

REPORT TO THE PLANNING COMMISSION

MEETING DATE: October 1, 2026

SUBJECT: Ordinance 2026-12 - An Ordinance To Amend Title XV, Chapter 151, of the Town of Collierville Code of Ordinances by Amending §151.003 Definitions; §151.006(C) Fences, Walls and Hedges; §151.021 Uses Permitted in Each Zoning District; §151.160 Procedures for Planned Development Approval; §151.176 Sign Permit Application and Issuance; §151.200 Administration; §151.271 Approval; §151.308 Board of Zoning Appeals; §151.309 Variances; §151.310 Conditional Use Permits; §151.311 Site Plan Review; §151.313 Vesting; and, establishment of §151.315 Mandatory Timeframes and §151.316 Administrative Approval of Minor Subdivisions, related to a variety of development standards and processes.

INTRODUCTION: The Planning Commission (PC) is being asked to make a recommendation to the Board of Mayor and Aldermen (BMA) on Ordinance 2026-12 (Exhibit 5), which is a staff-initiated amendment to the Zoning Ordinance addressing a variety of development standards and processes related to recent changes in State Law.

BACKGROUND:

- Public Chapter 1044 (Exhibit 1), which becomes effective January 1, 2027, will impose strict, enforceable deadlines on development plan reviews and approvals, site inspections, and project surety (i.e. letters of credit) releases. Certain milestones, such as issuance of consolidated comments, administrative approval, or placement on a public meeting agenda, will be applicable or the request would be approved automatically as submitted.
- To ensure successful implementation, several amendments to local regulations (i.e. Zoning Ordinance and Subdivision Regulations) and processes are needed.
- An interdepartmental working group comprised of staff members from Planning, Engineering, Building and Codes, Fire Department, and Public Utilities, has been formed to study Public Chapter 1044 and develop new tracking systems, regulations, forms, and processes.
- Staff is working closely with the Town Attorney, the University of Tennessee Center for Local Planning (CLP), and peer cities to ensure local compliance with the new timeframes.
- The PC discussed the proposed amendments at its August and September 2026 meetings. The BMA discussed the proposed amendments at a non-voting work session in September 2026.

KEY POINTS:

1. Town Staff routinely prepare “cleanup” changes to the Zoning Ordinance to address changes in State Law.

2. Topics to be addressed by Ordinance 2026-12 include the following:

- Create a new section in the Zoning Ordinance to fully comply with recent changes to State Law (PC 1044) (see Exhibit 1), with most development processes referring to this new section;
- Per recent changes to TCA 13-4-302(d) (see Exhibit 2), authorize or the Town Planner to administratively approve Final Subdivision Plats to include up to 25 lots if a Preliminary Subdivision Plat has been approved by PC and up to five (5) lots if no Preliminary Subdivision Plat has been approved by the PC; however, no public roads or public utilities could be approved administratively by staff without a Preliminary Subdivision Plat;
- Revise the vesting section to better address how development regulations apply to pre-2015

Planned Developments (PDs);

- Add the use “Data Center” to the Zoning Ordinance and only allow them via the Conditional Use Permit (CUP) process in industrial areas; Address recent State Law changes for commercial-scale Day Care Centers (children only) (see Exhibit 3) allowing for expedited reviews and allow them “by right” in nonresidential areas;
- Update the criteria used to determine when a Preliminary Site Plan is needed, which will improve consistency and clarity for when administrative review and approval of a site plan is possible; and,
- Clarify the Town Staff (i.e. Town Engineer or Development Director) has the authority to approve Grading Permits and Final Site Plans similar to current authority to approve Sign and Fence Permits. Approving the permit or plan would satisfy PC 1044 but would not relieve the applicant from the obligation to enter into a Development Agreement (if required), which would be executed by the full BMA or mayor depending on the scope of work. Projects with a minor scope and impact fully compliant with Town standards could be fully reviewed administratively.

3. PC 1044 will require the Town to refund 50% of the application review fee if an application is administratively denied after a written response to deficiencies is provided and a revised plan is submitted. A partial refund will not be required if a Board or Commission denies the application.

4. PC 1044 provides property owners with increased predictability for the release of sureties and timing of inspections for public and private improvements.

- For the initial site inspection, the Town must either approve the inspection or provide property owner with a written deficiency notice within 30 business days from inspection request.
- Property owners can hire independent engineers to demonstrate compliance and the Town must respond within prescribed timeframes.
- Staff decisions related to unapproved/failed site inspections can be appealed to the Board of Zoning Appeals.

5. The changes will take effect January 1, 2027, if adopted on Third and Final Reading by the BMA. Language has been added to the ordinance stating the regulations will not apply to any sufficient pending applications.

NEXT STEPS:

- **PC Review:** The PC will be asked to make a recommendation on Ordinance 2026-12 to the BMA. Stakeholder input can be received at the PC meeting. The PC will consider separate changes to the Subdivision Regulations via PC Resolution 2026-B, which are tentatively scheduled to be effective January 1, 2027.
- **BMA Review:** The BMA will consider Ordinance 2026-12 on three separate readings. The second reading will be a public hearing and is tentatively scheduled for November 9, 2026. Additional stakeholder input can be received throughout this process.
- **Checklists, Business Rules, and Training:** Town Staff will develop updated checklists, forms, and business rules so the Town can fully comply with the changes to State Law to become effective January 1, 2027. The BMA may be asked to adopt the new checklists tentatively on December 14, 2026. Training for staff and frequent customers will be offered this winter as the new forms and processes are decided.

STAFF RECOMMENDATION: Approval of Ordinance 2026-12 (Exhibit 5) is recommended, as it is consistent with the Grounds to Amend the Zoning Ordinance (Exhibit 4) and necessary to comply with recent changes to State Law.

ATTACHMENTS:

Exhibit 1 - PC1044 Shot Clocks - signed by gov - effective 1-1-27.pdf

Exhibit 2 - TCA re Minor Plats.pdf

Exhibit 3 - PC 0980 Daycare Inspections - Red Tape Reduction Act.pdf

Exhibit 4 - Staff Analysis of Grounds for Amendment 9-25-26.pdf

Exhibit 5 - ORDINANCE 2026-12 Cover ord 9-25-26.pdf

PROPOSED MOTION: To recommend approval of Ordinance 2026-12 (Exhibit 5).