**S T A T E O F T E N N E S S E E**
OFFICE OF THE
**ATTORNEY GENERAL**
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**NASHVILLE, TENNESSEE 37243**

May 15, 2000

Opinion No. 00-091

Zoning by Chickasaw Trail Economic Development Authority

## QUESTION

The Chickasaw Trail Economic Development Compact (the "Compact") creates a joint agency called the Chickasaw Trail Economic Development Authority (the "Authority"). Under the Compact, set forth in Tenn. Code Ann. § 13-2-301, and Tenn. Code Ann. §§ 13-2-302, *et seq*., assuming these provisions are amended by Senate Bill 2106 as amended by Senate Amendments 2 and 3 on March 29, 2000 (the "Amendment"), if the Authority purchases or leases property in Shelby County or the Town of Collierville, may the Authority override local zoning ordinances in effect on this property without the consent of the local governing body where the property is located?

## OPINION

No. Under the Compact and related statutes, as amended by the Amendment, if the Authority purchases or leases property in Shelby County or the Town of Collierville, the Authority may not override local zoning ordinances in effect on this property without the consent of the local governing body where the property is located.

## ANALYSIS

This request concerns the powers of an authority created under an interstate compact. The Chickasaw Trail Economic Development Compact (the "Compact") appears at Tenn. Code Ann. § 13-2-301. The Compact, among other provisions, creates a joint agency called the Chickasaw Trail Economic Development Authority (the "Authority"). Senate Bill 2106, as amended by Senate Amendments 2 and 3 adopted on March 29th (the "Amendment"), would amend both the Compact and statutes governing its interpretation. As amended by the Amendment, Article VII(b) of the Compact would provide:

> The board [of the Authority] shall have jurisdiction for the development of any land use planning or the promulgation of land use restrictions, regulations or zoning ordinance which shall govern all land use within the compact area. Any land use rule, plan, regulation, or zoning ordinance adopted by the board affecting land within or adjoining any unit of local government, and within one third (1/3) of a mile thereof, shall be consistent with the land use plan of the unit of local government and subject to the approval of the governing body of that unit of local government.

Under Article IV(3) of the Compact, as amended by the Amendment, "compact area" means all that land area actually owned or controlled by the Authority by deed, lease, option, right of first refusal, or other legal or accepted instrument of land exchange. Under Tenn. Code Ann. § 13-2-304, as amended by the Amendment:

> In the case of any conflict between the provisions of Article VII of the compact and any zoning, planning or subdivision regulation authorized by law, the provisions of Article VII of the compact shall prevail. Provided, that any land use rule, plan, regulation, or zoning ordinance adopted by the board affecting land within or adjoining any governmental entity, including any governmental entity with authority to adopt zoning, and within one third (1/3) of a mile thereof, shall be consistent with the land use plan of the unit of such local government and subject to the approval of the governing body of that unit of local government.

The request asks whether, under the Compact and related statutes, as amended by the Amendment, if the Authority purchases or leases property in Shelby County or the Town of Collierville, the Authority may override local zoning ordinances in effect on this property without the consent of the local governing body where the property is located. The answer is no. Under the Compact and related statutes, as amended by the Amendment, if the Authority purchases or leases property in Shelby County or the Town of Collierville, the Authority may not override local zoning ordinances in effect on this property without the consent of the local governing body where the property is located.

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