



**PORTLAND MUNICIPAL PLANNING COMMISSION  
AGENDA for April 8, 2025**

**1. Call to Order**

**2. Roll Call**

**3. Approval of Agenda**

**4. Approval of Minutes**

**A.** March 11, 2025

**5. Public Comments**

*In accordance with Tennessee Public Chapter No. 300 and City Resolution #24-21, public comments are allowed when those comments are Germane to agenda items, except where otherwise prohibited; and the number of individuals speaking may be limited to ensure opposing viewpoints are fairly represented. Comments are limited to 5 minutes per individual.*

**6. Public Hearing**

**A.** Portland Subdivision Regulations Amendment to Article 4: Assurances for Completion and Maintenance of Improvements, Terms, and definitions.

**B.** Portland Zoning Ordinance Amendment: Portland Zoning Ordinance Amendment to Ordinance 387: To Include Regulations for Specialty Smoke and Vape Shops and Similar Materials.

**7. Old Business- None**

**8. New Business**

**A.** Chase Kilgore (applicant) request Final Plat approval for Parkside Point Phase 2: location 0 Jim Courtney Road, Portland TN. (Tax Map 20 Part of Parcels 47.04) 11.74 +/- acres. Zoned R-10(Low Density Residential)

**B.** Portland Subdivision Regulations Amendment to Article 4: Assurances for Completion and Maintenance of Improvements, Terms, and definitions.

**C.** Portland Zoning Ordinance Amendment: Portland Zoning Ordinance Amendment to Ordinance 387: To Include Regulations for Specialty Smoke and Vape Shops and Similar Materials.

**9. Discussion**

**A.** Mr. John Bradley - Planned Unit Development-PUD Negotiations

**10. City Planner's Comments**

**11. Planning Commission Members Comments**

**Adjournment**

# CITY OF PORTLAND

## PORTLAND MUNICIPAL PLANNING COMMISSION

### MEETING MINUTES

March 11, 2024

5:00 PM

*LIVE VIDEO ON THE CITY OF PORTLAND WEBSITE*

City of Portland City Hall  
100 South Russell Street  
Portland TN 37148

#### **Roll Call**

Chairwoman Blackburn asks for a roll call at 5:04 pm.

#### **MEMBERS PRESENT:**

Ann Blackburn-Chairwoman  
Gail Gentry  
Mark Harrison  
Robert Tooker  
Luther Bratton- Vice Chairman  
Jessica Hunter  
Ted Jernigan

#### **MEMBERS ABSENT:**

Ty Crowder  
Vice Mayor Megann Thompson

A quorum was established.

#### **STAFF PRESENT:**

Nate Heisler-City Planner  
Tracey Griffin-Planning Asst.  
Megan Heisler -Utilities Engineer  
Carlton Cobb-Public Works Director  
Corbin Keen- Assistant Public Works Director

#### **Other Interested Parties:**

Andy Leath, John McCloud, Rich Speckman, Lynn Phiffer and colleague Drew.

#### **Approval of Agenda**

Chairwoman Blackburn asks for approval of the agenda.

Jessica Hunter made a motion to approve the agenda. Ted Jernigan gave a Second. All were in favor, motion carried. 7-0.

#### **Approval of Minutes:** February 11, 2025

Chairwoman Blackburn asked for the approval of the February 11, 2025, meeting minutes.

Gail Gentry made a motion to approve, Jessica Hunter gave a Second.

All were in favor, motion passed. 6-0.

Mark Harrison Abstained due to being absent at that meeting.

**PUBLIC COMMENTS**

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**Public Comments**

No One Spoke

**PUBLIC HEARINGS**

None

**New Business**

A. A request by Brian Holcombe (applicant) request Rockland Estates Revised FMDP approval: location 1026 North Broadway, Portland, TN (Tax Map 16, Parcels 42.00, 42.01, 43.00, 44.01, 61.00, 61.01, 61.02, 42.02, 61.03) 132.84 +/- acres. Zoned Residential PUD R7.5(Residential Planned Unit Development)

Nate Heisler:

The reason for the revision: There is a gas line that runs from the South side of the gas factory and originally the detention was in that area, the developer had issues with the development where the gas line is, so they had to move the detention up in the development. That pushes the development up to the north and one request is the lots as far as square footage is smaller than the original plans that were approved May 9,2023. With that they have proposed upgrades to the amenities package and a signalization to Hwy 109 and Magnolia Springs. TDOT required that. A revised trail system that networks through the entire development, 6.49 acres of additional open space, a sports field to the south with soccer goals and picnic tables, new pocket parks with grill stations and fire pits.

Lynn Phiffer with NVR Ryan Homes and collogue Drew-Original Plan was 274 Lots at 50’-60’ wide and 134’ deep now 153 lots have decreased to 40’ wide and 134’ deep an average of 6988 sq ft. Originally, we were told by the gas company the easement for the gas line was 75’ and they flagged it, then we were told by the gas company it was 150’ easement from an undivided easement from back in the day. None of the house plans changed, they are all the same that were approved before. We are adding about a dozen extra parking spots Amenities before was a dog park, playground and 1 pavilion.

Amenities added: Multi-Purpose Athletic Field with soccer goals and picnic tables around the side, A playground Park, 2 covered grill pavilions, 2 firepit gathering areas, about 2 miles of walking trails, covered bus stops at each entrance, 2 picnic areas. A signalization to Highway 109 and Magnolia Springs Road.

Will have a 3<sup>rd</sup> party HOA.

Motion to Amend approved FMDP: Mark Harrison

Second Motion: Robert Tooker

Motion Passes 6/0

Luther Bratton Abstained-Conflict of Interest

OLD BUSINESS

- A. Andy Leath (applicant) requested Riggs Avenue PUD Preliminary Master Development Plan approval: location Riggs Avenue, Portland TN. (Tax Maps 033 and 039 Parcels 107.01 and 012.00) 34.97 +/- acres. Rezoned from RS-20 (Residential) to PUD (Residential Planned Unit Development)

Nate Heisler: This was deferred by the applicant last month. The number of townhomes decreased, all have 2 car garages and rear ally ways that will be public streets, and additional parking was added through the development.

There are 9 scoping areas for this development that were identified for the traffic study.

Andy Leath: The townhomes are down to 112 units with 2 car garages and 2 outside parking for each townhome. The main streets are 22' wide and the allies are 20'. There will be a third-party HOA. The intent was to have the covered bus stop in there and we will have it back in there before we go to City Council with it. Grading plan for amenities on North end. The same HOA will cover the whole development, the single-family homes and the town homes.

Motion to approve: Mark Harrison

With Contingencies of the trash pick up goes through HOA for setting up services, billing and trash can replacement or repair.

Second Motion: Luther Bratton

Motion Passes 7/0

**City Planner's Comments**

The last public meeting for Preserving Portland will be March 27 from 5:30pm to 7:00pm at Richland Gym for anyone that is interested. They will have the presentation on the draft comprehensive before we get to Planning Commission.

**Planning Commission Members Comments:**

None

**Adjournment 6:05 PM**

Motion to Adjourn: Gail Gentry

Second Motion: Bob Tooker

Motion Passes 7/0

\_\_\_\_\_

**Chairwoman**

\_\_\_\_\_

**Date**

\_\_\_\_\_

**Recording Secretary**

\_\_\_\_\_

**Date**

Proposed changes have been advertised with the newspaper and on the city website.

Highlighted in red are new language additions.

## **3.10 REQUIREMENTS FOR IMPROVEMENTS**

### **3.10.1 Timing of Improvements**

#### **3.10.1.1 Infrastructure Installation Prior to Final Plat Approval**

The Planning Commission shall require that all public utility, road, and storm-water improvements be installed to a point of Substantial Completion, as defined in these regulations, following approval of a Preliminary Plat with 25 or more lots, but prior to signatures by all applicable signatories of a Final Subdivision Plat.

In such instance, the applicant shall provide Performance Surety in accordance with this article upon submittal of a Final Plat application for all remaining improvements, to include final surface asphalt, sidewalks, amenities, and landscaping.

When installation of improvements are required, the Secretary of the Planning Commission shall endorse approval on the plat after all conditions have been satisfied and all improvements substantially completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the City as shown on the certifications by all appropriate officials and the necessary dedications of public lands and improvements have been accomplished.

Unless specifically authorized by a majority vote of the Planning Commission for a Nonresidential Subdivision, in no case shall a Final Plat be signed by the Planning Commission Secretary until such time as all depicted infrastructure is substantially complete. In no case whatsoever shall building permits be issued until such time as a Final Plat is recorded.

Substantial Completion- Represents a significant stage where a project is deemed usable, marking a transition point between construction and occupancy. The core of substantial completion is whether the owner can utilize the infrastructure or structures as planned and city departments have conducted approved inspections.

#### **3.10.2 Authorization to Construct Improvements**

Construction may proceed following approval of a Development Plan by the Planning Commission and, when improvements are to be constructed as a result of such approval, approval of Construction Plans and accompanying Development Agreement as required by Section [4.1 \(The Development Agreement\)](#).

#### **3.10.3 Construction of Improvements**

Construction shall be completed to the approved Construction Plans, construction specifications, and construction inspection requirements of the applicable departments and agencies. Inspections during the construction process shall meet the requirements of Subsection 3.10.4 (Construction Inspection Procedures).

### **3.10.4 Construction Inspection Procedures**

#### **3.10.4.1 Inspections During Construction**

All infrastructure construction is to be completed as described in the approved Construction Plans, construction specifications, and Development Agreement.

#### **3.10.4.2 Pre-Construction Conference Required**

A pre-construction conference will be held with the Enforcing Officer prior to the start of construction on each project. At the pre-construction conference, the contractor and owner shall sign documentation acknowledging construction and inspection requirements.

#### **3.10.4.3 Inspection Schedule**

The contractor shall give twenty-four (24) hours notification to the applicable departments or agencies prior to beginning work on each phase of construction. All completed work shall be inspected and approved. Failure to obtain the required inspections and approvals may require work to be removed, certifications and

testing by a licensed geotechnical engineering firm to be provided or any future acceptance by the applicable department or agency to be jeopardized.

### **3.10.5 Modification of Improvement Design**

If at any time before or during construction of the required improvements it is demonstrated to the satisfaction of the Enforcing Officer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Enforcing Officer may authorize modifications, provided these modifications are within the spirit and intent of the Planning Commission's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Planning Commission. The Enforcing Officer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Commission at the next regular meeting. No change shall be implemented and no construction associated therewith shall be initiated until revised Construction Plans have been submitted to the office of the Enforcing Officer and approved so as to reflect the proposed change.

### **3.10.6 Proper Installation of Improvements**

If the Enforcing Officer shall find, upon inspection of improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, the Enforcing Officer shall so report to the Planning Commission. The Commission shall then notify the subdivider and, if necessary, the bonding company, and take all steps necessary to preserve the City's rights under the bond. No plat shall be approved by the Planning Commission as long as the subdivider is in default on a previously approved plan.

### **3.10.7 "As Built" Drawings Required**

Required improvements shall not be considered to be completed until installation of the improvements has been approved by the Enforcing Officer and a drawing satisfactory to the Planning Commission has been submitted, indicating the actual location of all required improvements and monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements, then said map shall be submitted prior to endorsement of the Final Plat Plan by the Secretary of the Planning Commission. However, if the subdivider elects to provide a bond, or other surety satisfactory to the Planning Commission, for all required improvements as specified, such surety shall not be released until such map is submitted.

### **3.10.8 Completion and Maintenance of Improvements**

### **3.10.8.1 Streets Designated as Construction Routes**

Streets to be utilized as construction routes shall be designated within all “major subdivisions”, as the term is defined in these regulations. Where possible, these construction routes shall coincide with the network of collector and arterial routes designated upon the Major Thoroughfare Plan or other Transportation Plan and within the plan of development for the particular subdivision. Where this is not possible, efforts shall be made to minimize direct contact between designated construction routes and streets classified as a “Local Street”. Permanent streets designated as construction routes within a subdivision shall be maintained for a time period specified in the Dedication Agreement submitted in accordance with the offer for street dedication.

### **3.10.8.2 Other Streets**

Streets other than those designated as construction routes shall be maintained as provided herein. Generally, the final paving course shall not be applied until seventy-five (75) percent of the houses fronting along a street are completed. However, when an undue hardship is created by disallowing the final paving of a street prior to construction of seventy-five (75) percent, but not less than fifty (50) percent, of the houses fronting along a street, the Enforcing Officer may permit final paving to occur and the City may allow the subsequent release of the performance bond provided a maintenance bond is substituted, therefor. The maintenance bond may be released after a period of one (1) year or when at least seventy-five (75) percent of the houses fronting along a street have been satisfactorily completed, inspected and released by the inspecting departments. The maintenance bond shall be in an amount and for a term as recommended by the City and shall be posted in conformance with the procedures presented in [Article 3: Procedure for Subdivision Submission and Approval](#), of these regulations.

## **3.11 PLAT AMENDMENTS**

The Enforcing Officer may sign approve and sign plat amendments in the following instances:

1. Soils Area Amendments for Subsurface Sewage Disposable System (Septic)
2. Easements

In no case shall the Amendment void and vacate the previously approved and recorded plat but may supersede previously recorded soils areas and easements. Soils Areas and Easements shall be graphically represented on the plat amendment and labeled as “abandoned soils area” or “abandoned easement” unless it is deemed not feasible to do so by the Enforcing Officer. If a graphic representation is not feasible the Enforcing Officer shall require a note stating the soils area or easement on the previously approved plat is superseded by this amendment. No amendment shall be approved by the Enforcing Officer that moves a previously recorded lot line or other element not specifically mentioned above.

It shall be at the sole discretion of the Enforcing Officer to require an amendment be upgraded to a minor plat. Plat amendments shall be invalid if not endorsed by the Secretary of the Planning Commission.

### 3.4.2 Approval Procedure for Minor Subdivisions

A Minor Subdivision may be reviewed and recorded in accordance with the following procedure:

- Step 1: Preapplication Conference (required).
- Step 2: Filing of Final Plat showing proposal in detail.
- Step 3: Final Plat is reviewed by proper Agencies and Enforcing Officer takes action on Final Plat.
- Step 4: Final Plat is signed by all applicable signatories.
- Step 5: Planning Commission Secretary signs Final Plat.
- Step 6: Final Plat is filed in County Registrar of Deeds Office.

The Enforcing Officer may remand a Minor Subdivision to Planning Commission for dispute resolution, non-compliance with these regulations, or any reason deemed necessary by the Enforcing Officer.

### 3.4.3 Approval Procedure for Major Subdivision

A Major Subdivision may be reviewed and recorded in accordance with the following procedure:

- Step 1: Preapplication Conference (required).
- Step 2: Conceptual Plan submission and review.
- Step 3: Planning Commission action on Conceptual Plat.
- Step 4: Preliminary Plat submission and review.
- Step 5: Planning Commission action on Preliminary Plat.
  - i. Planning Commission shall also approve stabilization surety, at this time.
- Step 6: Planning Commission Staff and/or proper County Staff and/or Utility District Personnel review and approve construction documents.
- Step 7: Development Agreement is signed by City and Developer.
  - i. Must be signed prior to any construction.
  - ii. Stabilization surety must be provided prior to any construction.
- Step 8: Final Plat submission and review.
- Step 9: Planning Commission action on Final Plat.
  - i. Planning Commission shall also approve maintenance or performance surety, at this time.
- Step 10: **Completion of improvements or posting of surety.**
  - i. **Plats with 25 lots or more require Substantial Completion of improvements as required by Section 3.10.1 (Timing of Improvements)**
- Step 12: Final Plat is signed by all applicable signatories.
- Step 13: Planning Commission Secretary signs final plat. Final Plat is filed in County Registrar of Deeds Office.

### 3.4.4 Official Submission Date

The official submittal date for each month will be set by the Planning Commission as a part of their approval of the Planning Commission Calendar for the preceding year. The Planning Commission shall approve a calendar for the preceding year in November of each year.

## 3.5 CONCEPTUAL PLAN

### 3.5.1 General

For Major Subdivisions not part of a Planned Unit Development, the Applicant shall submit a Conceptual Plan to the Enforcing Officer for review by reviewing agencies, for feedback and approval. Conceptual Plans shall only go before Planning Commission for approval in two instances:

- 1) The developer wishes to receive a special exception for any portion of these regulations.
- 2) The Enforcing Officer deems it necessary.

# ORDINANCE

## City of Portland, Tennessee

### NO. 25

FIRST READING

#### **AN ORDINANCE TO AMEND ORDINANCE NUMBER 387, COMBINED ZONING ORDINANCE OF THE CITY OF PORTLAND, TENNESSEE AND THE PORTLAND PLANNING REGION TO INCLUDE REGULATIONS FOR SPECIALTY SMOKE AND VAPE SHOPS AND SIMILAR MATERIALS**

**WHEREAS**, the Zoning Ordinance is able to affix reasonable standards, provide for the orderly development of land, and include regulations for the stability of commercial areas within the city; and

**WHEREAS**, the City of Portland believes that the regulation of specialty smoke shops, vape shops, and similar materials will promote, protect, and facilitate the public health, safety, and welfare of the community through coordinated and practical land use and land development for the betterment of Portland's population; and

**WHEREAS**, the Portland Municipal Planning Commission met in regular session on March \_\_\_ to discuss amendment.

**NOW, THEREFORE, BE IT ORDAINED** by the City of Portland, Tennessee, as follows:

**Section 1.** Article III: Construction of Language and Definitions, Chapter 2. Definition of Terms to add the following:

**Specialty Smoke Shops and Vape Shops and Similar Materials:** A person or business, in whole or in part, providing materials and services (broadly defined as specialty smoke shops) including smoke, vaping, and head shops that stock and sell tobacco, vaping, edibles, concentrates, cannabis, cannabidiol oil, kratom and similar materials and accessories. Specialty smoke shops are defined as any retail shop that includes more than twenty-five (25%) percent of the shop's public customer sales floor area dedicated to the stock and sale of the defined product materials and accessories defined in this section. The remaining public customer sales floor area shall be stocked for the sale of other retail product materials not including the product materials defined in this section.

**Section 2.** Article VII: Commercial District Regulations, Chapter 2. Uses and Structure, Table 7-201A to add the following:

DISTRICTS	CBD	GCS	ISD	MPO	NSD	OPS	HCD
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III. COMMERCIAL ACTIVITIES						
Z. Specialty Smoke Shops and Vape Shops and Similar Materials		C(14-507.3)				

**Section 3.** Article XIV: Administration and Enforcement, Chapter 5. Conditional Use Permits, to repeal and replace 14-507 Special Standards for Commercial Activities as follows:

**14-507 SPECIAL STANDARDS FOR COMMERCIAL ACTIVITIES**

A conditional use permit shall not be granted for the commercial activities specified in Subsection 14-507.1, 14-507.2, and 14-507.3, unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable districts.

**Section 4.** Article XIV: Administration and Enforcement, Chapter 5. Conditional Use Permits, 14-507 Special Standards for Commercial Activities to add the following:

**14-507.3 Special Conditions for Specialty Smoke Shops and Vape Shops and Similar Materials**

- (a) Shall not be allowed within:
  - (1) 2,640 feet from any other Specialty Smoke Shop, Vape Shop, and Similar Materials business as measured in a straight line between the closest proximity of the specialty shop building corner or section or tenant space building corner to the closest proximity property corner of a property containing a specialty smoke shop.
  - (2) 500 feet from any public or private school, day care, or public park property as measured in a straight line between the closest proximity of the specialty shop building corner or section or tenant space building corner to the closest proximity property corner of a property containing a public or private school, day care, public park.
- (b) Shall not be allowed within the boundaries of the North Gateway Planning Study Area.
- (c) Shall not be allowed to adjoin any residential zoned property.

**Section 5.** That all Ordinances in conflict herewith are repealed to the extent of said conflict, and that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

Notice of the Public Hearing was published in the

The Public Hearing was held on in the City Council Chambers.

\_\_\_\_\_  
Mike Callis, Mayor

\_\_\_\_\_  
Tracy Kizer, City Recorder

**GENERAL NOTES**

- THE PURPOSE OF THIS PLAT IS TO CREATE 25 LOTS, 1 OPEN SPACE, AND DEDICATE RIGHT-OF-WAY AND EASEMENTS.
- BEARINGS SHOWN HEREON ARE BASED ON THE TENNESSEE COORDINATE SYSTEM OF 1983. GPS EQUIPMENT WAS USED TO DETERMINE THE POSITION OF TWO (2) CONTROL POINTS FOR THE SURVEYED PROPERTY TO ESTABLISH A BASIS FOR BEARING FOR THE SURVEY. TYPE OF GPS EQUIPMENT USED: TRIMBLE MODEL R10, DUAL FREQUENCY RECEIVER. TYPE OF GPS SURVEY: TDOT NETWORK ADJUSTED REAL TIME KINEMATIC. THE AVERAGE POSITIONAL QUALITY IS H 0.02', V 0.05'. ELEVATIONS SHOWN HEREON ARE BASED ON NAVD 88.
- BY SCALED MAP LOCATION AND GRAPHIC PLOTTING ONLY, THIS PROPERTY LIES WITHIN FLOOD ZONE "X", AS DESIGNATED ON CURRENT FEDERAL EMERGENCY MANAGEMENT AGENCY MAP NO. 47165C0175G WITH AN EFFECTIVE DATE OF APRIL 17, 2012, WHICH MAKES UP A PART OF THE NATIONAL FLOOD INSURANCE ADMINISTRATION REPORT, COMMUNITY NO. 470349, PANEL NO. 0175, SUFFIX G, WHICH ARE THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PREMISES IS SITUATED. SAID MAP DEFINES ZONE "X" UNDER "OTHER AREAS" AS AREAS DETERMINED TO BE OUTSIDE THE 2% ANNUAL FLOODPLAIN.
- THIS PROPERTY IS CURRENTLY ZONED R10 - (SINGLE FAMILY HIGH DENSITY RESIDENTIAL). MINIMUM BUILDING SETBACKS ARE AS FOLLOWS (UNLESS SHOWN OTHERWISE):  
FRONT - 40'  
SIDE - 5'  
REAR - 20'
- THIS SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES ABOVE GRADE AND UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM VISIBLE APPURTENANCES AT THE SITE, PUBLIC RECORDS AND/OR MAPS PREPARED BY OTHERS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THEREFORE, RELIANCE UPON THE TYPE, SIZE AND LOCATION OF UTILITIES SHOWN SHOULD BE DONE SO WITH THIS CIRCUMSTANCE CONSIDERED. DETAILED VERIFICATION OF EXISTENCE, LOCATION AND DEPTH SHOULD ALSO BE MADE PRIOR TO ANY DECISION RELATIVE THERETO IS MADE. AVAILABILITY AND COST OF SERVICE SHOULD BE CONFIRMED WITH THE APPROPRIATE UTILITY COMPANY IN TENNESSEE. IT IS A REQUIREMENT, PER "THE UNDERGROUND UTILITY DAMAGE PREVENTION ACT", THAT ANYONE WHO ENGAGES IN EXCAVATION MUST NOTIFY ALL KNOWN UNDERGROUND UTILITY OWNERS, NO LESS THAN (3) THREE NOR MORE THAN (10) TEN WORKING DAYS PRIOR TO THE DATE OF THEIR INTENT TO EXCAVATE AND ALSO TO AVOID ANY POSSIBLE HAZARD OR CONFLICT. TENNESSEE ONE CALL 811.
- STREETS SHALL BE BUILT TO THE ROAD SPECIFICATIONS IN FORCE AT THE TIME OF CONSTRUCTION.
- ROAD CONSTRUCTION SHALL NOT BEGIN WITHOUT APPROVAL OF THE CITY OF PORTLAND DEPARTMENT OF PUBLIC WORKS.
- ALL OPEN SPACE IS A PUBLIC UTILITY AND DRAINAGE EASEMENT.
- THE HOMEOWNER'S ASSOCIATION WILL BE RESPONSIBLE FOR THE MAINTENANCE OF OPEN SPACE/CONSERVATION AREAS.
- ALL UTILITIES WITHIN THIS DEVELOPMENT ARE TO BE UNDERGROUND.
- DRAINAGE EASEMENTS OUTSIDE DEDICATED RIGHT-OF-WAYS ARE NOT THE RESPONSIBILITY OF SUMNER COUNTY OR THE CITY OF PORTLAND.
- EACH RESIDENTIAL LOT MUST HAVE ITS OWN LAND DISTURBANCE PERMIT FROM THE CITY OF PORTLAND BEFORE BUILDING PERMITS WILL BE ISSUED.
- I HEREBY STATE THAT THIS SURVEY WAS DONE IN COMPLIANCE WITH THE CURRENT TENNESSEE MINIMUM STANDARDS OF PRACTICE AND THIS IS A CATEGORY 1 SURVEY AND THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS 1:22,390.

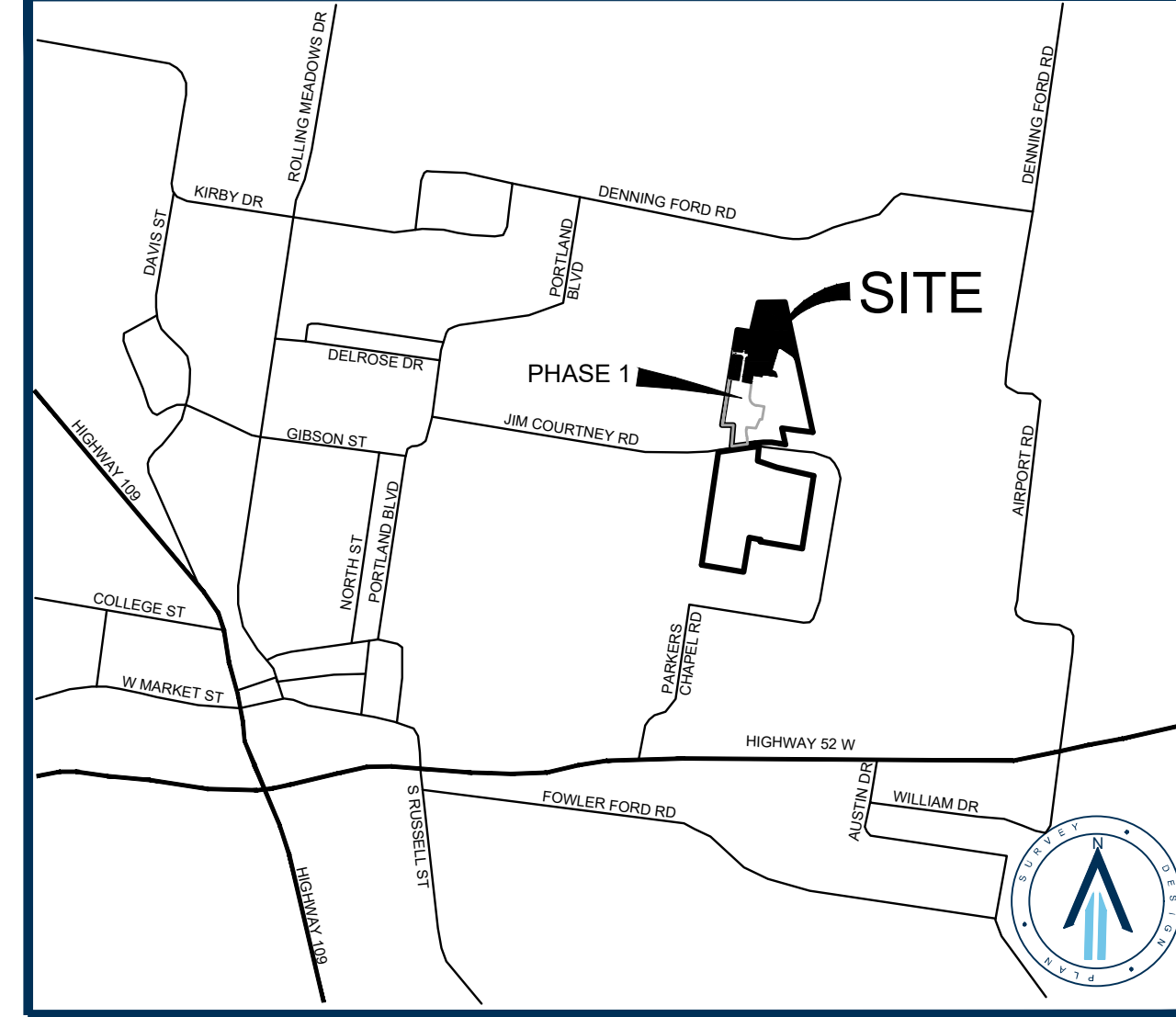
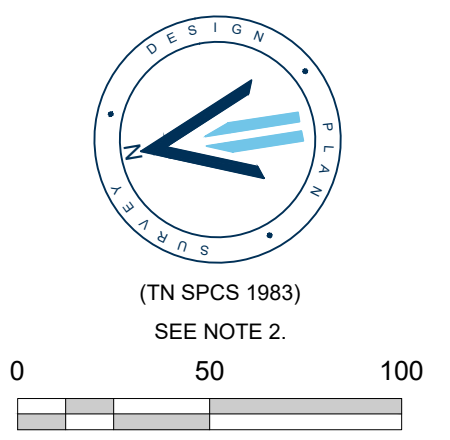
BY: *Kelly C. Kilgore* DATE: 03/12/2025  
KELLY C. KILGORE, TN, RLS NO. 3439

LOT AREA TABLE		
LOT	SQ. FT. ±	ACRES ±
16	6,000	0.14
17	6,000	0.14
18	6,000	0.14
19	6,000	0.14
20	6,000	0.14
21	7,666	0.18
22	7,666	0.18
23	6,000	0.14
24	6,000	0.14
25	6,956	0.16
26	6,000	0.14
27	6,000	0.14
28	6,956	0.16
57	6,000	0.14
58	6,000	0.14
59	7,666	0.18
60	8,266	0.19
71	7,757	0.18
72	6,600	0.15
73	6,000	0.14
74	6,000	0.14
75	6,000	0.14
76	6,000	0.14
77	6,000	0.14
78	6,375	0.15

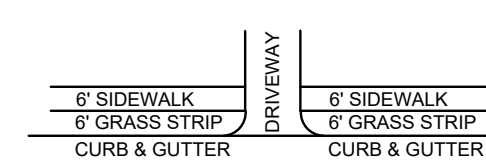
LINE TABLE		
LINE	BEARING	DISTANCE
L1	N09°01'52"E	50.00
L2	N80°58'08"W	49.18
L3	N09°01'52"E	40.00
L4	N80°58'08"W	40.00
L5	S09°01'52"W	40.00
L6	N80°58'08"W	35.54
L7	S14°26'07"W	50.04
L8	S65°28'41"E	41.51
L9	S38°27'01"E	42.00
L10	S05°13'23"E	31.59
L11	S09°01'42"W	28.98
L12	S80°58'08"E	17.80
L13	S80°58'08"E	42.79
L14	S65°28'41"E	14.57

CURVE TABLE						
CURVE	RADIUS	LENGTH	DELTA	TANGENT	CHORD	CHORD BRG
C1	25.00	39.27	89°59'50"	25.00	35.35	S35°58'13"E
C2	25.00	39.27	90°00'10"	25.00	35.36	N54°01'47"E
C3	25.00	39.27	89°59'50"	25.00	35.35	S35°58'13"E
C4	25.00	39.27	90°00'10"	25.00	35.36	N54°01'47"E
C5	225.00	31.05	7°54'28"	15.55	31.03	S77°00'54"E
C6	275.00	35.77	7°27'09"	17.91	35.74	N77°14'34"W

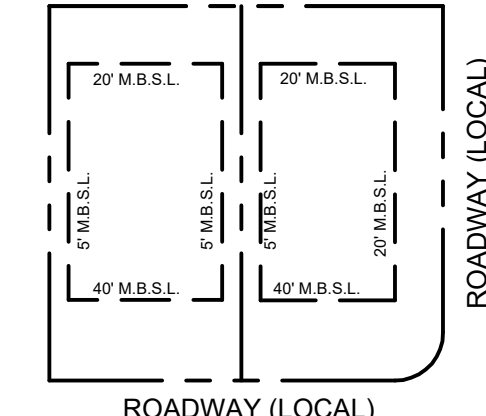
OPEN SPACE AREA TABLE		
OPEN SPACE	SQ. FT. ±	ACRES ±
5	322,751	7.41



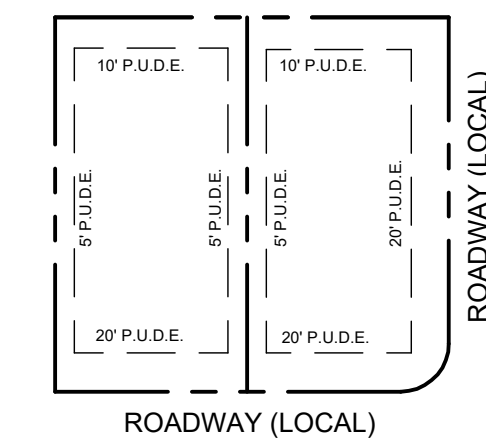
LOCATION MAP  
NOT TO SCALE



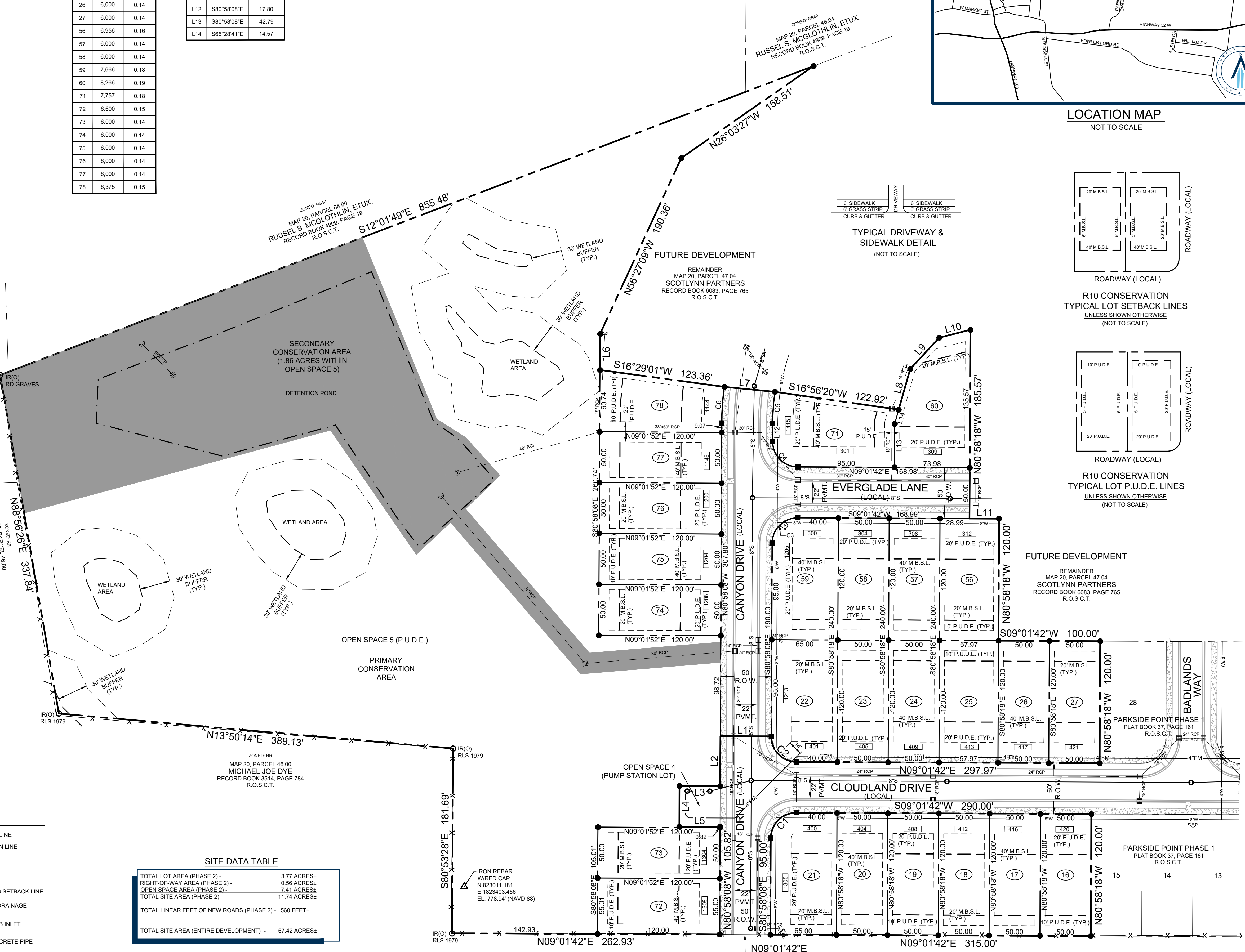
TYPICAL DRIVEWAY & SIDEWALK DETAIL  
(NOT TO SCALE)



R10 CONSERVATION TYPICAL LOT SETBACK LINES  
UNLESS SHOWN OTHERWISE (NOT TO SCALE)



R10 CONSERVATION TYPICAL LOT P.U.D.E. LINES  
UNLESS SHOWN OTHERWISE (NOT TO SCALE)



**OWNER/DEVELOPER**  
SCOTLYNN PARTNERS  
ATTN: CALEB FUQUA  
P.O. BOX 1545  
SPRINGFIELD, TENNESSEE 37172  
615-881-3856  
fuqua.square1construction@gmail.com

**SURVEYOR**  
RAGAN SMITH ASSOCIATES, LLC  
ATTN: CHASE KILGORE, RLS  
315 WOODLAND STREET  
NASHVILLE, TENNESSEE 37206  
(615) 244-8591  
ckilgore@ragansmith.com

**PROPERTY MAP REFERENCE**  
BEING PART OF PARCEL NUMBER 47.04 AS SHOWN ON SUMNER COUNTY PROPERTY MAP NUMBER 20.

**DEED REFERENCE**  
BEING PART OF THE SAME PROPERTY CONVEYED TO SCOTLYNN PARTNERS FROM JOSHUA RUSSELL BY WARRANTY DEED OF RECORD IN RECORD BOOK 6083, PAGE 765, REGISTER'S OFFICE FOR SUMNER COUNTY, TENNESSEE.

SITE DATA TABLE	
TOTAL LOT AREA (PHASE 2) -	3.77 ACRES ±
RIGHT-OF-WAY AREA (PHASE 2) -	0.56 ACRES ±
OPEN SPACE AREA (PHASE 2) -	7.41 ACRES ±
TOTAL SITE AREA (PHASE 2) -	11.74 ACRES ±
TOTAL LINEAR FEET OF NEW ROADS (PHASE 2) -	560 FEET ±
TOTAL SITE AREA (ENTIRE DEVELOPMENT) -	67.42 ACRES ±

LEGEND	
(R/O)	IRON ROD (OLD)
●	IRON ROD (NEW) (1/2" X 1/8" W/STAMPED "RAGAN SMITH & ASSOCIATES")
■	MONUMENT (NEW) 4" DIAMETER ALUMINUM DISC W/ 1/2" DIAM ROD MARKED "RAGAN-SMITH ASSOCIATES"
---	FENCE
○	SANITARY SEWER MANHOLE
○	HEADWALL
○	LOT NUMBER
■	PROPOSED 6" CONCRETE SIDEWALK
○	REGISTER'S OFFICE FOR SUMNER COUNTY, TN
---	SANITARY SEWER LINE
---	SEWER FORCEMAIN LINE
---	WATER LINE
○	FIRE HYDRANT
---	M.B.S.L. MINIMUM BUILDING SETBACK LINE
---	P.U.D.E. PUBLIC UTILITY & DRAINAGE EASEMENT
---	CATCH BASIN/CURB INLET
---	REINFORCED CONCRETE PIPE
---	LOT ADDRESS
---	SECONDARY CONSERVATION AREA WITHIN OPEN SPACE

**CERTIFICATE OF OWNERSHIP AND DEDICATION**

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) FREE CONSENT. I (WE) ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC AND PRIVATE USE AS NOTED, ALONG WITH ALL NECESSARY EASEMENTS FOR THE CONSTRUCTION OF CUT AND FILL SLOPES, CUT AND FILL RAMPS, INLET AND OUTLET DITCHES OR CHANNEL CHANGES BEYOND THE RIGHT-OF-WAY LIMITS OF THE ROAD.

DATE \_\_\_\_\_ SIGNATURE OF OWNER \_\_\_\_\_

**CERTIFICATE OF ACCURACY**

I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY TO THE ACCURACY REQUIRED BY THE PORTLAND MUNICIPAL REGIONAL PLANNING COMMISSION AND THAT THE MONUMENTS HAVE BEEN PLACED AS SHOWN HEREON TO THE SPECIFICATIONS OF THE STATE BOARD OF EXAMINERS FOR LAND SURVEYORS.



**CERTIFICATE OF PROPERTY NUMBERS AND STREET NAMES**

I HEREBY CERTIFY THAT THE PROPERTY NUMBERS ASSIGNED HEREIN CONFORM TO SUMNER COUNTY EMERGENCY COMMUNICATIONS DISTRICT (E-911) POLICES AND THE STREET NAME(S) CONFORM TO THE INTER-LOCAL AGREEMENT FOR NON-DUPLICATION.

DATE \_\_\_\_\_ SUMNER COUNTY EMERGENCY COMMUNICATIONS E-911 DISTRICT \_\_\_\_\_

**CERTIFICATE OF THE APPROVAL OF PUBLIC STREETS (CITY OF PORTLAND)**

I HEREBY CERTIFY: (1) THAT THE PUBLIC STREETS HAVE BEEN INSTALLED IN AN ACCEPTABLE MANNER AND ACCORDING TO CITY SPECIFICATION IN THE SUBDIVISION ENTITLED: OR, (2) THAT A LETTER OF CREDIT IN THE AMOUNT OF \$ \_\_\_\_\_ HAS BEEN POSTED WITH THE CITY OF PORTLAND DEPARTMENT OF PUBLIC WORKS TO ASSURE COMPLETION OF ALL REQUIRED IMPROVEMENTS IN CASE OF DEFAULT.

DATE \_\_\_\_\_ NAME & TITLE \_\_\_\_\_

**CERTIFICATE OF SEWER SYSTEM**

I HEREBY CERTIFY: (1) THAT THE SEWER SYSTEM OUTLINED OR INDICATED HEREON HAS BEEN INSTALLED IN ACCORDANCE WITH CURRENT STATE AND/OR LOCAL GOVERNMENT REQUIREMENTS OR, (2) THAT A LETTER OF CREDIT IN THE AMOUNT OF \$ \_\_\_\_\_ HAS BEEN POSTED WITH THE CITY OF PORTLAND UTILITIES DEPARTMENT TO ASSURE COMPLETION OF ALL REQUIRED SEWER IMPROVEMENTS IN CASE OF DEFAULT.

DATE \_\_\_\_\_ NAME & TITLE \_\_\_\_\_

**CERTIFICATE OF STORMWATER SYSTEM (CITY OF PORTLAND)**

I HEREBY CERTIFY THAT GENERAL DRAINAGE PLANS HAVE BEEN SUBMITTED AND APPROVED FOR THIS SUBDIVISION AND THAT ALL REQUIRED TEMPORARY AND PERMANENT EROSION CONTROL, STABILIZATION, AND OTHER WATER QUALITY AND WATER RELATED REQUIREMENTS HAVE BEEN DESIGNED IN A MANNER WHICH MEETS THE CITY OF PORTLAND DRAINAGE REQUIREMENTS. I HEREBY CERTIFY: (1) THAT THE STORMWATER SYSTEM OUTLINED OR INDICATED HEREON HAS BEEN INSTALLED IN ACCORDANCE WITH CURRENT STATE AND/OR LOCAL GOVERNMENT REQUIREMENTS OR, (2) THAT A LETTER OF CREDIT IN THE AMOUNT OF \$ \_\_\_\_\_ HAS BEEN POSTED WITH THE CITY OF PORTLAND PUBLIC WORKS DEPARTMENT TO ASSURE COMPLETION OF ALL REQUIRED STORMWATER IMPROVEMENTS IN CASE OF DEFAULT.

DATE \_\_\_\_\_ NAME & TITLE \_\_\_\_\_

**CERTIFICATE OF THE APPROVAL OF WATER SYSTEM (PORTLAND UTILITY DEPARTMENT)**

I HEREBY CERTIFY: (1) THAT THE WATER SYSTEM OUTLINED OR INDICATED HEREON HAS BEEN INSTALLED IN ACCORDANCE WITH CURRENT STATE AND/OR LOCAL GOVERNMENT REQUIREMENTS OR, (2) THAT A LETTER OF CREDIT IN THE AMOUNT OF \$ \_\_\_\_\_ HAS BEEN POSTED WITH THE CITY OF PORTLAND UTILITIES DEPARTMENT TO ASSURE COMPLETION OF ALL REQUIRED WATER IMPROVEMENTS IN CASE OF DEFAULT.

DATE \_\_\_\_\_ NAME & TITLE \_\_\_\_\_

**CERTIFICATE FOR APPROVAL OF RECORDING**

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS FOR PORTLAND, TENNESSEE, EXCEPT FOR SPECIAL EXCEPTIONS, IF ANY, AS NOTED IN THE MINUTES OF THE PLANNING COMMISSION AND THAT IT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE COUNTY REGISTRAR.

DATE \_\_\_\_\_ SECRETARY OF THE PLANNING COMMISSION \_\_\_\_\_

VOID UNLESS RECORDED BY: \_\_\_\_\_

**FINAL PLAT  
PARKSIDE POINT  
PHASE 2**

LOTS 16-27, 56-60, 71-78, AND OPEN SPACE 5  
CITY OF PORTLAND, 2ND CIVIL DISTRICT  
OF SUMNER COUNTY, TENNESSEE  
DATE: MARCH 12, 2025 SCALE: 1" = 50'  
JOB NUMBER: 22-0177



**RaganSmith**  
a Pape-Dawson Company  
Nashville - Murfreesboro - Chattanooga  
ragansmith.com  
CHASE KILGORE, RLS  
315 Woodland Street Nashville, Tennessee 37206  
615.244.8591 ckilgore@ragansmith.com

Proposed changes have been advertised with the newspaper and on the city website.

Highlighted in red are new language additions.

## **3.10 REQUIREMENTS FOR IMPROVEMENTS**

### **3.10.1 Timing of Improvements**

#### **3.10.1.1 Infrastructure Installation Prior to Final Plat Approval**

The Planning Commission shall require that all public utility, road, and storm-water improvements be installed to a point of Substantial Completion, as defined in these regulations, following approval of a Preliminary Plat with 25 or more lots, but prior to signatures by all applicable signatories of a Final Subdivision Plat.

In such instance, the applicant shall provide Performance Surety in accordance with this article upon submittal of a Final Plat application for all remaining improvements, to include final surface asphalt, sidewalks, amenities, and landscaping.

When installation of improvements are required, the Secretary of the Planning Commission shall endorse approval on the plat after all conditions have been satisfied and all improvements substantially completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the City as shown on the certifications by all appropriate officials and the necessary dedications of public lands and improvements have been accomplished.

Unless specifically authorized by a majority vote of the Planning Commission for a Nonresidential Subdivision, in no case shall a Final Plat be signed by the Planning Commission Secretary until such time as all depicted infrastructure is substantially complete. In no case whatsoever shall building permits be issued until such time as a Final Plat is recorded.

Substantial Completion- Represents a significant stage where a project is deemed usable, marking a transition point between construction and occupancy. The core of substantial completion is whether the owner can utilize the infrastructure or structures as planned and city departments have conducted approved inspections.

#### **3.10.2 Authorization to Construct Improvements**

Construction may proceed following approval of a Development Plan by the Planning Commission and, when improvements are to be constructed as a result of such approval, approval of Construction Plans and accompanying Development Agreement as required by Section [4.1 \(The Development Agreement\)](#).

#### **3.10.3 Construction of Improvements**

Construction shall be completed to the approved Construction Plans, construction specifications, and construction inspection requirements of the applicable departments and agencies. Inspections during the construction process shall meet the requirements of Subsection 3.10.4 (Construction Inspection Procedures).

### **3.10.4 Construction Inspection Procedures**

#### **3.10.4.1 Inspections During Construction**

All infrastructure construction is to be completed as described in the approved Construction Plans, construction specifications, and Development Agreement.

#### **3.10.4.2 Pre-Construction Conference Required**

A pre-construction conference will be held with the Enforcing Officer prior to the start of construction on each project. At the pre-construction conference, the contractor and owner shall sign documentation acknowledging construction and inspection requirements.

#### **3.10.4.3 Inspection Schedule**

The contractor shall give twenty-four (24) hours notification to the applicable departments or agencies prior to beginning work on each phase of construction. All completed work shall be inspected and approved. Failure to obtain the required inspections and approvals may require work to be removed, certifications and

testing by a licensed geotechnical engineering firm to be provided or any future acceptance by the applicable department or agency to be jeopardized.

### **3.10.5 Modification of Improvement Design**

If at any time before or during construction of the required improvements it is demonstrated to the satisfaction of the Enforcing Officer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Enforcing Officer may authorize modifications, provided these modifications are within the spirit and intent of the Planning Commission's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Planning Commission. The Enforcing Officer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Commission at the next regular meeting. No change shall be implemented and no construction associated therewith shall be initiated until revised Construction Plans have been submitted to the office of the Enforcing Officer and approved so as to reflect the proposed change.

### **3.10.6 Proper Installation of Improvements**

If the Enforcing Officer shall find, upon inspection of improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, the Enforcing Officer shall so report to the Planning Commission. The Commission shall then notify the subdivider and, if necessary, the bonding company, and take all steps necessary to preserve the City's rights under the bond. No plat shall be approved by the Planning Commission as long as the subdivider is in default on a previously approved plan.

### **3.10.7 "As Built" Drawings Required**

Required improvements shall not be considered to be completed until installation of the improvements has been approved by the Enforcing Officer and a drawing satisfactory to the Planning Commission has been submitted, indicating the actual location of all required improvements and monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements, then said map shall be submitted prior to endorsement of the Final Plat Plan by the Secretary of the Planning Commission. However, if the subdivider elects to provide a bond, or other surety satisfactory to the Planning Commission, for all required improvements as specified, such surety shall not be released until such map is submitted.

### **3.10.8 Completion and Maintenance of Improvements**

### **3.10.8.1 Streets Designated as Construction Routes**

Streets to be utilized as construction routes shall be designated within all “major subdivisions”, as the term is defined in these regulations. Where possible, these construction routes shall coincide with the network of collector and arterial routes designated upon the Major Thoroughfare Plan or other Transportation Plan and within the plan of development for the particular subdivision. Where this is not possible, efforts shall be made to minimize direct contact between designated construction routes and streets classified as a “Local Street”. Permanent streets designated as construction routes within a subdivision shall be maintained for a time period specified in the Dedication Agreement submitted in accordance with the offer for street dedication.

### **3.10.8.2 Other Streets**

Streets other than those designated as construction routes shall be maintained as provided herein. Generally, the final paving course shall not be applied until seventy-five (75) percent of the houses fronting along a street are completed. However, when an undue hardship is created by disallowing the final paving of a street prior to construction of seventy-five (75) percent, but not less than fifty (50) percent, of the houses fronting along a street, the Enforcing Officer may permit final paving to occur and the City may allow the subsequent release of the performance bond provided a maintenance bond is substituted, therefor. The maintenance bond may be released after a period of one (1) year or when at least seventy-five (75) percent of the houses fronting along a street have been satisfactorily completed, inspected and released by the inspecting departments. The maintenance bond shall be in an amount and for a term as recommended by the City and shall be posted in conformance with the procedures presented in [Article 3: Procedure for Subdivision Submission and Approval](#), of these regulations.

## **3.11 PLAT AMENDMENTS**

The Enforcing Officer may sign approve and sign plat amendments in the following instances:

1. Soils Area Amendments for Subsurface Sewage Disposable System (Septic)
2. Easements

In no case shall the Amendment void and vacate the previously approved and recorded plat but may supersede previously recorded soils areas and easements. Soils Areas and Easements shall be graphically represented on the plat amendment and labeled as “abandoned soils area” or “abandoned easement” unless it is deemed not feasible to do so by the Enforcing Officer. If a graphic representation is not feasible the Enforcing Officer shall require a note stating the soils area or easement on the previously approved plat is superseded by this amendment. No amendment shall be approved by the Enforcing Officer that moves a previously recorded lot line or other element not specifically mentioned above.

It shall be at the sole discretion of the Enforcing Officer to require an amendment be upgraded to a minor plat. Plat amendments shall be invalid if not endorsed by the Secretary of the Planning Commission.

### 3.4.2 Approval Procedure for Minor Subdivisions

A Minor Subdivision may be reviewed and recorded in accordance with the following procedure:

- Step 1: Preapplication Conference (required).
- Step 2: Filing of Final Plat showing proposal in detail.
- Step 3: Final Plat is reviewed by proper Agencies and Enforcing Officer takes action on Final Plat.
- Step 4: Final Plat is signed by all applicable signatories.
- Step 5: Planning Commission Secretary signs Final Plat.
- Step 6: Final Plat is filed in County Registrar of Deeds Office.

The Enforcing Officer may remand a Minor Subdivision to Planning Commission for dispute resolution, non-compliance with these regulations, or any reason deemed necessary by the Enforcing Officer.

### 3.4.3 Approval Procedure for Major Subdivision

A Major Subdivision may be reviewed and recorded in accordance with the following procedure:

- Step 1: Preapplication Conference (required).
- Step 2: Conceptual Plan submission and review.
- Step 3: Planning Commission action on Conceptual Plat.
- Step 4: Preliminary Plat submission and review.
- Step 5: Planning Commission action on Preliminary Plat.
  - i. Planning Commission shall also approve stabilization surety, at this time.
- Step 6: Planning Commission Staff and/or proper County Staff and/or Utility District Personnel review and approve construction documents.
- Step 7: Development Agreement is signed by City and Developer.
  - i. Must be signed prior to any construction.
  - ii. Stabilization surety must be provided prior to any construction.
- Step 8: Final Plat submission and review.
- Step 9: Planning Commission action on Final Plat.
  - i. Planning Commission shall also approve maintenance or performance surety, at this time.
- Step 10: **Completion of improvements or posting of surety.**
  - i. **Plats with 25 lots or more require Substantial Completion of improvements as required by Section 3.10.1 (Timing of Improvements)**
- Step 12: Final Plat is signed by all applicable signatories.
- Step 13: Planning Commission Secretary signs final plat. Final Plat is filed in County Registrar of Deeds Office.

### 3.4.4 Official Submission Date

The official submittal date for each month will be set by the Planning Commission as a part of their approval of the Planning Commission Calendar for the preceding year. The Planning Commission shall approve a calendar for the preceding year in November of each year.

## 3.5 CONCEPTUAL PLAN

### 3.5.1 General

For Major Subdivisions not part of a Planned Unit Development, the Applicant shall submit a Conceptual Plan to the Enforcing Officer for review by reviewing agencies, for feedback and approval. Conceptual Plans shall only go before Planning Commission for approval in two instances:

- 1) The developer wishes to receive a special exception for any portion of these regulations.
- 2) The Enforcing Officer deems it necessary.

# ORDINANCE

## City of Portland, Tennessee

### NO. 25

#### FIRST READING

#### **AN ORDINANCE TO AMEND ORDINANCE NUMBER 387, COMBINED ZONING ORDINANCE OF THE CITY OF PORTLAND, TENNESSEE AND THE PORTLAND PLANNING REGION TO INCLUDE REGULATIONS FOR SPECIALTY SMOKE AND VAPE SHOPS AND SIMILAR MATERIALS**

**WHEREAS**, the Zoning Ordinance is able to affix reasonable standards, provide for the orderly development of land, and include regulations for the stability of commercial areas within the city; and

**WHEREAS**, the City of Portland believes that the regulation of specialty smoke shops, vape shops, and similar materials will promote, protect, and facilitate the public health, safety, and welfare of the community through coordinated and practical land use and land development for the betterment of Portland's population; and

**WHEREAS**, the Portland Municipal Planning Commission met in regular session on March \_\_\_ to discuss amendment.

**NOW, THEREFORE, BE IT ORDAINED** by the City of Portland, Tennessee, as follows:

**Section 1.** Article III: Construction of Language and Definitions, Chapter 2. Definition of Terms to add the following:

**Specialty Smoke Shops and Vape Shops and Similar Materials:** A person or business, in whole or in part, providing materials and services (broadly defined as specialty smoke shops) including smoke, vaping, and head shops that stock and sell tobacco, vaping, edibles, concentrates, cannabis, cannabidiol oil, kratom and similar materials and accessories. Specialty smoke shops are defined as any retail shop that includes more than twenty-five (25%) percent of the shop's public customer sales floor area dedicated to the stock and sale of the defined product materials and accessories defined in this section. The remaining public customer sales floor area shall be stocked for the sale of other retail product materials not including the product materials defined in this section.

**Section 2.** Article VII: Commercial District Regulations, Chapter 2. Uses and Structure, Table 7-201A to add the following:

DISTRICTS	CBD	GCS	ISD	MPO	NSD	OPS	HCD
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III. COMMERCIAL ACTIVITIES						
Z. Specialty Smoke Shops and Vape Shops and Similar Materials		C(14-507.3)				

**Section 3.** Article XIV: Administration and Enforcement, Chapter 5. Conditional Use Permits, to repeal and replace 14-507 Special Standards for Commercial Activities as follows:

**14-507 SPECIAL STANDARDS FOR COMMERCIAL ACTIVITIES**

A conditional use permit shall not be granted for the commercial activities specified in Subsection 14-507.1, 14-507.2, and 14-507.3, unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable districts.

**Section 4.** Article XIV: Administration and Enforcement, Chapter 5. Conditional Use Permits, 14-507 Special Standards for Commercial Activities to add the following:

**14-507.3 Special Conditions for Specialty Smoke Shops and Vape Shops and Similar Materials**

- (a) Shall not be allowed within:
  - (1) 2,640 feet from any other Specialty Smoke Shop, Vape Shop, and Similar Materials business as measured in a straight line between the closest proximity of the specialty shop building corner or section or tenant space building corner to the closest proximity property corner of a property containing a specialty smoke shop.
  - (2) 500 feet from any public or private school, day care, or public park property as measured in a straight line between the closest proximity of the specialty shop building corner or section or tenant space building corner to the closest proximity property corner of a property containing a public or private school, day care, public park.
- (b) Shall not be allowed within the boundaries of the North Gateway Planning Study Area.
- (c) Shall not be allowed to adjoin any residential zoned property.

**Section 5.** That all Ordinances in conflict herewith are repealed to the extent of said conflict, and that this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

Notice of the Public Hearing was published in the

The Public Hearing was held on in the City Council Chambers.

\_\_\_\_\_  
Mike Callis, Mayor

\_\_\_\_\_  
Tracy Kizer, City Recorder