

ORDINANCE ###-2026-2027

AN ORDINANCE AMENDING PORTIONS OF THE CITY OF CLARKSVILLE ZONING ORDINANCE AS IT PERTAINS TO SMOKE SHOPS, SITE PLAN REVIEW PROCEDURES, AND DESIGN GUIDELINES.

WHEREAS the Regional Planning Commission initiated changes to the zoning ordinance at their regular meeting on June 23, 2026 at the request of the staff to address challenges associated with vape stores, smoke shops, and site plan review procedures, AND

WHEREAS, Regional Planning Commission staff has reviewed existing regulations, evaluated current land-use patterns, and prepared proposed amendments to clarify the classification and regulation of smoke shops and related uses and to improve the administration of site plan review procedures, AND

WHEREAS, an analysis of existing Smoke Shops and Vape Shops within the City indicates that these establishments are present in substantial numbers and are concentrated in certain commercial areas, including areas in proximity to schools, parks, and religious institutions, warranting consideration of objective location and separation standards to provide for a more balanced distribution of such uses, AND

WHEREAS, the proposed amendments are intended to establish clear and objective standards for the location of smoke shops and related specialty retail uses, including appropriate separation from schools, parks, religious institutions, and similar community-oriented uses, AND

WHEREAS, the City Council finds that establishing reasonable location and separation standards for such uses is an appropriate exercise of the City's authority to regulate the use of land for the orderly development of the community and to promote the public health, safety, and general welfare.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE,

That the following amendments are necessary and hereby made to the Clarksville City Zoning Ordinance:

Under Section 2.2 DEFINITIONS:

- DELETE:

~~"Candy, Cigars, and Tobacco (Retail): Establishments engaged in selling candy, cigars, or tobacco products to ultimate customers or consumers."~~

- ADD Alphabetically:

Cigar Bar: an establishment that holds a valid license or permit for the on-premises consumption of alcoholic beverages, generates a portion of its total annual gross income from the on-site sale of cigars and the rental of humidors, does not knowingly sell products or services to a person who is less than 21 years of age, does not knowingly permit entrance to the premises to a person who is less than 21 years of age, and does not permit vaping or the smoking of products other than cigars on the premises.

Merchandise Display Area: The area, measured in square feet, of the customer-facing surface of shelving, racks, display cases, counters, tables, wall displays, pegboards, or other fixtures used for the display of merchandise for sale. The area shall be measured by the width and height of the customer-facing display surface and shall include vertical, horizontal, and inclined display surfaces. Individual shelves, tiers, or levels shall be measured as separate customer-facing display surfaces when merchandise is displayed on each level.

Smoke Shop: A retail establishment primarily engaged (>25% of customer facing merchandise display area) in the sale of tobacco products, electronic smoking devices (including e-cigarettes, vape pens, and related accessories), hemp-derived edible cannabinoid products, and smoking paraphernalia (e.g., pipes, rolling papers). This includes, but is not limited to, businesses commonly known as tobacco stores, vape shops, or retailers of nicotine delivery products, but excludes establishments where such sales are incidental (<25% of customer facing merchandise display area) (e.g., convenience stores, grocery stores).

- UPDATE the following definition to:

Retail: The sale of goods, wares, or merchandise directly to the ultimate consumer or to persons without a resale license, except where such sales are specifically classified, defined, or regulated as a separate use elsewhere in this Zoning Ordinance.

Under Section 3.4.5 COMMERCIAL USES Tables:

- DELETE the row in its entirety “Candy, Cigars, and Tobacco (Retail)”

- INSERT the following rows alphabetically:

“Cigar Bar”

“Smoke Shop”

Uses	Agricultural		Residential													Inst.-Civic		Office		Commercial						Industrial	
	AG	AGC	E1	R1	R1A	R2	R2A	R2D	R3	R4	R5	RM1	R6	PUD	MLUD	MHP	IC	O1	OP	CBD	C1	C2	C3	C4	C5	M1	M2
<u>Cigar Bar</u>																				<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		
<u>Smoke Shop</u>																									<u>PC</u>		

Under Section 5.1.2 COMMERCIAL USES PERMITTED WITH CONDITIONS (PC)

- ADD Alphabetically:

Smoke Shop

1. No person, firm, or corporation shall locate a Smoke Shop closer than one thousand (1,000) feet to a school, park, or religious institution, said distance to be measured along a direct line from the closest point on the building of the smoke shop to the closest point of the property of a school, park, or religious institution.
2. No Smoke Shop may be located closer than 1,500 feet from another legally existing Smoke Shop, said distance to be measured along a direct line between each building.
3. Any Smoke Shop legally existing and operating on October 1, 2026 shall be exempt from the above restrictions unless the business relocates.

Under Section 5.10 SITE PLAN REQUIREMENTS

- REPLACE “1. Applicability” with the following:

1. Applicability.

- A. The provisions of this section shall apply to all uses. No building or structure shall be erected, enlarged, or increased in height, nor shall a site be developed or altered in any manner affecting parking, access, drive-through facilities, landscaping, greenspace, or other site improvements, until a site plan meeting the requirements of this section has been submitted and approved by the Regional Planning Commission.
- B. Exemptions. The following uses, structures, or activities are exempt from the site plan submission and approval requirements of this section and are not required to obtain site plan approval from the Regional Planning Commission. Such exemptions do not relieve the applicant from compliance with applicable site development requirements or from review and approval by the appropriate permitting agency(s):
 - I. Single-family, two-family dwellings, and their accessory structures on individual lots.
 - II. Minor Building Additions when:
 - a. The addition is under eight hundred (800) square feet and the total maximum lot coverage is not exceeded or;
 - b. The existing building's gross square footage is expanded by three percent (3%) or less and the total maximum lot coverage is not exceeded
 - III. Accessory Structures less than 1,200 square feet with no enclosed habitable space.
 - IV. New signs for existing buildings when:
 - a. The new sign replaces an old sign of the same size and type, and in the same location.
 - b. Only the sign face is changed.
 - c. Any new sign in a new location for an existing building, unless it is over fifty (50) feet in height.
 - V. Canopies, awnings or decks added to existing buildings.
 - VI. Temporary uses and tents as regulated by Subsection 5.1.10.
 - VII. Temporary signs as regulated by Chapter 8 Sign regulations.
 - VIII. Home occupations as regulated in Subsection 5.2.7.
 - IX. Private airports or landing fields, with no structures.
 - X. All agriculture uses, buildings, activities, and their accessory uses.
 - XI. Roadside stands offering for sale farm products grown on the premises and other related products.
 - XII. Noncommercial greenhouses and plant nurseries.
 - XIII. Small and large family day care homes.
 - XIV. Bed and breakfast establishments as regulated by Subsection 5.1.8.
 - XV. Public or private parks or outdoor furniture, playgrounds, and similar equipment or amenities.
- C. Minor level review. Site plan review and approval may be handled at the Planning Commission staff level and may not require Regional Planning Commission approval if:
 - I. Any one parcel or site is in a platted subdivision or has a previously approved site plan by the Regional Planning Commission dated after April 1, 2005 AND any of the following circumstances apply:

- a. Any building addition where the existing building's gross square footage is expanded by more than 3% but less than 25%.
 - b. Any new freestanding sign over fifty (50) feet in height in a new location for an existing building.
 - c. Any new commercial or industrial building less than 5,000 square feet.
 - d. Any new multi-family development less than 16 total units.
 - e. Communication towers and their equipment sheds.
- II. For minor level site review, Paragraphs 2 D and E below shall not apply. All other portions of this Section shall apply to the staff level review process. Staff shall forward copies of plans to applicable departments and agencies. The developer or owner of the property whose specific activities as listed above are either exempted from this Section or permitted to obtain staff level approval shall nevertheless be responsible for complying with all other Sections of the Ordinance from which this Section derives, and/or any other provisions or permits that may apply to the specific activity. The Director of Planning reserves the right to require full Board review of a minor level site plan for significant impacts on traffic, drainage, access, circulation, or other development requirements.

- REPLACE 2. Procedure. “C. Departmental Review” with the following:

C. Departmental review. The Planning Commission staff, affected agencies, and applicant and/or developer shall meet the week before the scheduled Planning Commission meeting to review and discuss development plans. The applicant will be notified of the time, date and location of this review. The applicant is encouraged but not required to attend this meeting. During the meeting, departmental staff may request site plan changes, additional information or clarification of items pertinent to the site plan. If changes or additional information is required for site reviews that require Planning Commission Board approval, the applicant has until noon on the day prior to the Regional Planning Commission meeting to furnish the staff with a designated number of copies of the corrected site plan. If such information is not furnished before said time, the site plan may not be placed on the agenda for the Planning Commission meeting.

Under 9.4.4 DESIGN STANDARDS AND GUIDELINES

C. Architectural Treatment Design Standards and Guidelines

1.3 Materials:

1.3.3 Appropriate exterior wall materials are:

- DELETE: – “Metal panels: individual or systems”

1.3.4 Appropriate materials for limited accents (approximately 10%-15%) are:

- INSERT: – “Metal panels: individual or systems”

Under 9.4.4 E. Signage and Lighting Design Standards and Guidelines

1.6 Permitted Signs: Free-Standing Signs (Madison Street and Dr. Martin Luther King Jr. Parkway/ Connector Corridor)

- DELETE REDUNDANT -

~~1.6.9 A portion of one free-standing sign per property may contain an electronic message center not to exceed 50 percent of the total sign area. The free-standing sign may not be exclusively an electronic message center.~~

~~1.6.10 Any changeable copy sign (signs with individual manually moveable letters and numbers) legally permitted before September 4, 2025 may apply to convert the changeable copy sign (or portion thereof) to an electronic message center, provided that: the electronic message center is no larger than the area of the existing changeable copy sign and the electronic message center does not exceed the maximum size permitted in the design district (Section 1.6.9).~~

PUBLIC HEARING: September 3, 2026

FIRST READING: September 3, 2026

SECOND READING: October 1, 2026

EFFECTIVE DATE: October 1, 2026