

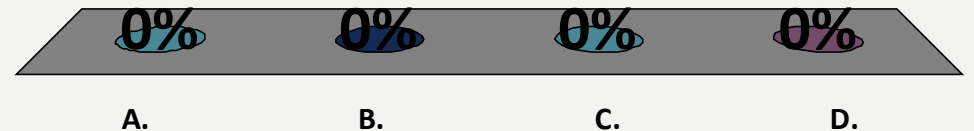


**PLANNING
COMMISSION
TRIVIA**

PLANNING COMMISSIONER TRAINING 2017

WHICH TITLE OF TENNESSEE CODE ANNOTATED (TCA) CONTAINS A MAJORITY OF THE STATE'S PLANNING REGULATIONS?

- A. Title 13
- B. Title 7
- C. Title 2
- D. Title 25



A. TITLE 13

Title 13: Public Planning and Housing

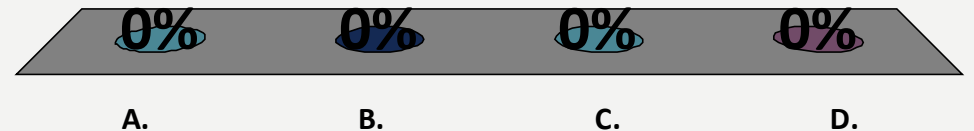
All of TCA is available
online at:

<http://www.lexisnexis.com/hottopics/tncode/>

-	<input type="checkbox"/>	Title 13 Public Planning And Housing
	<input type="checkbox"/>	Chapter 1 State Planning Office [Repealed or Transferred]
	<input type="checkbox"/>	Chapter 2 Interstate and Federal Agreements
	<input type="checkbox"/>	Chapter 3 Regional Planning
	<input type="checkbox"/>	Chapter 4 Municipal Planning
	<input type="checkbox"/>	Chapter 5 Older Neighborhood Preservation Act
	<input type="checkbox"/>	Chapter 6 Neighborhood Preservation Act
	<input type="checkbox"/>	Chapter 7 Zoning
	<input type="checkbox"/>	Chapter 8 Security Gates and Barriers
	<input type="checkbox"/>	Chapter 9 Transportation Planning [Repealed]
	<input type="checkbox"/>	Chapter 10 Mass Transit
	<input type="checkbox"/>	Chapter 11 Uniform Relocation Assistance Act of 1972
	<input type="checkbox"/>	Chapter 12 [Reserved]
	<input type="checkbox"/>	Chapter 13 Neighborhood Development Act of 1987
	<input type="checkbox"/>	Chapter 14 Development District Act Of 1965
	<input type="checkbox"/>	Chapter 15 New Community Development [Repealed]
	<input type="checkbox"/>	Chapter 16 Industrial Development
	<input type="checkbox"/>	Chapter 17 [Reserved]
	<input type="checkbox"/>	Chapter 18 Major Energy Project Act of 1981
	<input type="checkbox"/>	Chapter 19 Energy Conservation Code
	<input type="checkbox"/>	Chapter 20 Housing Authorities Law
	<input type="checkbox"/>	Chapter 21 Slum Clearance and Redevelopment
	<input type="checkbox"/>	Chapter 22 Housing Rehabilitation
	<input type="checkbox"/>	Chapter 23 Housing Development Agency
	<input type="checkbox"/>	Chapter 24 Zoning Classifications
	<input type="checkbox"/>	Chapter 25 [Reserved]
	<input type="checkbox"/>	Chapter 26 Human Resource Agency Act of 1973
	<input type="checkbox"/>	Chapter 27 Export Development and International Trade [Repealed]
	<input type="checkbox"/>	Chapter 28 Enterprise Zones
	<input type="checkbox"/>	Chapter 29 Tennessee Minority Business Councils Cooperation Act of 1997
	<input type="checkbox"/>	Chapter 30 Tennessee Local Land Bank Program

WHICH OF THE FOLLOWING ACTIONS DOES NOT REQUIRE *MANDATORY REFERRAL* TO THE PLANNING COMMISSION?

- A. Change to the Zoning Map
- B. Acceptance/Opening of Streets
- C. Amendment to the Zoning Ordinance
- D. Building Condemnation/Property Maintenance





**D. BUILDING
CONDEMNATION/
PROPERTY
MAINTENANCE**

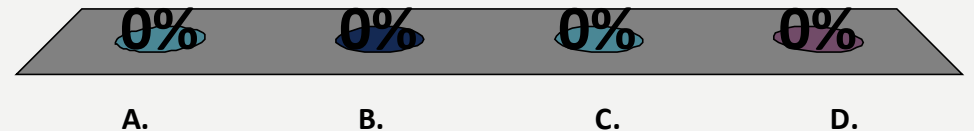
Mandatory Referral: Term used to describe the Planning Commission's authority to review and make recommendations regarding certain governmental actions.

What city/county decisions require mandatory referral by the Planning Commission?

- Construction of roadways and/or utilities
- Adoption of a zoning ordinance and/or map
- Amendments to zoning map
- Amendments to zoning ordinance

ONE OF THESE OPTIONS IS NOT A
POWER OF THE PLANNING COMMISSION.
WHICH IS IT?

- A. Amending Subdivision Regulations
- B. Granting Zoning Variances
- C. Approving Plats
- D. Granting Subdivision Regulation Variances





**B. GRANTING ZONING
VARIANCES**

POWERS OF THE PLANNING COMMISSION

- Prepare, adopt, and make reports on a general plan
- Make recommendations regarding streets and utilities
- Subdivision Regulations
- Approve/deny variances to the Subdivision Regulations
- Recommend adopting and amending a zoning ordinance/resolution or map

POWERS OF THE BOARD OF ZONING APPEALS

- Administrative review of Building Inspector or other administrative officer's interpretation of the Zoning Ordinance
- Decisions on special exceptions defined in the ordinance, interpretation of the zoning map, or other "special questions."
- Granting of variances to the Zoning Ordinance/Resolution

WHICH OF THE FOLLOWING IS A VIOLATION OF TENNESSEE SUNSHINE LAWS?

- A. Allowing a member of the PC to participate in a meeting over the phone
- B. Emailing PC staff prior to a meeting to ask a question about an agenda item
- C. Advertising a Special Called PC meeting only 5 days in advance
- D. Having a closed meeting between the Planning Commission and their attorney regarding a pending case



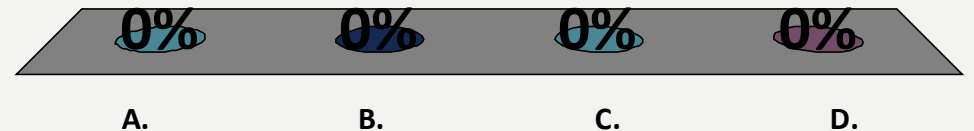
**A. ALLOWING A
MEMBER OF THE PC TO
PARTICIPATE OVER THE
PHONE**

Tennessee Open Meetings Act (Sunshine Law) TCA Section 8-44-101

- “...the formation of public policy and decisions is public business and shall not be conducted in secret.”
 - Public business cannot be discussed outside of an open meeting (this does not include conversations with staff)
 - Meetings must be scheduled to give the public “adequate notice”
 - All meeting minutes and votes are open to the public
 - State agencies are allowed to have members participate over the phone
 - Tennessee case law has allowed closed meetings with attorneys

WHICH OF THE FOLLOWING PC DECISIONS DOES NOT HAVE TO BE APPROVED BY THE CITY OR COUNTY COMMISSION?

- A. Zoning Ordinance Amendment
- B. Street Adoption
- C. Subdivision Regulation Amendment
- D. A Rezoning

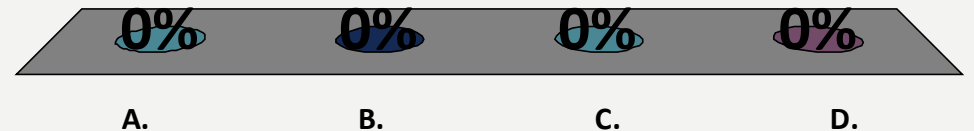




**C. SUBDIVISION
REGULATION
AMENDMENT**

HOW LONG DOES A PLANNING COMMISSION HAVE TO APPROVE OR DISPROVE A PLAT ONCE IT HAS BEEN CONSIDERED AT A MEETING?

- A. 90 Days
- B. 30 Days
- C. 1 Year
- D. 60 Days



D. 60 DAYS

The 60 days can be extended...

- If there is a holiday or other unexpected event that interrupts the 60 days. In that case, a decision must be made at the next scheduled meeting.
- If the applicant submitting the plat waives the requirement or allows for an extension.

If the PC fails to act within 60 days, the plat “shall be deemed approved”.

A PLAT HAS BEEN SUBMITTED. ALL LOTS ARE 10+ ACRES AND EACH LOT FRONTS ON AN EXISTING, PUBLIC ROAD FOR 500+ FEET. WILL THIS PLAT COME BEFORE THE PLANNING COMMISSION?

- A. Yes
- B. No



B. NO

If a plat....

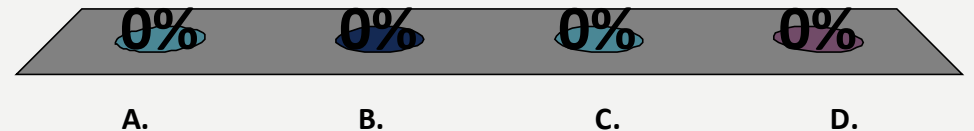
- Does not require the construction of new roads or utility extensions and
- All impacted lots are over 5 acres

The plat does not qualify as a subdivision in TN, therefore the Subdivision Regulations do not apply.

Bonus Question: If the city/county has zoning, does the Zoning Ordinance/Resolution still apply?

AT WHAT POINT IN THE SUBDIVISION PROCESS ARE LOTS ABLE TO BE LEGALLY SOLD?

- A. After preliminary plat approval
- B. After the final plat is approved and all infrastructure (roads, utilities, etc.) has been completed
- C. After the final plat is approved and recorded at the county courthouse
- D. After the Planning Commission approves the final plat



**C. AFTER THE FINAL
PLAT IS APPROVED AND
RECORDED AT THE
COUNTY COURTHOUSE**

“The owner or the agent of the owner of any land shall not:

(A) Transfer, sell, agree to sell, or negotiate to sell the land by reference to, exhibition of, or by other use of a subdivision plat without first submitting a final subdivision plat to the regional planning commission and receiving the commission's approval and before the final plat is recorded in the appropriate register's office...”

Regional Planning Commissions

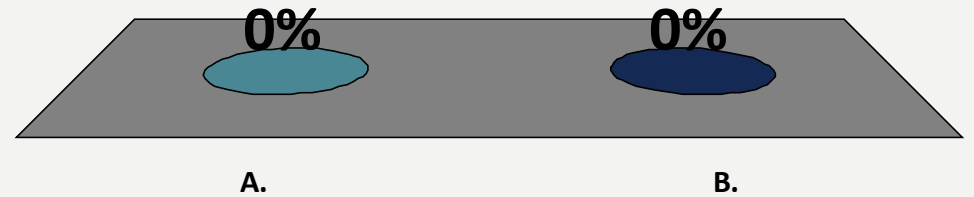
- TCA 13-3-410

Municipal Planning Commissions

- TCA 13-4-306

SPOT ZONING IS ILLEGAL.

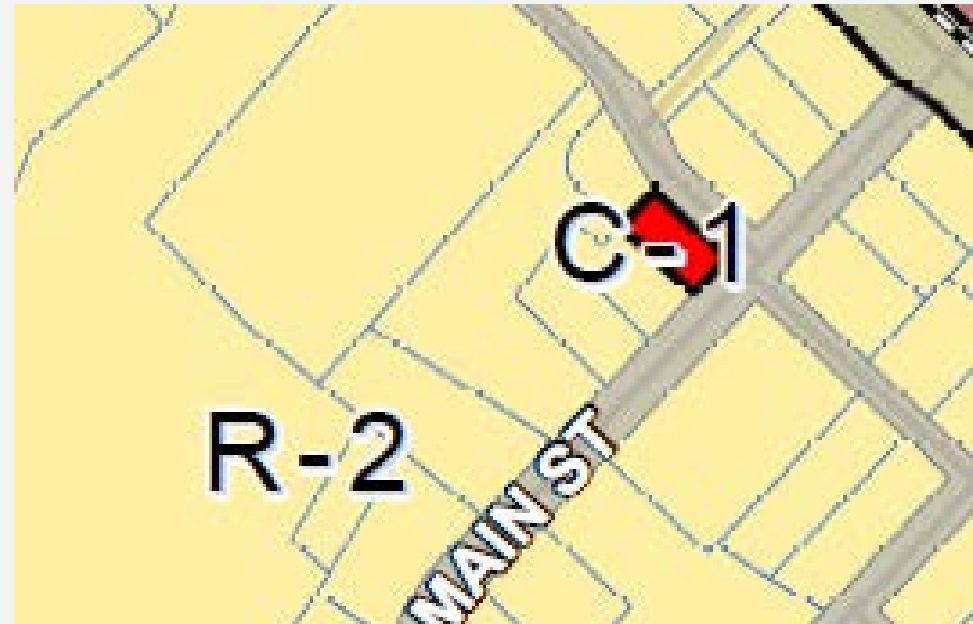
- A. True
- B. False



B. FALSE

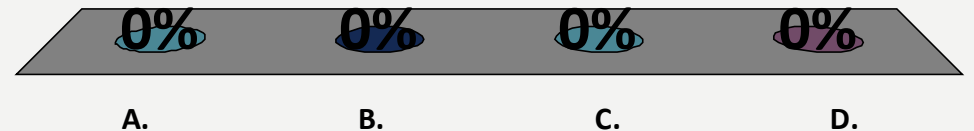
Rezoning Considerations:

- Agreement with other planning documents (Land Use Plan, Transportation Plan, etc.)
- Compatibility with adjacent uses and zoning districts
- Adverse impacts to adjoining property owners
- Benefit to only one property owner or group of owners
- Public Services (Fire protection, water and sewer, etc.)



WHICH OF THESE ITEMS DOES NOT REQUIRE A PUBLIC HEARING?

- A. Zoning Ordinance Amendment
- B. Rezoning
- C. Subdivision Regulation Amendment
- D. Variance





D. VARIANCE

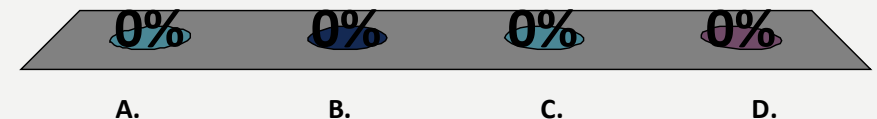
Public Hearing Advertisement Requirements

Zoning Ordinance or Map Amendment: 15 days

Subdivision Regulation Amendment: 30 days

ACCORDING TO THE VESTED PROPERTY RIGHTS ACT OF 2014, HOW LONG AFTER THE APPROVAL OF A DEVELOPMENT PLAN (FINAL PLAT) DOES A DEVELOPER HAVE A “VESTED PROPERTY RIGHT”?

- A. 3 years after development plan approval, with extensions of 2 and 10 years after site preparation and construction.
- B. 5 years, with an additional 5 year extension when construction begins. If the project is in phases, up to 10 additional years.
- C. 10 years
- D. 1 year after the plan is approved, with extensions up to 10 years after construction begins.

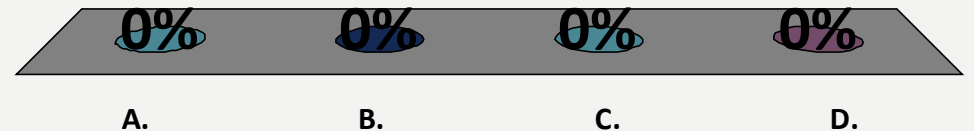


A. 3 YEARS AFTER
DEVELOPMENT PLAN
APPROVAL, WITH
EXTENSIONS OF 2 AND 10
YEARS AFTER SITE
PREPARATION AND
CONSTRUCTION.

Development Phase	Vested Property Right Period
Preliminary Development Plan (Preliminary Plat)	3 years, site prep must begin
Final Development Plan (Final Plat)	2 years, or 5 years when no Preliminary Plat is required
After Final Development Plan Approval, Once Construction Begins	10 years
Multi-Phase Development	Development standards in place at first phase approval are in place for all phases, up to 15 years total vesting period

CHOOSING FROM THE OPTIONS BELOW, WHO DOES *NOT* SIGN OFF ON FINAL PLATS?

- A. Local Government
- B. Planning Commission
Chairperson
- C. Sewage System
Authority
- D. Planning Commission
Secretary





**B. PLANNING COMMISSION
CHAIRPERSON**

Who might sign off on a Final Plat?

- Planning Commission Secretary
- Local government official
- Property Owner(s)
- Surveyor
- Addressing (County E-911, Hamilton County GIS, etc.)
- Entity who approves septic systems
- Sewer provider
- Water provider
- Electricity provider
- Planning Commission staff
- Gas Company

**THANKS FOR
PLAYING!**