



Board of Mayor and Aldermen

6400 Stage Road
Bartlett, TN 38134

ADOPTED

ORDINANCE (ID # 3456)

Meeting: 01/09/24 06:00 PM

Department: Planning and Economic Development

Category: Amendment

Prepared By: Melissa Hale

Initiator: Kim Taylor

Sponsors:

DOC ID: 3456 A

Ordinance 23-08, an ordinance to amend the City of Bartlett Zoning Ordinance, by amending Article 1, Section 2, Definitions, to add Smoke Shop and Tobacco Store; and, to amend Article V, Chart 1, Uses Permitted, to add Smoke Shops and Tobacco Stores in certain Zoning Districts with a Special Use Permit.

Ordinance 23-08, an ordinance to amend the City of Bartlett Zoning Ordinance, by amending Article I, Section 2, Definitions, to add Smoke Shop and Tobacco Store; and, to amend Article V, Chart I, Uses Permitted, to add Smoke Shops and Tobacco Stores in certain Zoning Districts with a Special Use Permit.

WHEREAS, the Board of Mayor and Aldermen realizes that smoke shops and tobacco stores within the City of Bartlett, and throughout the United States have grown in popularity and offer a convenience for obtaining tobacco products within the City limits, and

WHEREAS, the effects of such businesses across the United States have contributed to noise, loitering, and, in some cases, a decrease in property values and an increase in crime within the vicinity of said shops, and

WHEREAS, the effects of such businesses across the United States have, in some cases, diminished the protection of children and non-smokers from exposure to smoking and tobacco-related and other substance pollution; and

WHEREAS, regulating smoke shops and tobacco stores protects community health; and

WHEREAS, in an effort to permit the convenience of tobacco product sales in the City of Bartlett and to regulate the placement of such a land use; and

WHEREAS, the purpose of this Article is to regulate the location and operation of retail purveyors of smoke shops and tobacco stores in order to maintain the character, diversity and vitality of the City of Bartlett's business districts and commercial areas and the quality of life for its residents and visitors. This is considered part of a strategy to preserve and enhance the economic health of the City's Business Districts and promote their continued positive development; and

WHEREAS, due to their demand and popularity smoke shops and tobacco stores may be allowed in the City, with the approval of a Special Use Permit, within the "C-G" General Business Zoning District and the "C-H" Highway Business Zoning District.

WHEREAS, the City of Bartlett Planning Commission reviewed the proposed amendment

during its regular meeting held on December 4, 2023, and made a recommendation to the Board of Mayor and Aldermen that the proposed amendment be approved; and

WHEREAS, a public hearing before the Board of Mayor and Aldermen was held on January 9, 2024, pursuant to notice thereof published in a newspaper of general circulation on December 21, 2023.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Bartlett, Tennessee, that:

Section 1. That Article I, Section 2, be amended by adding the following definitions:

“Smoke shop and tobacco store” shall mean any premises dedicated to the display, sale, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or tobacco paraphernalia, vapes or vape supplies; and/or any business offering 20% or more floor/shelf area provided, however, that any grocery store, supermarket, convenience store or similar retail use that only sells conventional cigars, cigarettes or tobacco as an ancillary sale shall not be defined as a “smoke shop” or “tobacco store” and shall not be subject to the Special Use Permit requirement.

Section 2. That Article V, Chart I, of the Bartlett Zoning Ordinance, “Uses Permitted in the Zoning District,” be amended as follows:

Chart 1. Uses Permitted in Zoning Districts

(Amended by Ord. #02-04, 4/9/02; Ord. #02-10, 8/13/02; Ord. #02-16, 12/10/02, Ord. #06-12, 9/12/06, Ord. #07-14, 9/11/07, Ord. #10-02, 5/11/10, Ord. #10-04, 6/8/10, Ord. #10-05, 7/27/10, Ord. #12-01, March

2012, Ord. #18-04, 7/10/18, and Ord. #19-04, Oct. 2019 *Ch 7_12-08-20*)

Legend:

X - Uses Permitted by Right

P - Requires Site Plan approval by the Planning Commission

P* - Requires Outline Plan approval by the Planning Commission and the Board of Mayor and Aldermen

S - Uses recommended for approval with Special Use Permit approval by the Planning Commission and Board of Mayor and Aldermen:

S*Special Use Permit with the addition of a Master Plan of Development concept and Outline Plan of Conditions.

T*Use recommended for approval with Short-Term Rental Permit, Type I, issued by the Bartlett Code Enforcement Office;" and "T** Use recommended for approval with Short-Term Rental Permit, Type 2, issued by the Bartlett Code Enforcement Office upon proof that the dwelling unit was used as a Short-Term Rental Unit and that all taxes, including room, occupancy and sales tax, due on renting the dwelling unit pursuant to Title 67, Chapter 6, Part 5 of the Tennessee Code Annotated were paid for filing periods that cover at least six (6) months within the twelve-month period immediately preceding July 10, 2018.

PERMITTED USES	ZONING DISTRICTS																		
	A-O	R-E	RS-18	RS-15	RS-12	RS-10	R-T H E	R-D	R-M	O-R-1	O-R-2	0-C	C-L	C-G	C-H	SC-1	I-O	I-P	F W
DWELLINGS																			
Single Family Detached	X	X	X	X	X	X	P	X		P	P								
Single Family Attached							P	P											
Two Family								X											
Town House							P		P										
Multiple Family									P										
Guest unit (Specific criteria for approval in Article VI, Section 28.)	X	X	X	X	X	X													
Planned Unit Residential		S	S	S	S	S	S	S	S										
Planned Residential Development in Bartlett Station	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Bed and Breakfast	S	S	S	S	S	S	S	S	S										
Short-Term Rental ("STR") Type 1		T*	T*	T*	T*	T*	T*	T*	T*										
Short-Term Rental ("STR") Type 2	T*	T*	T*	T*	T**	T*	T*	T*	T*	T*	T*								
INSTITUTIONS																			
Airport/Heliport	S														S		S	S	
Assisted-Care Living Facility	S	S	S	S	S	S	S	S	S					S	S	S			
Cemetery	S														S				

A--V-40

PERMITTED USES	ZONING DISTRICTS																		
	A-O	R-E	RS-18	RS-15	RS-12	RS-10	R-T H E	R-D	R-M	O-R-1	O-R-2	0-C	C-L	C-G	C-H	SC-1	I-O	I-P	F W
Child Care Home, Family (5-7 Children)		S	S	S	S	S	S	S	S					P	P		P	P	
Child Care Home, Group (8-12 Children)		S	S	S	S	S	S	S	S					P	P		P	P	
Children's Home	S	S	S	S	S	S	S	S	S										
Church	S	S	S	S	S	S		S						P	P	P	P	S	
Home for the Aged	S	S	S	S	S	S	S	S	S					S	S	S			
Hospital														P	P				
Lodge, Club, Country Club	S	S	S	S	S	S								P	P				
Museum		S	S	S	S			S		P	P	P		P	P		P	P	
Nursing Home	S	S	S	S	S	S	S	S	S					P	P				
Parks/Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public Building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Riding Academy	S																		
School	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
COMMERCIAL																			
Amusements, Commercial Indoor														P	P	P			

Amusements, Commercial Outdoor																S				
Animal Grooming Service											P		P	P	S	P				
Automobile Gas Station												S	S	P	P					
Automobile Oil Change and Lubrication Shop														P						
Automobile Paint or Body Shop														S		S				
Automobile Rental														S						
Automobile Rental Satellite													S	S						
Automobile Repair, General [See also "Repair, Equipment and Large Vehicle"]													S	S		S				
Automobile Upholstery, Interior, and Glass Repair; Van Conversion Service													S	S		S				
Bail Bonding														S						
Bakery, Retail												P	P	P	P	P				
Bank See "Finance"																				
Barber or Beauty Shop											P	P	P	P	P	P				
Boat Rental or Sale														S						
Boat Storage or Repair														S		S				

A--V-41

PERMITTED USES	ZONING DISTRICTS																		
	A-O	R-E	RS-18	RS-15	RS-12	RS-10	R-THE	R-D	R-M	O-R-1	O-R-2	O-C	C-L	C-G	C-H	SC-1	I-O	I-P	F-W
Catering Establishment less than 3,800 sq. ft. in floor area														P	P	P	P		
Child Care Center (13+)												P	P	P	P	P	P	P	
Child Drop-In Center														S	S	S			
Coin-Operated Laundry														S	P				
Communications Tower															S		S	S	
Contractor's Business															P		P	P	
Convenience Store													S	S	P	P			
Crematorium																	S		
Department or Discount Store														P	P	P			
Drive-In Theater															P				
Drug Store													P	P	P	P			
Dry Cleaning & Laundry													P	P	P	P			
Finance - Commercial Bank, Credit Union, or Savings Institution												P	P	P	P	P	P		
Finance - Consumer Lending Establishment															S				
Finance - Financial Lending Establishment, Miscellaneous										P	P	P	P	P	P	P			

Finance - Securities, Commodity Contracts, and Other Financial Investments and Related Activities											P	P	P	P	P	P	P			
Flower or Plant Store (indoor)													P	P	P	P	P			
Food Market														P	P	P	P			
Funeral Home															S	S				
Garage for Auto Repair: See "Automobile Repair, General"																				
Greenhouse or Nursery-- Commercial	S														S	P				
Hookah Lounge, Bar, Parlor, Cafe																S				
Hotel or Motel															P	P				
Laboratory																P		P	P	
Lumber Yard																S		P		
Manufactured (Mobile) Home Dealer																S				

A--V-42

PERMITTED USES	ZONING DISTRICTS																		
	A-O	R-E	RS-18	RS-15	RS-12	RS-10	R-T H E	R-D	R-M	O-R-1	O-R-2	O-C	C-L	C-G	C-H	SC-1	I-O	I-P	F W
Motor Vehicle Sales, New															S				
Motor Vehicle Sales, Used															S				
Music or Dancing Academy														P	P	P			
Offices										P	P	P	P	P	P	P	P	P	
Pawn Shop															S				
Pharmacy												P	P	P	P	P			
Photo-Finishing Pick-up Station													P	P	P	P			
Planned Commercial or Industrial Development														P*	P*	P*	P*	P*	
Plumbing Shop																	P		
Processing and Manufacture Incidental to Retail Establishments														S	P				
Radio or TV Studio															P		P		
Repair, Equipment and Large Vehicles																	S		
Repair, General														P	P				
Restaurant (Sit Down Dining)												S	P	P	P	P			
Restaurant (Drive through Service)													P	P	P	P			
Retail Secondhand Store														S	S				
Retail Shop													P	P	P	P			
Retail Sales Incidental to Office Uses										P	P								

Services, Business											P	P	P	P	P	P	P	P		
Services, Personal											P	P	P	P	P	P	P	P		
Sexually Oriented Business															S					
Sheet Metal Shop																		P		
Smoke Shop or Tobacco Store														S	S					
Storage, Climate Controlled															P	S				
Tattoo or Body-Piercing Establishment															S					
Tavern, Cocktail Lounge, Night Club, Bar														S	S					
Truck or Trailer Rental															S					
Vehicle Wash														S	P			P		
Vehicle Wash, Industrial																		S		
Veterinary Clinic												P		P	P	S	P	P		
Warehouse																		P	P	

A--V-43

PERMITTED USES	ZONING DISTRICTS																		
	A-O	R-E	RS-18	RS-15	RS-12	RS-10	R-TH E	R-D	R-M	O-R-1	O-R-2	O-C	C-L	C-G	C-H	S-C-1	I-O	I-P	FW
Warehouse, Mini Storage															S		P		
Warehouse, Display															P		P	P	
Wholesale & Distribution																	P	P	
INDUSTRIAL																			
Manufacture, Storage or Distribution of:																			
Chemical, Cosmetics, Drugs, Paint, & Related Products																		P	
Electrical or Electronic Equipment, Appliances & Instruments																	P	P	
Fabricated Metal Products & Machinery																	P	P	
Food & Beverage Products Except Live Animal Processing																	P	P	
Jewelry, Silverware, Musical Instruments, Toys, Sporting Goods, Art Supplies																	P	P	
Petroleum, Products and Distribution																	P		
Printing & Publishing																	P	P	
Stone, Clay, Glass and Concrete Products																	P		
Textile & Apparel Products																	P	P	
Truck or Motor Freight Facility																	S		
Utility Substation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Utility Production or Treatment Station	P														P		P	P	

OTHER USES																			
Agricultural Production: Grain, Fruit, Vegetables, Field Crops and Nursery	X																		
Landfill Operations	S															S			
Livestock, Horse, Dairy, Poultry, Egg Production	X																		
Post Office Facility													P	P	P	P	P		
Commercial Satellite TV Dish												X	X	X	X	X	X		
Telephone Service Center													P	P	P	P	P		
Wireless Communication Facility	S	S	S	S	S	S	S	S	S			S	S	S		S	S	S	

Section 3. Severability

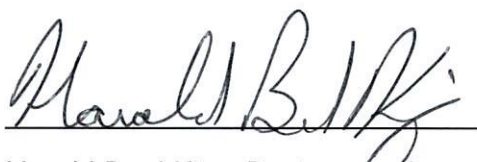
Should any provision of this Ordinance be rendered unconstitutional or null and void by a Court of Law, legislative act or otherwise, all other provisions of this Ordinance shall remain in full force and effect.

Section 4. Effective Date: BE IT FURTHER ORDAINED that this ordinance shall take effect upon its passage on the third and final reading, the public welfare requiring it.

FIRST READING: December 12, 2023

SECOND READING: December 19, 2023

THIRD READING: January 9, 2024



Harold Brad King, Register to the
Board of Mayor and Aldermen



David Parsons, Mayor

ATTEST: 
Penny Medlock, City Clerk

RESULT: **APPROVED ON THIRD AND FINAL RE [UNANIMOUS]**

MOVER: David Reaves, Alderman

SECONDER: Jack Young, Vice Mayor

AYES: King, Griffin, Reaves, Williams, Young, Quinn