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Lines on a Map, Rules on the Ground

How State and Local Zoning and Building Policies Affect Housing in Tennessee

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Key Takeaways

- State and local zoning and building policies affect nearly every aspect of housing development and can affect the supply and cost of homes available to meet Tennessee's growing demand.
- State law gives counties and cities broad authority to decide if and how to zone, but it also requires any community that adopts zoning to follow a standardized planning process.
- As state and local policymakers weigh changes to these regulatory tools that affect housing supply and affordability, they may want to consider:
    - Exploring approaches beyond single-family zoning that allow more homes on the land available for residential use.
    - Revisiting building codes to lower development costs for housing types that are larger than two units.
    - Incentivizing or equipping local governments to adopt clear, transparent policies and processes to reduce development barriers.
    - Refining approval procedures and increasing transparency to help reduce conflict and clarify public expectations around new development.

Tennessee's housing supply has failed to keep up with demand in recent decades—leading to rapid price increases across the state. State and local policymakers have a range of available policy tools that could help increase supply and/or control cost growth—including the regulation and enforcement of zoning and building policies. (1) (2) (3) (4) This paper explains why these specific tools matter, how they work in Tennessee, and the opportunities and challenges they can present for housing supply and affordability. See the **Key Terms** text box at the end for additional information about some of the terms used in this paper and related policy conversations.

Why It Matters for Housing

State and local policies shape nearly every aspect of housing development, from what can be built and where to how long approvals take. Some of these tools include:

- **Zoning** limits what, where, and how much can be built and what it can look like.
- **Building Codes** define how homes are built. They cover health and safety standards and some design elements (e.g., building height requirements).
- **Permitting** is the administrative process builders go through to demonstrate that their plans meet zoning and building code requirements for permission to develop.
- **Inspections** during and after construction ensure development complies with relevant requirements.

These policy tools come with trade-offs that affect Tennessee's housing supply. These regulations help communities guide growth to achieve desired goals, like protecting health and safety, managing infrastructure, protecting the environment, preserving neighborhood character, and gathering local input. At the same time, these tools also affect the costs, timelines, and feasibility of homebuilding—all of which impact housing supply and affordability. (5) (3) (6) (7) While the remainder of this report explores these dynamics in greater detail, a few common examples illustrate how choices around zoning and building codes shape outcomes:

- Minimum lot size requirements and limits on the number of units per lot constrain potential supply by reducing the total number of homes that can be built and increasing per-unit land costs.
- Vague or overly strict local requirements can make projects unfeasible or result in lengthy approval processes.
- Mandates like parking minimums reduce habitable space, which can affect the type and number of units that can be built affordably.
- Zoning hearings and additional public review processes can add time and costs to approvals and, in some cases, could contribute to project delays or cancellations.

History

In the early 20th century, health and safety concerns led to the development of local zoning practices as a way to balance private property rights and the public welfare. As cities grew with industrialization, local governments had to address growing legal concerns about land use—largely depending on private property disputes and civil lawsuits to address health and safety concerns. To approach this, many cities began developing zoning practices as a policy tool to manage local land use. (8) (9) (10)

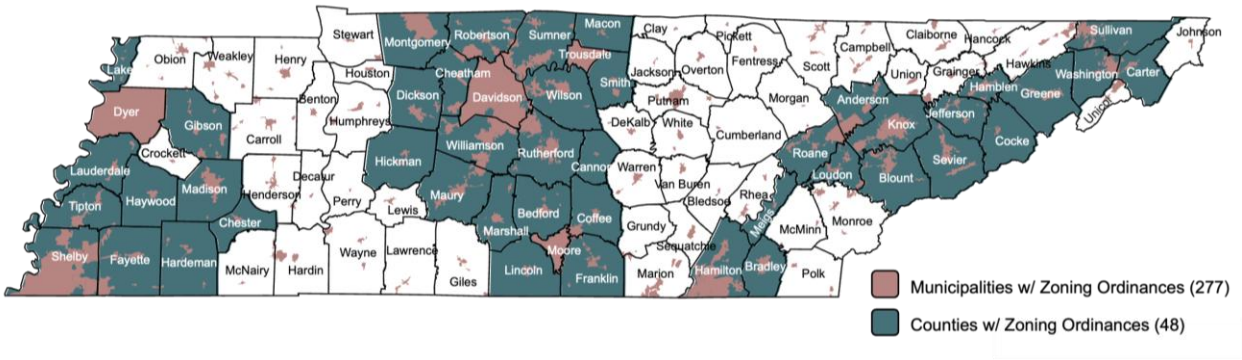
Federal and state actions in the 1920s and '30s affirmed the authority of Tennessee's local governments to plan their communities. In the 1920s, landmark federal court cases and legislation explicitly authorized local governments to zone land. In 1935, Tennessee state law delegated zoning authority to counties and municipalities—spurring the development of local processes for regulating land use. (9) (11) (12) (13) As zoning became more prevalent, the insurance, engineering, and construction industries developed building standards that shaped today's building codes. (14)

Zoning in Tennessee

State law gives counties and cities wide latitude to decide if and how to zone, but it also requires any community[1] **that adopts zoning to follow a standardized planning process**. (15) In practice, cities are more likely than counties to use zoning to balance competing land uses where demand is higher—often in more tailored ways that reflect local priorities. Counties tend to have a more limited role while fulfilling state requirements to coordinate with municipalities around city growth. (16) (17) According to data compiled by the state's county and municipal technical assistance offices, 48 counties and 276 municipalities—or 51% and 80%, respectively—had adopted zoning ordinances as of 2025 (**Figure 1**). (18) (19) When local governments do rely on zoning, the framework includes formal planning bodies, zoning ordinances, building codes, and enforcement tools such as permits and inspections (**Figure 2**).

Figure 1. Every County Has At Least One Municipality With Local Zoning, But About Half Lack County-Wide Zoning

Tennessee Municipalities and Counties That Have Adopted Zoning Ordinances (2025)



Source: The Sycamore Institute's analysis of data from Tennessee County Technical Assistance Service (CTAS), the Municipal Technical Advisory Service (MTAS), and the City of Hohenwald (18) (19) (20)

Locally appointed planning commissions review and make recommendations on land use policy. Tennessee has regional and municipal planning commissions which differ in jurisdiction, structure, and membership. (**Table 1**) (13) (22) These commissions craft plans that often account for future growth and specify different types of land uses. By state law, these plans must include maps, charts, and descriptions of zoning designations and allowable uses. (23) (24)

[1] Unless otherwise specified, the use of the term "local governments" or "communities" refers to both counties and municipalities.

Table 1. Tennessee's Regional and Municipal Planning Commissions Differ in Structure and Oversight

Tennessee Regional vs. Municipal Planning Commissions

	Regional Planning Commission	Municipal Planning Commission
Applicable Area	One or more counties—as defined by the TN Dept of Economic and Community Development (TNECD)	Only the municipality except when authorized by TNECD to serve the surrounding county
Quantity	Regional planning commissions currently serve all or portions of 78 counties	There are 286 municipal planning commissions across Tennessee
Purpose	• Prepare and adopt a general regional plan • Coordinate county and municipal planning. • Adopt subdivision regulation outside of municipal boundaries	• Oversee local planning and general plan adoption • Adopt subdivision regulation of the municipality • Advise on zoning of the municipality
Membership	• 5-15 members appointed by the TNECD commissioner with 4-year staggered terms • May include county or municipal legislative members	• 5-10 members appointed by the city mayor with 4-year staggered terms • Must include the mayor, one local legislator (e.g., city council member), and a community member

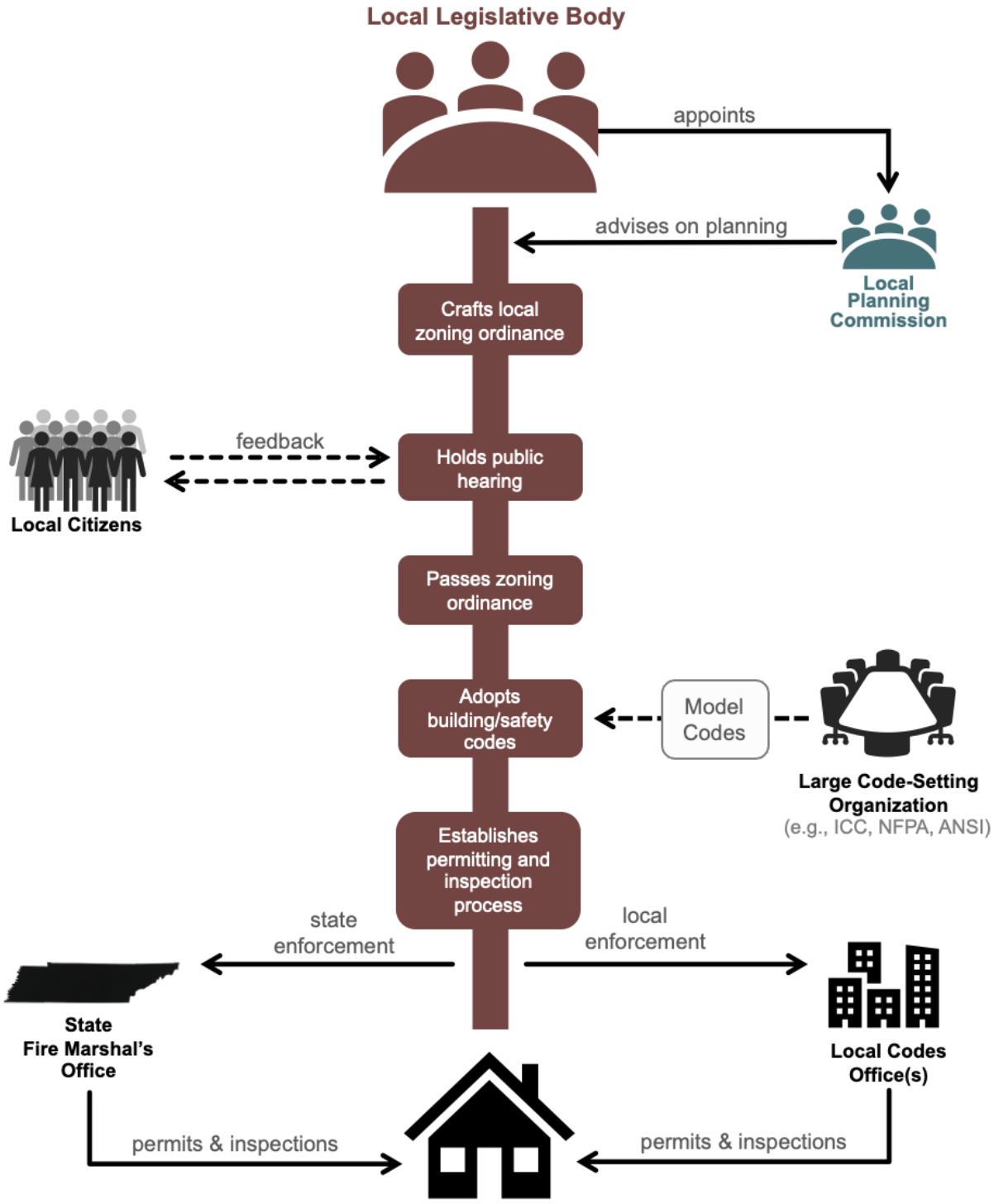
Note: Tennessee law also allows community planning commissions for unincorporated areas that are less than 10 square miles and with less than 500 residents. There are no active community planning commissions in Tennessee.
Source: The Sycamore Institute's analysis of Tennessee Code Title 13, Chapter 3 and Title 13, Chapter 7 and data received from MTAS (19) (22) (24)

Local legislative bodies adopt and amend zoning ordinances based on planning commission recommendations. Depending on the level of government, either a city council or a county commission uses its local planning commission's plan to create or change a local zoning ordinance. (25) The planning commission makes recommendations on planning policies, including proposing new ones and revisions to existing ones.

Local governments must allow public input on zoning decisions and hold a public hearing to adopt or amend zoning ordinances after planning commission approval. State law does not require a local referendum, though a governing body may choose to call one. (26) (27) Otherwise, state law only requires the local legislative body to receive public comment on zoning changes before it votes to approve any changes (e.g., allowing a duplex development in a zone otherwise restricted to single-family homes).

Figure 2. Tennessee's Local Governments All Follow a Similar Process to Define Their Zoning and Building Codes

Local Process to Adopt and Enforce Zoning and Building Codes in Tennessee



Source: The Sycamore Institute's analysis of Tennessee Code §13-7-101 & §13-7-201 (24) (22)

Local governments have flexibility in how they define and designate their zoning districts. For example, there is no standardized syntax for zoning codes, but they generally reflect their identified uses. These designations—however they are named—define and regulate the density, uses, and acceptable structural elements allowed within the zoned area (**Figure 3**). "R" is widely used for residential uses, but local codes are often more specific. To illustrate how these can be flexibly defined, consider the different ways "R" is used in different cities across the state:

- The Memphis and Shelby County Unified Development Code has seven different "R" designations for single-family homes and five "RU" codes for multi-family. (28)
- The Metro Nashville and Davidson County Code of Ordinances contains over 30 different residential classifications—including "RS" for single-family only, "R" for both single- and two-family, and "RM" for multi-family. (29)
- The Kingsport Code of Ordinances contains 9 different residential zoning districts: "R-1" definitions for single-family homes, "R-2" through "R-5" for multi-family, and special residential districts for golf course communities and urban agriculture estates. (30)

Figure 3. Zoning Definitions Outline Many Aspects of a Building

Local zoning ordinances often allow exceptions through special approval processes. Some uses are allowed "by right," meaning they can proceed without any special approvals if they meet all zoning requirements. (31) "Conditional" or "special uses" are allowed only under certain conditions—e.g., requiring additional review, public hearings, or permits. This tiered approach gives local governments flexibility to accommodate uses that fit the goals of a community but may need closer review to address potential effects.

In Tennessee, local governments are pre-empted from zoning certain types of land and uses. For example, when preexisting farms are annexed by a municipality, they can remain exempt from most zoning and other types of local land use restrictions (e.g., maximum noise requirements) that would disrupt their operations. In addition, Tennessee's 2025 Farmland Preservation Act provides funding for farmers who choose to place permanent restrictions on their land to prevent future commercial or residential development. (32) To qualify, land must meet a definition developed by the Tennessee

Department of Agriculture (TDA), and landowners must apply to TDA and show proof that the land will be used for farming or forestry. (33) (34) State law also limits local zoning power over (35) (36):

- Group homes for individuals with disabilities,
- Non-trailer manufactured homes,
- Telecommunications facilities and towers, and
- Preexisting short-term rental units.

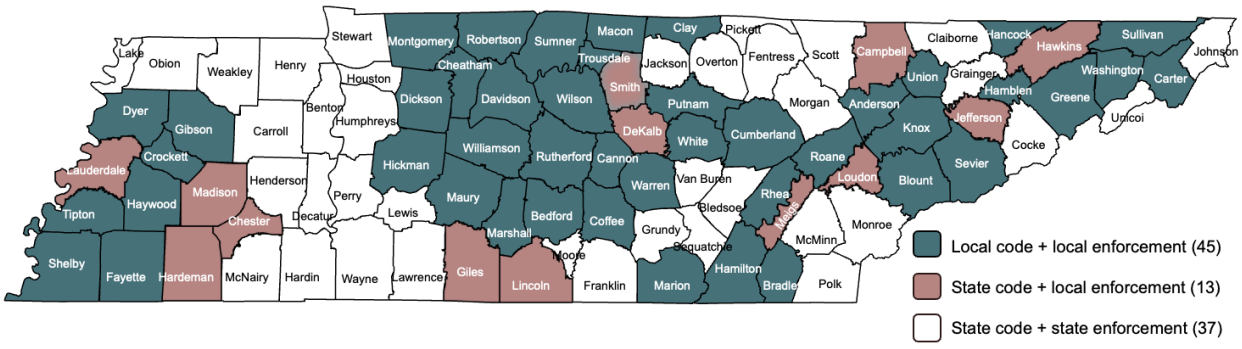
Building Codes in Tennessee

Building codes work alongside zoning to shape how communities are built. While zoning determines where and what type of development can occur, building codes establish how those structures are to be safely constructed. For example, they set minimum standards for design, materials, and construction practices to reduce risks of fire, structural failure, and water damage.

Most Tennessee building codes are based on national or international standards that vary by size, use, and complexity. (37) Organizations such as the International Code Council (ICC) and the National Fire Protection Association (NFPA) develop specialized model codes—for example, specific standards for plumbing, electrical systems, HVAC, fire safety, structural integrity, and site work and for different development types (e.g., factories, large apartment buildings, single-family homes). (37) (38) (39) The Tennessee State Fire Marshal's Office (SFMO) adopts several of these codes as Tennessee's statewide minimum building safety standards—establishing baseline requirements for materials and installation. (40) (41) (42)

Figure 4. Fewer Than Half of Tennessee Counties Have Adopted Their Own Building Codes

Applicable Building Codes and Enforcement by County* (2025)



*The map reflects only county-level information based on available data provided in December 2025. In counties that use the state's building code, many municipalities have adopted their own local codes.
Source: Tennessee County Technical Assistance Service (CTAS) (18)

Local governments can adopt and/or enforce a building code that meets or exceeds the state's minimum standards, or they can rely on the state code and/or SFMO enforcement. (43) At the county-level, 45 Tennessee counties enforce their own building codes, 37 rely on the state's code and State Fire Marshal's Office enforcement, and 13 adopt the state's code and locally enforce it (**Figure 4**).[2]

[2] Statewide data on municipal building codes was not readily available at the time of publication.

Most local building codes in Tennessee are adopted versions of the International Residential Code (IRC) for one- and two-family homes and the International Building Code (IBC) for larger buildings.

Some types of housing must meet additional federal requirements. Federal building codes are typically based on model codes but also include other requirements for things like accessibility, energy, and safety. (44) Federally-supported affordable housing developments must meet the building code standards of the U.S. Department of Housing and Urban Development (HUD). (45) Moreover, all manufactured homes must meet HUD building and installation codes—but states can set additional installation standards. (46)

Permits and Inspections in Tennessee

Local governments use permitting and inspection processes to approve construction and verify that it complies with local standards. Permits are only issued and construction can only proceed once local officials confirm that a project meets zoning and building code requirements. Projects must also undergo inspections throughout the building process to certify compliance with applicable building codes. Inspections must be conducted at defined points in the construction process and often require a fee. Additionally, approvals are typically valid only for a limited period during which construction must begin.

If a local government opts out of enforcing building codes itself, builders must comply with the state's minimum standards and obtain a state building permit through the Tennessee SFMO. The SFMO requires inspections at three key stages—foundation, framing and rough-in for utilities, and a final inspection before the building can be occupied. (47) (40) (41)

Local governments that enforce a building code themselves design their own enforcement processes that can exceed the state's minimum standards. For example, depending on the scope and size of the project, a builder may need to obtain permits for grading and site preparation, foundations, sewage systems, electrical systems, and fire safety systems.

Certified building inspectors—employed by or contracted with state and local governments—enforce these processes. Inspectors are typically professionals with backgrounds in construction, fire safety, or engineering who are trained to ensure compliance with adopted building and fire codes. Inspectors are certified by the SFMO and—depending on who is responsible for enforcement—have historically been employed directly by a local government or the SFMO. In 2024, Tennessee passed a law that allows contracting with third-party certified building inspectors approved by the SFMO. (48)

Policy Options to Address Housing Supply and Affordability

State and local use of zoning and building codes can have a significant impact on housing supply and affordability. This section summarizes relevant options that Tennessee policymakers concerned about housing costs may want to consider. See the **Key Terms** text box for additional information about some of the terms used in this section and related policy conversations.

Each of these policy approaches has trade-offs to weigh carefully. For example, any changes that make it easier to increase supply could also set the stage for more demand on local infrastructure or alter the makeup of existing neighborhoods. Changes like these can stir strong emotions, as people often have

deep feelings about and resist policy shifts that affect the nature of the places they call home. Policymakers must balance the goals and trade-offs of improving access to housing for Tennesseans based on the distinct needs, values, and priorities of their communities and constituents.

Allowing More Homes on the Same Amount of Land

Exploring approaches beyond single-family zoning could help to increase housing supply at lower price points by using available land more efficiently. Since its inception, residential zoning has largely prioritized single-family housing. This approach constrains the potential supply of housing, which puts upward pressure on the cost of each home that does get built. Examples of approaches that allow for more households to live on a given plot of land include:

- Reducing requirements related to lot size, parking minimums, setbacks, and height. (49) (11)
- Allowing more variety of housing types (e.g., accessory dwelling units, fourplexes etc.) in residential areas—similar to recent changes adopted in Knoxville. (50) (51)
- Preapproving building plans for a greater range of multi-unit housing types (e.g., cottage courts, duplexes, etc.)—like those recently adopted in Memphis and Bristol. (52) (53) (54) (39) (55)
- Adopting form-based zoning or performance-based zoning instead of traditional use-based zoning, which can offer flexibility while still reflecting community preferences. (3) (2) For example, Nashville and Chattanooga have applied form-based practices to control the development of their downtown regions while maintaining historical character. (56) (57)

Adjusting Building Codes for Small, Multi-Unit Housing

Revisiting building codes could help to increase housing supply by lowering costs for some "Missing Middle" housing types. For example, one- and two-family residential buildings are subject to IRC standards, while anything larger is subject to more stringent IBC standards. As a result, medium-density developments (e.g., fourplexes) must meet the same costlier requirements as large multi-family apartment buildings. (58) (59) A 2024 state law enabled local governments to exempt multi-unit buildings that are six stories or less from the IBC's two-staircase requirement. (60) (43) Identifying similar opportunities to exempt smaller, multi-unit structures from requirements whose costs may outweigh the intended benefits could make them more financially feasible to build. A few examples include fire safety standards (e.g., smoke detector or sprinkler system requirements), building height limits, and utility meter sizes. (58)

Simplifying Local Building Requirements and Approvals

Refining some local requirements could help lower costs and ease development by simplifying the building and approval processes. Because communities have flexibility to tailor their local approaches, zoning and building requirements can be vague and vary widely across the state—sometimes even a few miles apart. Meanwhile, siloed planning, code enforcement, and permitting offices may have overlapping or even contradictory rules and schedules, creating a confusing and costlier environment for developers to navigate. (61) (4) (62)

Local governments could address these challenges by clarifying expectations, streamlining processes, limiting special boards and commissions, and offering pre-approved building plans. (13) Together, these types of refinements can increase predictability for developers by making rules clear, shortening timelines, reducing development costs, and protecting property values. (63) (64)

More State Support for Predictable Local Planning & Regulation

Incentivizing or equipping local governments to adopt clear zoning, building codes, and enforcement processes could also reduce barriers to housing development. The state could find ways to support locals in refining and simplifying their building and approval requirements and processes. For example:

- **Technical Support for Local Planning** — Zoning is an optional function of local governments and may be difficult for those with limited capacity and funding. (24) (65) While larger communities often employ their own planners, smaller counties and towns must rely on outside resources such as contracting with regional development districts (i.e., multi-county economic and planning support organizations). In 2025, Tennessee created a new local planning technical assistance office within the University of Tennessee's Institute for Public Service with a $1.5 million recurring investment. (66) The state could explore other ways to provided additional support for locals by increasing planning support staff or incentivizing local governments to hire more planners.

- **Statewide Guidance for Local Requirements** — More specific statewide expectations and guidance for local governments—like mandating or outlining clear and detailed language for regulation and enforcement or limiting special boards and commissions—could streamline processes and promote speed and transparency. (67) (68) (69) (70) (71) (72) (4) (53)

Involving the Community Earlier

Refining approval procedures and increasing transparency could help reduce conflict and clarify public expectations around new development. For example, focusing public engagement on earlier planning stages allows all stakeholders to address concerns and contribute to a shared vision for future development. (73) By creating clear, objective policies—such as by-right standards in place of discretionary approvals—and clearly articulating public benefits, these tools can set expectations, strengthen trust and transparency, and reduce fear of change. They also curb the use of case-by-case exceptions, a hallmark of traditional zoning that often fuels opposition at the neighborhood level. (74) (70) (4) (75)

Parting Words

Zoning, building codes, permitting, and inspection requirements are tools intended to help communities guide development and advance shared goals. When designed and implemented thoughtfully, these policies can also support greater supply and affordability of housing for Tennessee residents. However, these decisions always involve trade-offs—requiring careful consideration of how to balance affordability, safety, local control, and community priorities.

Key Terms

Accessory Dwelling Unit (ADU): A secondary, smaller housing unit on the same lot as a primary home (e.g., in a garage, basement, or as a detached structure).

Adaptive Reuse: Converting underutilized buildings, especially commercial ones, to residential use.

By-Right Development: Projects that meet all existing zoning and building code requirements get automatic approval without the need for lengthy discretionary review.

Discretionary Review: A process where a review body (like the legislature) has the power to approve or deny a project even when it follows all requirements.

Downzoning: Rezoning an area to reduce the potential density and/or types of allowable uses.

Euclidean or Use-Based Zoning: A traditional approach to zoning that separates land into districts based on land use, such as residential, commercial, or industrial.

Form-Based Zoning: Zoning that regulates the physical form of buildings and their relationship to the street rather than their use. For example, it can encourage mixed-use neighborhoods with both housing and business.

Greenfield Development: Building new housing or development in previously undeveloped areas, such as farmlands, forests, or open spaces.

Infill Development: Building new housing or development in already developed areas.

Minimum Lot Size: Rules that define the smallest allowable parcel of land on which a home or other structure may be built (e.g. 1 acre or 6,000 square feet).

Missing Middle Housing: Housing types that help fill a common gap between single-family homes and large apartment buildings, such as duplexes, triplexes, townhomes, and courtyard apartments.

NIMBY: An acronym for “not in my backyard,” often used to describe people who oppose adding more housing development in their communities.

Parking Minimums: Requirements that a building include a minimum number of off-street parking spots per housing unit.

Performance-Based Zoning: Zoning that sets measurable outcomes (e.g., noise, traffic, environmental impacts) instead of prescribing specific uses or forms.

Setback: The minimum distance from a building to nearby property lines, streets, or other structures.

Single-Family Zoning: A zoning approach that limits land to one detached housing unit per lot, prohibiting duplexes, apartments, or other multi-unit housing types.

Subdivision Powers: The authority of a local government to regulate the division of land into smaller lots, including setting requirements for streets, utilities, lot sizes, and other infrastructure before development can occur.

Transit-Oriented Development (TOD): Planning around public transit hubs to increase density, walkability, and mixed-use (housing + commercial) development.

Time-Certain Review: A requirement that permits be approved or denied within a set timeframe.

Upzoning: Rezoning an area to increase the potential density and/or types of allowable uses.

YIMBY: An acronym for “yes in my backyard,” often used to describe people who support adding more housing development in their communities.

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