



Center for Local Planning
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Compliance with Public Chapter No. 1090: New Potential Limitations on Municipal Planning and Zoning Authority Outside the City Limits

A Policy Guide for Local Governments

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Key Takeaways

- 1. Public Chapter No. 1090 authorizes county legislative bodies to adopt a resolution voiding and superseding any zoning, subdivision, or building regulations that cities may have outside of their municipal limits.**
- 2. Communities are, however, authorized to enter into interlocal agreements with one another and with developers for the “winding down” of the municipality’s obligations outside the municipal limits and for other aspects of the planning and zoning process.**
- 3. The owners of all projects built and constructed within these areas must provide a declaration of whether or not they intend to be annexed.**

Historical Background

Municipal authority to plan and zone outside municipal limits in Tennessee dates to the state’s original planning and zoning enabling legislation adopted in the 1930’s. Today, approximately 114 cities still maintain defined extraterritorial “planning regions” under TCA § 13-3-102, allowing municipal-regional planning commissions to regulate subdivision design and infrastructure standards outside municipal boundaries. In addition, approximately 23 cities exercise extraterritorial zoning authority under T.C.A. § 13-7-302, often in counties without county zoning.

Since Tennessee ended annexation by ordinance in 2014, the justification for municipal regulation outside the municipal limits has increasingly been questioned. Historically, municipalities argued that extraterritorial authority ensured development met city standards before eventual annexation. However, because annexation now generally requires property owner consent, many communities view future annexation of fully developed areas as unlikely. As a result, several Tennessee municipalities, including Columbia, Gallatin, Hendersonville, Maryville, Portland, and White House have voluntarily relinquished their extraterritorial planning authority through action of the State’s Local Government Planning Advisory Committee.

Historically, counties had limited ability to restrict existing municipal authority outside city limits. Under T.C.A § 13-7-306, counties could supersede municipal extraterritorial zoning only by adopting county zoning regulations of their own to replace those put into place by the municipality. Counties

without zoning regulations had no authority to limit municipalities' ability to plan or zone within these defined municipal planning regions outside the city limits.

This changed on May 22, 2026, when Governor Bill Lee signed Public Chapter No. 1090 into law. Although styled to address extraterritorial zoning, which, as noted above, would only affect 23 municipalities across the state, the bill's language is much more far reaching in its impact.

Scope and Impact of Public Chapter No. 1090

Public Chapter No. 1090 allows a county commission, by majority vote of an enacting resolution, to prohibit municipalities and municipal-regional planning commissions from regulating zoning, development, infrastructure, or land use outside city limits. Although the law appears focused on extraterritorial zoning, its language is much broader and also affects municipal planning authority over subdivision plats and **infrastructure standards** in planning regions outside the city.

Generally, jurisdiction over development activity, and particularly infrastructure standards, outside the municipal limits is codified not within a zoning ordinance, but instead within a set of Subdivision Regulations adopted and enforced by the Municipal-Regional Planning Commission. These regulations provide standards for division of property and for installation of infrastructure such as roads and drainage. The language of this portion of the law indicates that the intent of the bill is not just to restrict municipal zoning authority outside the city limits, but also municipal planning authority related to the filing of subdivision plats and the installation of infrastructure to serve developments.

The law's intent becomes clearer in subsection (e), which requires that within counties that have opted into the bill's provisions, property owners must declare whether they intend to be annexed if they are seeking subdivision or building approvals within a municipality's urban growth boundary outside the municipal limits. If annexation is intended, the property must meet city standards. If not, county standards, if any, apply. This declaration must be recorded with the register of deeds.

As written, Public Chapter No. 1090 appears to authorize counties to eliminate municipal land use authority outside the city limits, including zoning, subdivision regulations, and building and other code enforcement. However, municipalities and counties may still enter into interlocal agreements allowing municipalities to continue providing certain services, such as inspections, plan review, or related functions, consistent with state law.

Key Requirements and Implications

1. Upon adoption of a resolution by majority vote of the county legislative body opting into the provisions of the law, any land use regulation that a municipality may have in place outside the city limits becomes void and unenforceable. The statute does not appear to allow the county governing body to single out individual regulations or regulatory documents.
2. All land use regulations which the municipality may have in place outside the city limits are impacted. These may include zoning ordinances, zoning maps, subdivision regulations, detail sheets and construction specifications, building and fire codes, and others.
3. Upon adoption of the required resolution, all land use related regulations in the affected area would automatically default to the county's standards, if any. Any required reviews or approvals would likewise default to the county's governing body, for rezoning applications, and to its planning commission and board of zoning appeals, if any.
4. Municipalities and counties may, but are not required to, enter into interlocal or other agreements to manage completion or "winding down" of projects.
5. Municipalities and counties would also be able to enter into interlocal agreements to more specifically define the provision of services outside the city limits as long as the terms of the interlocal agreement comply with state law generally.
6. This bill does not apply to Moore County, Trousdale County, Hamilton County, Knox County, Davidson County, or Shelby County.
7. Following adoption of a resolution abolishing municipal authority outside the city limits, any preliminary plat, final plat, site plan, or building permit application filed by a property owner within the municipal urban growth boundary must be accompanied by a written declaration of whether the owner intends to have the property annexed by the municipality. This declaration must be recorded with the county's register of deeds.
8. If the property owner does wish for the property to be annexed in the future, the project must be developed according to the standards that would be imposed under the applicable municipal standards. The Act is silent on who assumes responsibility for ensuring that these municipal requirements are met. This could potentially be handled via an interlocal agreement between the municipality and county.
9. Counties that opt into this Act appear to be responsible for ensuring annexation declarations are filed and recorded for all preliminary plats, final plats, site plans, and building permits that are submitted within the municipal urban growth boundary. Again, this would only apply if the county commission has opted into the provisions of Public Chapter No. 1090.

10. If the property owner declines to seek annexation, the property is ineligible for annexation until a future owner enters into an agreement with the city binding themselves and future owners to pay a special assessment to bring the property to municipal standards for infrastructure. Any such agreement must be recorded with the register of deeds.

Effect

Although it does represent a significant change with regard to long established municipal planning practices, Public Chapter No. 1090 presents municipalities and counties with new opportunities for collaborative land use planning along the municipal fringe. In addition, it also brings applicable planning law more into line with existing annexation law. Existing annexation provisions remain unchanged, in that municipalities may still annex contiguous properties within their urban growth boundaries with property owner consent in accordance with applicable law.

Best Practices for All

1. ***Understand existing regulations and transitions.*** Before taking action under Public Chapter No. 1090, local governments should review existing regulations, ensure any maps are up to date, and identify any needed transition procedures. Datasets containing GIS shapefiles and spreadsheets listing property zoning information may be compiled for transmission to the county. Counties with professional staff and modern regulations will likely experience a smoother transition than those without them. While not required by the statute, provision of notice by the county to any municipality that will be impacted will also help to facilitate a smoother transition.
2. ***Evaluate staffing needs.*** Counties should assess whether additional planning, engineering, or codes staff will be needed to handle increased development review responsibilities in former municipal planning regions.
3. ***Amend county zoning documents if necessary.*** Counties with zoning should update zoning maps and ordinances to reflect any jurisdictional changes and comply with required public notice and hearing procedures. Counties may wish to set an effective date for any changes authorized by Public Chapter No. 1090 to coincide with the adoption of any necessary updates to the County's zoning map, zoning ordinance and other regulations.
4. ***Update municipal regulations.*** Following adoption of the required enacting resolution by the county governing body, municipalities may wish to revise their ordinances and planning documents to remove references to former extraterritorial jurisdictions.

5. ***Notify affected residents.*** Counties may wish to inform impacted property owners and developers that development and permitting matters in the affected unincorporated area will now be handled by the county instead of the city.
6. ***Create an annexation declaration form.*** Counties should develop a standard annexation declaration template and confirm with the register of deeds that it can be properly recorded.
7. ***Address gaps in counties without land use controls.*** Counties without zoning, subdivision, or building regulations may need interlocal agreements with cities to help administer annexation declaration requirements, notify developers of any applicable standards and to wind down any ongoing development in the unincorporated area.

Conclusion

Public Chapter No. 1090 will result in a shift in land use control in some unincorporated areas from municipalities to counties. It also creates a framework intended to prevent substandard development in urban growth boundaries and seeks to ensure future annexed properties can be upgraded to municipal infrastructure standards without shifting costs to existing municipal taxpayers. Municipalities and counties that are impacted by the law should continue to work closely together to ensure that all statutory requirements are met and that residents receive the services to which they are entitled once any changes go into effect.

Need Assistance?

The Center for Local Planning stands ready to provide advice to local governments as they work to comply with these new statutory requirements. Communities with questions may submit a request for assistance to planning@tennessee.edu.



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