

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO RECONSIDER THE CERTIFICATE OF OCCUPANCY  
CONDITIONS OF ORDINANCE 2020-11 WHICH ESTABLISHED THE ZONING AND  
PUD OVERLAY FOR THE DISTRICT BEING LOCATED AT 108 STONEY CREEK  
ROAD**

**WHEREAS**, Ordinance 2020-11, adopted March 9, 2020, established the zoning and PUD overlay for the District PUD being located at 108 Stoney Creek Road; and

**WHEREAS**, per the Ordinance, the following Planning and Zoning Department condition was placed on the development as number 13:

“Commercial building shall be completed and operational before the 8<sup>th</sup> Certificate of Occupancy is issued for the townhomes.”

**WHEREAS**, the City of Mt. Juliet Board of Commissioners desires to change condition number 13 to the following:

“Commercial building shall be completed and operational before the 38<sup>th</sup> Certificate of Occupancy is issued for the townhomes.”

**WHEREAS**, per the Ordinance, the following Public Works condition was placed on the development as number 6(d):

The developer has agreed to the following off-site improvements . . . A 10 foot wide greenway shall be constructed along Stoners creek between Old Mt. Juliet Road and the existing greenway at Hickory Station Townhomes. This improvement is subject to property owner approval and the ability to acquire a public access easement on the subject properties.

**WHEREAS**, the City of Mt. Juliet Board of Commissioners desires to change condition number 6(d) to the following:

The developer has agreed to the following off-site improvements . . . A 10 foot wide greenway shall be constructed along Stoners creek between Old Mt. Juliet Road and the existing greenway at Hickory Station Townhomes. This improvement is subject to property owner approval and the ability to acquire a public access easement on the subject properties. The greenway shall be completed before the 38<sup>th</sup> Certificate of Occupancy is issued for the townhomes.

**WHEREAS**, the City of Mt. Juliet deems it necessary and appropriate to revise the Certificate of Occupancy requirement to ensure the project’s success and alignment with City development standards.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the City of Mt. Juliet, Tennessee, that:

*CHANGES/AMENDMENTS FROM FIRST READING IN RED TEXT*

**SECTION 1.** Planning & Zoning Department Condition No. 13 be revised to reflect completion of the commercial building before the “38<sup>th</sup> Certificate of Occupancy is issued for the townhomes.”

**SECTION 2.** Public Works Condition No. 6(d) be revised to add “The greenway shall be completed and operational before the 38<sup>th</sup> Certificate of Occupancy is issued for the townhomes.”

**SECTION 2.** In case of conflict between this ordinance or any part hereof, and the whole part of any existing ordinance of the City, the conflicting ordinance is repealed to the extent of the conflict but no further.

**SECTION 3.** If any section, clause, or provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, or provision or portion of this ordinance.

This ordinance shall take effect on the earliest date allowed by law.

PASSED:

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James Maness, Mayor

FIRST READING:

SECOND READING:

ATTEST:

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Sheila S. Luckett, MMC  
City Recorder

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Kenny Martin, City Manager

APPROVED AS TO FORM:

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Samantha A. Burnett  
City Attorney