislative bodies may serve on the commission, but their number must be less than a majority. Such members serve during their respective elected terms, and other citizen members are appointed for staggered four-year terms. Commission members may be removed only for cause and only after a due process hearing. County and municipal governing bodies participating in this type of regional planning commission may establish the compensation for each member nominated by that local government. T.C.A. § 13-3-101.

Such a commission functions as a planning and advisory body for counties and cities within the region. A municipality's legislative body may designate the regional planning commission to act as the municipal planning commission. A prime mission of the regional planning commission is to prepare and maintain a regional plan. Any parts of such a plan adopted by a regional planning commission designated as a municipal planning commission have the same force and effect as a plan prepared by a municipal planning commission. T.C.A. § 13-3-301.

### ***Municipal Regional Planning Commissions***

At the request of a municipality, the Department of Economic and Community Development may, with approval of the local government planning advisory committee (LGPAC), establish a planning region composed of a municipality that has created a planning commission and a territory no more than five miles beyond the municipality, but no farther than the municipality's urban growth boundary. It may designate the municipal planning commission a regional planning commission. At least one (1) member of a municipal planning commission composed of five (5) members, and two (2) members of a municipal planning commission composed of more than five (5) members but less than eleven (11) members must reside within the regional area outside of the municipal boundaries served by the regional planning commission; provided, that, if the regional area outside of the municipal boundaries is less than fifty percent (50%) of the entire regional area, then only one (1) member of the municipal planning commission shall be appointed from the regional area outside the municipal boundaries regardless of the number of members on the municipal planning commission, or, in the alternative, the municipal planning commission may be increased in size by the number of members who are appointed from the regional area outside the municipal boundaries. T.C.A. § 13-3-102.

### ***Design Review Commissions***

T.C.A. § 6-2-201(33), part of the general law mayor-aldermanic charter, allows municipalities incorporated under that charter to establish a design review commission. This commission would develop general guidelines for the exterior appearance of non-residential property, multi-family residential property, and entrances to non-residential developments. A property owner may appeal this commission's decisions to the planning commission or, if there is not one, to the governing body.

T.C.A. § 6-54-133 provides similar authority for other municipalities to establish design review commissions, as well as an appeal process for property owners. Under this section, the municipal governing body may designate the planning commission as the design review commission. If the municipality creates a separate commission, the mayor appoints members from municipal residents and must try to include persons with architectural or engineering knowledge and persons with experience in non-residential building.

## **Training for Members of Planning Commissions**

**Reference Number:** MTAS-481

### ***Training for Members of Planning Commissions, Boards of Zoning Appeals, and Staff***

Members of planning commissions and boards of zoning appeals must attend a minimum of four hours of training in planning and zoning subjects within one year of their initial appointment and in each calendar year afterward. For members of regional planning commissions, at least one hour of training must concentrate on the rights of private property owners and the relationship of those rights to the public planning process. Full-time or contract professional planners, building commissioners, and administrators must attend eight hours of planning and zoning training each calendar year. However, a professional planner who is a member of the American Institute of Certified Planners (AICP) is exempt from this training requirement. A municipality may, by ordinance, opt out of these training requirements. T.C.A. § 13-3-101, T.C.A. § 13-4-101, T.C.A. § 13-7-205.

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