



Board of Mayor and Aldermen

6400 Stage Road
Bartlett, TN 38134

ADOPTED

ORDINANCE (ID # 3458)

Meeting: 01/09/24 06:00 PM

Department: Planning and Economic Development

Category: Amendment

Prepared By: Melissa Hale

Initiator: Kim Taylor

Sponsors:

DOC ID: 3458 A

Ordinance 23-10, an ordinance to amend the City of Bartlett Zoning Ordinance, by amending Article 1, Section 2, Definitions, to add Small Box Retail Stores, Liquidation Stores, and Liquidation Warehouse Sellers; and, to amend Article V, Chart 1, Uses Permitted, to add Small Box Retail Stores, Liquidation Retail Stores, and Liquidation Warehouse Sellers in certain Zoning Districts with a Special Use Permit; and add to Article VI, Supplementary District Regulations, Section 31, Small Box Retail Stores.

Ordinance 23-10, an ordinance to amend the City of Bartlett Zoning Ordinance, by amending Article 1, Section 2, Definitions, to add Small Box Retail Stores, Liquidation Stores, and Liquidation Warehouse Sellers; and, to amend Article V, Chart 1, Uses Permitted, to add Small Box Retail Stores, Liquidation Retail Stores, and Liquidation Warehouse Sellers in certain Zoning Districts with a Special Use Permit; and add to Article VI, Supplementary District Regulations, Section 31, Small Box Retail Stores.

WHEREAS, the Board of Mayor and Aldermen realizes that, over the past few years, there has been a growing number of Small Box Retail Stores and Liquidation Stores and potential Liquidation Warehouse locations within the commercially zoned areas throughout the City; and

WHEREAS, the Board of Mayor and Aldermen recognizes that these stores provide both convenience and savings to our citizens; and

WHEREAS, these stores offer mostly inexpensive, highly processed, low-nutritive foods and beverages rather than fresh, nutritious food; and

WHEREAS, the Board of Mayor and Alderman desires to promote the availability of fresh and quality foods in the City of Bartlett; and

WHEREAS, while the number of these stores continues to increase, this results in a decrease in the availability of high-demand, commercially zoned locations suitable for a higher class chain of grocers and retailers that would support our citizens' demands and the City's economic base; and

WHEREAS, a diversity of retail options has the potential to revitalize commercial centers and improve access to a healthy diet to the people of Bartlett; and

WHEREAS, the purpose of this Article is to regulate the location and operation of Small Box Retail Stores, Liquidation Stores, and Liquidation Warehouse Sellers in order to provide more opportunities for product sales, greater diversity of retail options, and the availability of fresh and quality foods in the City of Bartlett; and

WHEREAS, due to their demand and popularity, Small Box Retailers may be allowed in the City, with the approval of a Special Use Permit, within the "C-G" General Business Zoning District, the "C-H" Highway Business Zoning District, and "SC-I" Planned Unit Commercial Development; and

WHEREAS, Liquidation Stores and Liquidation Warehouse Sellers, may be allowed in the City, with the approval of a Special Use Permit, within the "I-0" Wholesale and Warehouse District and "I-P" Planned Industrial Park; and

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. Article 1, Section 2, Definitions, of the Bartlett Zoning Ordinance is hereby amended to add the following definitions:

Small Box Retail Stores are retail stores that are less than 15,000 square feet in floor area that sell a variety of goods directly to consumers for ten dollars (\$10.00) or less. In addition, the majority of goods are sold at prices that are less than MSRP or regular retail prices. Pharmacies and grocery stores are exempt from this definition.

Liquidation Stores are discount retail stores that utilize 3,000 square feet in floor area or less, that sell open-box items, overstock items, outdated items, returned items which can be models used for product samples, and discontinued products. Liquidation stores are able to sell clothes, electronics, furniture, and toys (among many other things) at way-below-MSRP prices because the items are purchased at bulk discount.

Liquidation Warehouse Sellers are discount retail sellers that require floor area spaces that are greater than 3,000 square feet. These sellers typically sell larger quantities of open-box items, overstock items, outdated items, returned items; models used for product samples, and discontinued products to the public. Liquidation warehouse sellers are able to sell clothes, electronics, furniture, toys, housewares, etc. (among many other things) at way-below-MSRP

prices because the items are bought at a discount.

Section 2. That Article V, Chart I, "Uses Permitted in the Zoning District," of the Bartlett Zoning Ordinance is hereby amended to read 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	O-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				

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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
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	
Public Building	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	
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		

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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 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										P	P	P	P	P	P	P			

Investments and Related Activities																			
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	
Liquidation Stores and Liquidation Warehouse Sellers																	S	S	
Lumber Yard														S			P		
Manufactured (Mobile) Home Dealer														S					

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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		
Small Box Retailer														S	S	S			
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		
Warehouse																	P	P	

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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	0-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: Article VI, Supplementary Regulations, is hereby amended to add a new Section 3I, Small Box Retail Stores, which reads as follows:

Subsection A. Definitions:

Small Box Retail Stores are retail stores that are less than 15,000 square feet in floor area that sell a variety of goods directly to consumers for ten dollars (\$10.00) or less. In addition, the majority of goods are sold at prices that are less than MSRP or regular retail prices. Pharmacies and grocery stores are exempt from this definition.

Subsection B. General Intent:

To avoid over-concentration, a small box retail store must be separated from another small box retail store at a minimum distance of two (2) miles within the City limits and outside of the City limits when a location is being selected within the City of Bartlett's jurisdiction. The required separation distance must be measured in a straight line from the nearest point on the lot line of the occupied property, or the property that will be occupied by a small box retailer, to the nearest point on the lot line of the other property occupied by a small box store.

Subsection C. Conditions:

1. Small box retailers are required to submit a Special Use Permit application to the Bartlett Planning Commission for review and to obtain Special Use Permit approval from the Bartlett Board of Mayor and Aldermen.
2. A small box retail store must be separated from another small box retail store at a minimum distance of two (2) miles within the City limits and outside of the City limits when a location is being selected within the City of Bartlett's jurisdiction.

3. Small box retail stores are not permitted to have outdoor displays, sales or storage unless the outdoor displays, sales or storage is in-conjunction with a Special Event Permit.
4. Small box retail stores are not permitted to sell secondhand goods.
5. Small box retail stores must be professional, organized and neat in appearance; clean and sanitary both inside and outside of the store at all times. No more than ten percent (10%) of the floor area may have items displayed for sale in bins.
6. Any small box retail store location approved prior to the effective date of this section shall be considered a legal nonconforming use.

Section 4. Severability

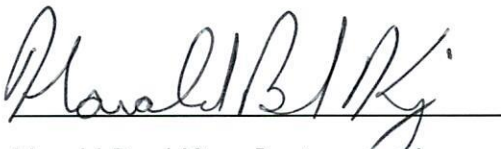
Should any provision of this Ordinance be rendered unconstitutional or null and void by a Court of Law, legislative act or otherwise, all other provisions of this Ordinance shall remain in full force and effect.

Section 5. 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: Kevin Quinn, Alderman

SECONDER: Jack Young, Vice Mayor

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