

ORDINANCE NO: 2016-26

AN ORDINANCE OF THE OF THE CITY OF CLEVELAND, TENNESSEE AMENDING THE CLEVELAND MUNICIPAL CODE TITLE 14 CHAPTER 2 SO AS TO ESTABLISH A PLANNED UNIT DEVELOPMENT (PUD) TO BE KNOWN AS "PUD 12" ON PROPERTY DESCRIBED AS TAX MAP 34 PARCELS 28.00 & 57.02, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 12; MAKING VIOLATIONS OF THE ORDINANCE UNLAWFUL AND PROVIDING FOR PENALTIES; ESTABLISHING LISTS OF PERMITTED USES AND PROHIBITED USES; ESTABLISHING DEVELOPMENT STANDARDS AND PROCESSES AND RELATED REQUIREMENTS; STATING RESPONSIBILITY FOR COMPLIANCE WITH OTHER APPLICABLE LAWS AND PERMITTING REQUIREMENTS; PROVIDING FOR ERRORS AND OMISSIONS AND POSSIBLE FUTURE REVISIONS TO THE PUD; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE

WHEREAS the City of Cleveland, Tennessee, hereinafter "City", desires orderly land development in furtherance of the public welfare and has adopted the Planned Unit Development, hereinafter "PUD", process as an alternative development standard whereby to accomplish such development; and whereas it is intended that the developers of the property or any subsequent owners, shall hereinafter be referred to as "Developers" and; and whereas the City desires to establish a unique zoning district with special use restrictions and development standards for the property described herein through the adoption of this PUD, NOW THEREFORE BE IT ORDAINED:

Section 1. ZONING PLAN AND MAP AMENDMENT.

The zoning plan and map are hereby amended so as to zone the property described in Section 2 herein as "PUD 12" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 12 zoning district are those uses outlined in this ordinance. The location of particular residential and non-residential uses within the PUD 12 The Grove at Hardwick Farms development will comport with the descriptions of the constituent parts of the development which are conceptually described within Exhibit A. There are no conditional uses within the PUD 12 district. The development standards for the PUD12 district are those outlined in this ordinance, including requirements for plan approval, and compliance with applicable permitting requirements.

Section 2. VIOLATIONS UNLAWFUL AND SUBJECT TO PENALTIES.

Any development or use of the property described herein in manner contrary to the terms of this ordinance is a zoning violation and is unlawful, subject to the penalties prescribed by the Cleveland Municipal Code and the laws of Tennessee.

Section 3. PROPERTY DESCRIPTION.

3.A. OVERALL

PUD 12, The Grove at Hardwick Farms, includes property generally identified as Tax Map 34 Parcels 28.00 and 57.02. It is envisioned that additional property will eventually be annexed into the corporate limits of the City of Cleveland for this development. Exhibit A illustrates the overall development extending beyond the existing city limits and this image is only shown to illustrate the greater overall concept. PUD 12 encompasses, in four distinct development typologies shown in the Master Conceptual Plan (Exhibit A) which also serves to display the general layout of the development. Near the center of the property is a 1.4 acre lake which shall remain after the development of the property and shall serve as an important common feature.

Section 4. GENERAL PROJECT DESCRIPTION.

This section is intended to provide a general description of The Grove at Hardwick Farms project and not a detailed or exhaustive description. This ordinance establishes the permitted uses and development standards respective of those uses. However, it does not assign the exact location of the proposed uses outside of a generalized commercial and residential delineation. Additionally, Exhibit A shows the general location of proposed infrastructure and location of common areas.

4.A. OVERALL DESCRIPTION

PUD 12, The Grove at Hardwick Farms, is a planned unit development (PUD) project that includes residential and non-residential land uses. There are four distinct development typologies within the greater development broadly divided the broader professional and residential land use categories. The three typologies permitted within the residential area include 1) traditional single family detached, 2) single and multi-family, 3) single and multi-family pocket neighborhood. Elements like a clock tower, a roundabout, and parks and public spaces and greenspace, traffic calming features and bicycle/pedestrian friendliness, and varying residential densities, and neighborhood serving commercial uses, will combine to create a village effect in The Grove at Hardwick Farms that will welcome outside visitors in its perimeter commercial areas while creating security, comfort, and convenience for its residents.

4.B. PROFESSIONAL AREA

An area adjoining North Lee Highway and generally established in the attached conceptual plan (Exhibit A) shall be utilized for professional businesses or residential as described in this ordinance. The permitted uses and development standards are established by this ordinance.

4.C. TRADITIONAL SINGLE FAMILY DETACHED DEVELOPMENT

Areas consisting exclusively of traditional single family detached dwellings shall be shown on a detailed site plan and subject to the standard plat approval process. The detailed site plan and associated plats must be approved by the Cleveland Municipal Planning Commission and designate the area explicitly for single family detached housing.

4.D. SINGLE AND MULTI-FAMILY RESIDENTIAL DEVELOPMENT

Areas consisting of single family detached dwellings and multi-family dwellings; limited to two, three, four and five unit structures; shall be shown on a detailed site plan and subject to the standard plat approval process. The detailed site plan and associated plats must be approved by the Cleveland Municipal Planning Commission and designate the area explicitly for single family detached and multi-family structures with no more than five units per structure.

4.E. POCKET NEIGHBORHOOD DEVELOPMENT

Areas developed as pocket neighborhoods shall be shown on a detailed site plan and subject to the standard plat approval process. The detailed site plan and associated plats must be approved by the Cleveland Municipal Planning Commission and designate the area as a pocket neighborhood development. This development typology shall have vehicular access explicitly on the rear of the home with the front of the home adjoining a common area to be jointly owned by the neighborhood. Building type may be either of a single or multi-family nature and shall be established through the detailed site plan approval process.

Section 5. PERMITTED USES AND PROHIBITED USES.

5.A. PERMITTED USES.

The Grove at Hardwick Farms allows both residential and non-residential uses within the development as a whole. However, different uses are allowed or prohibited in the various constituent parts of the development and development standards vary among different development types. Nothing herein should be construed as prohibiting the Developer from making further refinements to the development plan of The Grove at Hardwick Farms that would further restrict the allowable uses within a particular part of the development or from excluding a particular use from the development altogether through the operation of private restrictions or covenants.

5.A.1. Professional Area

This paragraph describes the uses that are allowed in the portion of The Grove at Hardwick Farms designated for professional uses. The Developer may further refine the master site plan to designate from the range of uses below a particular use or uses that are to occupy a given site within professional areas of the development.

5.A.1.a. Residential and Miscellaneous Uses

Residential dwellings located in upper floors above commercial establishments or similar arrangements of live/work space that comply with applicable building codes and parking requirements. Miscellaneous uses such as roads, utilities, sidewalks, bike paths, transit stops or shelters, swimming pools, tennis courts, club houses, pool houses, residential garages, storage sheds, gatehouses, and other ancillary structures and uses typically associated with residential development. Also, similar miscellaneous uses that may be associated with commercial or mixed residential/commercial development including architectural focal points such as a clock tower, gazebo, bandstand, public gardens, parks, planting areas, fountains and other water features, vending (carts, booths, or machines), information kiosks, and the like. The developer may develop this area in a manner consistent with any of other approved land uses provided it is reviewed and approved by the Planning Commission in the detailed block plan process.

5.A.1.b. Professional Uses

The following uses are permitted with exceptions as noted and to the extent that they are not otherwise included in the prohibited uses:

- A. Professional offices including real estate offices, certified public accountant offices appraisal offices and the like;
- B. Service businesses including catering, dry cleaners, interior decorating services, tailoring, travel agencies;
- C. Personal service businesses, such as barbers, beauty salons, nail salons, photography studios and the like;
- D. Veterinary offices and clinics, without outside kennels or runs;
- E. Medical offices or clinics.

5.B. PROHIBITED USES.

No use shall be permitted in The Grove at Hardwick which is inconsistent with the operation of a first-class development. Without limiting the generality of the foregoing, the following uses shall not be permitted:

- a. An operation primarily used as a storage warehouse operation and any assembling, manufacturing, distilling, refining, smelting, agricultural or mining operation.
- b. Any “second hand” store, “surplus” store, or pawn shop.
- c. Any mobile home park, trailer court, labor camp, junkyard, or stockyard; provided, however, this prohibition shall not be applicable to the temporary use of construction trailers during periods of construction, reconstruction or maintenance.

- d. Any dumping, disposing, incineration or reduction of garbage; provided, however, this prohibition shall not be applicable to garbage compactors located near the rear of any building.
- e. Any fire sale, bankruptcy sale (unless pursuant to a court order) or auction house operation.
- f. Any automobile, truck, trailer or recreational vehicle sales, leasing, display or body shop repair operation.
- g. Any veterinary hospital or animal raising or boarding facility; provided, however, this prohibition shall not be applicable to pet shops.
- h. Any establishment selling or exhibiting “obscene” material as determined by final decree of a Court of competent jurisdiction or any establishment classified as a sex outlet by City ordinance.
- i. Any establishment selling or exhibiting illegal drug-related paraphernalia or which exhibits either live or by other means to any degree, nude or partially clothed dancers or wait staff.
- j. Any gambling facility or operation, including but not limited to: off-tract or sports betting parlor; table games such as blackjack or poker; slot machines, video poker/blackjack/keno machines or similar devices; or bingo hall. Notwithstanding the foregoing, this prohibition shall not be applicable to government sponsored gambling activities or charitable gambling activities, so long as such activities are incidental to the business operation being conducted by the Occupant.
- k. Except home occupations described in the City of Cleveland’s zoning regulations where these are not otherwise prohibited by private restrictions.

5.A.2. Residential Area

Residential dwellings and miscellaneous uses such as roads, utilities, sidewalks, bike paths, transit stops or shelters, swimming pools, tennis courts, club houses, pool houses, residential garages, storage sheds, gatehouses, and other ancillary structures and uses typically associated with residential development. Also, similar miscellaneous uses that may be associated with residential development including architectural focal points such as a gazebo, bandstand, public gardens, parks, planting areas, fountains and other water features, information kiosks, and the like. Residential dwelling types are to be specifically identified for each phase of development through specific block plans. Permitted uses include traditional single family detached dwellings, multi-family structures limited to two, three, four and five unit buildings whether designed under common ownership or in a townhome structure. Development typologies are represented within the Conceptual Plan (Exhibit A), and the exact location of each residential typology will be determined by the Planning Commission through the platting process or through a site plan process should platting not be required. The gross residential density in the residential area of The Grove at Hardwick Farms shall not exceed one dwelling unit per 5000 square feet of total land area. Home occupations are allowed consistent with the City of

Cleveland zoning regulations unless otherwise restricted by the private covenants or restrictions of the development.

Section 6. CONCEPTUAL PLAN AND RELATED REQUIREMENTS.

6.A. CONCEPTUAL PLAN.

A conceptual plan (Exhibit A) for PUD12, The Grove at Hardwick Farms was prepared by Cleveland Surveying and presented by Developer to the Cleveland Municipal Planning Commission on May 17, 2016 for approval. All development within PUD12 must be consistent with this Conceptual Plan with regard to development standards, development types, and generally with regards to the delineation of professional and residential areas. Additional plans, plats, and other development-related documents and permits will be necessary to carry out the construction of this project. It is recognized that the plats and detailed block plans for The Grove at Hardwick Farms may ultimately reflect some alteration in the conceptual plan such as the exact location of each specific residential development typology within the residential areas. Other variations may include the width or alignment of streets, or the precise placement of buildings in the commercial areas, but these will be generally consistent with the conceptual plan, mutually consistent with one another, and not violate any features of this ordinance as these relate to adjoining properties and infrastructure (e.g. external intersection locations and traffic improvements, buffers with external properties, etc.).

This ordinance establishes the permitted uses and various standards for development. All future development must also be reviewed by the Planning Commission by either a site plan or by preliminary or final plat as may be required by the general approval process.

All streets which connect to North Lee Highway or Tasso Road shall provide sidewalks on both sides of the street. All streets with a right-of-way width over 40' shall provide sidewalks on at least one side of the street. All development which fronts along both North Lee Highway and Tasso Lane shall also be serviced with sidewalks.

6.B. PLATS.

One or more plats will be prepared for the PUD12 property by the Developer for approval in accordance with the City of Cleveland, Tennessee subdivision regulations. These plats will describe and dedicate public streets any other public properties; identify lots; and identify easements that are necessary for various purposes within the development such as utilities, access, maintenance, and conservation, etc.

6.C. PRIVATE DEVELOPMENT DOCUMENTS.

The Developer shall prepare and implement such master covenants, restrictions, condominium association documents, common area agreements, and the like which the Developer determines are necessary to carry out the development of The Grove at Hardwick Farms as envisioned

herein. It is a requirement of this ordinance that such documents are in place and enforced by the Developer (or Developer's heirs, successors, or assigns) to the extent necessary for The Grove at Hardwick Farms to function as described herein. The City of Cleveland assumes no responsibility to review these documents, or to determine their adequacy to these purposes, or to enforce any of their provisions, or to otherwise be a party to them.

6.D. DETAILED BLOCK PLANS AND SITE PLANS.

The Developer shall prepare and submit to the City of Cleveland, TN for approval by the Cleveland Municipal Planning Commission detailed block plans for each phase of development. These detailed block plans shall indicate lot configurations, setbacks, structure types, streets, lanes, sidewalks, common areas, utility locations, etc. The information in the detailed block plan will be congruous with the plat developed for the lots and adjacent public street infrastructure. The content and level of detail of the detailed block plan will be sufficient for City staff to determine compliance of the proposed development with this ordinance and any other applicable City ordinances.

Section 7. DEVELOPMENT STANDARDS

The development standards for PUD12 shall be those established in this ordinance or incorporated herein. Where development standards are not otherwise included in this ordinance, the standards shall be those in the PI zone, from the City of Cleveland's zoning regulations, for the Professional area. Where development standards are not otherwise included in this ordinance, the standards shall be those in the R3 zone, from the City of Cleveland's zoning regulations, for the residential area regardless of development typology.

For residential areas units of identical elevation types must be separated by at least two different elevations. This will result in at least three different elevation plans per cluster. No two adjacent structures shall be built with the same building size or orientation (reverse elevations do not count as different building elevations), facade, materials, or colors.

Residential areas must also incorporate a variety of building elements and treatments for single family, multi-family, cottage style housing and accessory structures. Structures must include articulation, change in materials or texture, windows, or other architectural features. No blank walls along street elevations are allowed.

Requirements of the City's adopted building codes, fire codes, stormwater regulations and other ordinances affecting the development, use, and maintenance of property shall apply.

7.A. BUILDING SETBACKS

Minimum setback requirements which are not established herein will be established through the individual block plan site approval. The guidelines for approval of a minor encroachment as established within the Cleveland Zoning Ordinance may be utilized to establish variations in setbacks subsequent to any Planning Commission approvals.

7.A.1. Professional Uses

Any buildings shall be a minimum of 30 feet from the North Lee Highway right-of-way. Buildings shall be a minimum of 20 feet from any other right-of-way. Side setbacks to external lot lines outside the commercial area or to adjacent property owners for principal structures shall be 10' for the first story and 2' for each additional story. Other setbacks shall be as approved through the site plan review process.

7.A.2. Single Family Detached Residential

Building setbacks for development blocks explicitly consisting of single family detached residential dwellings shall be a minimum of 25 feet from any right-of-way on any internal streets. For any lot adjoining Tasso Ln or North Lee Highway the front setback shall be a minimum of 30 feet from the right-of-way on North Lee and at least 25 feet from the right of way along Tasso Ln. A minimum of 15 feet between principal structures is required. Other setbacks will be as approved by the Cleveland Municipal Planning Commission in the detailed block plan (site plan) process described herein.

7.A.3. Single and Multi-Family Residential

Building setbacks for development blocks with areas designated for both single and multi-family residential shall be a minimum of 25 feet from any right-of-way on any internal streets. For any lot adjoining Tasso Ln or North Lee Highway the front setback shall be a minimum of 30 feet from the right-of-way on North Lee and at least 25 feet from the right of way along Tasso Ln. Notwithstanding any zero lot line established for a townhome structure, a minimum of 15 feet between principal structures is required. Other setbacks will be as approved by the Cleveland Municipal Planning Commission in the detailed block plan (site plan) process described herein.

7.A.4. Pocket Neighborhood

Front setbacks within a pocket neighborhood shall be determined to be the property line adjoining any public or private right-of-way irrespective of the orientation of the home on the lot. Notwithstanding any zero lot lines established through a townhome subdivision, setbacks shall be the same for single and multi-family structures. The principal building setbacks are 25 feet in the front, 15 feet in the rear and 20 feet on a side street. Furthermore, for lot lines adjoining an area not designated as a pocket neighborhood there should be a minimum of 10 feet on a side yard for the first story and 2 feet for each additional story. Accessory dwelling setbacks shall be those established in the R3 zone. All other setbacks shall be established in the individual site plan approval process.

7.B. QUALITY OF APPEARANCE.

The commercial areas will be designed and constructed of a quality comparable to that of Spring Creek Development located on the north side of APD40 in Cleveland, TN (presently the location of Jenkin's Restaurant and Deli, Lasaters Coffee and Tea, etc.). The Developer shall develop architectural standards and exercise control over the exterior building finishes such that these are consistent with a first class retail and/or professional office area. The buildings will be maintained in good repair.

7.C. SIGNAGE.

A master signage plan is to be produced and submitted by the developer for all areas within The Grove at Hardwick Farms and the parameters of this signage plan include one main entrance sign not to exceed 250 square feet, one ground sign for each individual commercial building not to exceed 150 square feet, wall signage on commercial buildings not to exceed 30% of any front or side facade. No portion of any sign containing an electronic reader board, light-emitting diode (LED), or the like shall exceed 50 square feet and any such sign shall be equipped and operated with an automatic dimmer for night time or low light conditions in compliance with the existing zoning ordinance in regards to intensity. Portable signs, inflatable advertising devices, strobe lights, and other advertising devices characterized by motion, flashing light, or high-intensity light are prohibited. Except when located within 20 feet of a permanent building, no banner, flag, pennant, temporary sign, or merchandise display shall be located within 50 feet of any public right-of-way.

7.D. BUILDING HEIGHTS

Building heights in the PUD12 development shall be limited to three stories, exclusive of any basement areas. This is not intended to prohibit architectural detailing, such as decorative parapet walls and the like, or to establish a height limit on structures that are generally uninhabited such as the proposed clock tower.

7.E. EXTERIOR LIGHTING.

Exterior lighting of buildings and parking lots and signs shall be designed so as to allow minimum light from the proposed commercial areas into the existing residential areas surrounding The Grove at Hardwick Farms. The lighting system shall provide for adequate safety and security for pedestrians and others within the residential and commercial areas of the development. The lighting system shall be designed so as to minimize glare onto adjacent public roadways. No pole mounted light shall exceed a height of 40 (forty) feet.

7.F. DESIGN OF PARKING, INTERNAL TRAFFIC, ACCESS.

The number of parking spaces to be provided to service any professional area shall be equal to one space per 300 square feet of gross floor area for any building dedicated to professional use. It is anticipated that parking for individual businesses shall be partially managed through a private agreement to be produced by the Developer. Designs for parking, drive-through lanes, and other

internal traffic circulation for the professional sites within PUD12 shall be as reviewed and approved by the City's traffic engineer. On street-parking, rear load parking house designs, private lanes and other access and traffic circulation features of The Grove at Hardwick Farms shall be designed in close cooperation with the City's traffic engineer and other City Staff. A dysfunctional impedance of traffic in public streets, blocking of access for public services, and interruption of the ability to provide fire and emergency services will not be allowed to arise through the design and operation of traffic circulation and parking features within PUD12, but it is recognized that speed and convenience for motorists will be balanced against other competing needs in a "New Urbanist" development style. It is intended that PUD12 will be designed so as to facilitate bicycle and pedestrian modes and may provide access for public transit in the professional areas. Design and construction of the North Lee Highway and Tasso Lane entrances and related traffic improvements, such as the proposed traffic signal, shall be at the expense of the Developer and subject to design approval by the City of Cleveland.

7.G. SITE MAINTENANCE.

A program of regular sweeping and litter removal from the parking lots, driveways, any private streets and lanes, sidewalks, landscaped areas, and common areas shall be required for the development. The detention ponds and other drainage facilities shall be maintained in good working order, including removal of debris, trimming of excess vegetation, and mosquito control.

7.H. DISTURBANCE TO SURROUNDING PROPERTY.

Construction-related noise, vibrations, dust, debris, and traffic in the PUD12 zoning district shall be managed so as to minimize their impacts on nearby residential uses and the public right-of-way. Heavy construction activities that could result in noise and vibration offsite will be conducted only between 7:00 a.m. and 8:00 p.m. Potential disturbing effects of construction activities will be mitigated by observing industry best practices. Developer, developer's heirs or successors or assigns, and all contractors and subcontractors will promptly comply with any directive from City to manage construction-related noise, vibrations, and or traffic.

7.I. IMPERVIOUS AREA AND DRAINAGE.

Impervious surfaces in The Grove at Hardwick Farms are not to exceed 75% of the overall area of the residential area or of the professional area. For the professional area a minimum 15% of the area must be reserved for greenspace. Landscaping is to meet or exceed the requirements of city ordinances and be in accordance with landscape plans approved for each section of the PUD12 development. All development in PUD12 is to comply with the City's stormwater regulations. Building permits will be issued for construction of buildings only in those parts of PUD12 that are served by stormwater drainage facilities built in accordance with a plan approved by the City Engineer. Among the various requirements for stormwater drainage is that the post-construction run-off shall not exceed the pre-construction run-off from the site.

7.J. LANDSCAPING.

Landscaping is to meet or exceed the requirements of city ordinances and be in accordance with landscape plans approved for each section of the PUD12 development. Landscaping in professional area shall be irrigated. All landscape materials shall be maintained so as to stay in a first class condition.

7.K. SOLID WASTE.

Dumpsters, compactors, grease receptacles, and other such waste disposal facilities shall be provided as necessary to properly dispose of the wastes generated commercial buildings in the professional area. All dumpsters and other such facilities shall be on a concrete pad and enclosed by an opaque screened enclosure of a good quality. Slatted chain-link fence will not be used for the enclosure. Waste disposal facilities will be situated so as to minimize noise and other impacts on nearby residential areas. Residential garbage collection, brush and leaf pick-up, and other residential solid waste services provided by the City of Cleveland will be provided along public streets consistent with the type and manner of services provided in other neighborhoods in the City of Cleveland and any extraordinary service needs or costs would be subject to negotiation and/or additional fees.

7.L. OPERATING AND MAINTENANCE AGREEMENT.

All private parking lots, drives, lanes alleys, sidewalks, trails, and other privately owned amenities and infrastructure in the common areas of PUD12 shall be maintained in an attractive, safe condition and good state of repair. The Developer, or other appropriate contractually designated private entity(s) with the capacity to carry out the provisions of this paragraph, shall be responsible to operate, maintain, and/or repair the following: 1) drive and parking areas; 2) removal of debris and refuse; 3) directional signs and markers; 4) common area lighting; 5) landscaping; 6) sidewalks; 7) common utility lines; and 8) storm water pipes and detention areas. Such operation, maintenance, and repair of common facilities shall be consistent with a first-class development.

Section 8. COMPLIANCE WITH OTHER APPLICABLE LAWS AND PERMITTING REQUIREMENTS.

The Developer, and its assigns or successors in title, is responsible for obtaining all federal, state, and local permits required for the construction of the proposed The Grove at Hardwick Farms and for other construction on or adjacent to the site for which the Developer is responsible. The Developer and its assigns or successors in title shall carry out the construction on the project site in compliance with all applicable ordinances of the City of Cleveland, Tennessee, and also in compliance with applicable federal and state laws. Buildings shall be designed and constructed in accordance with adopted building codes and shall not be occupied until final inspections are complete and certificates of occupancy have been issued (permission for limited use of building after substantial completion of construction for fixture installation, furnishing, store stocking, employee training and the like may be granted by the City's Building Official and such permission shall not be unreasonably withheld). Failure to develop, use, or maintain the subject

property other than in conformity with all of the requirements of this ordinance is unlawful and shall be deemed a violation of the City's zoning ordinance and a nuisance subject to the penalties described in the zoning ordinance and any increased fine as may be allowed by state law.

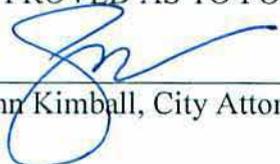
Section 9. ERRORS, OMISSIONS, AND POSSIBLE FUTURE REVISIONS TO THE PUD.

This ordinance may be amended from time to time as necessary after review by the Planning Commission and approval by the City Council subsequent to a public hearing. Where this ordinance contemplates the future approval of a detailed block plan and/or site plan, or the future approval of a plat by the Cleveland Municipal Planning Commission, and where this ordinance contemplates the future refinement of plans to conform with permitting requirements or conditions of approval necessitated by staff review, and where the Developer and the City of Cleveland may enter into future agreements regarding possible public facilities, infrastructure, and/or services within PUD12, an amendment to this ordinance is not required to implement such detailed block plan, site plan, plat, refinement to plans necessitated by permitting or review requirements, or agreement pertaining to public facilities, infrastructure, or services.

Section 10. BINDING UPON OTHERS. This ordinance is a law and not a contract, and as such it is generally binding upon all development and use of property in the PUD12 zoning district and is binding upon City's regulation of these activities in this location. Moreover, it shall be the duty of the Developer to ensure compliance with all terms of this ordinance affecting construction or maintenance. Wherever this ordinance establishes a duty, responsibility, or right for the Developer, the term "Developer" is intended to encompass Cate Brothers Developers, Inc. or any heirs, assigns, or successors in title, or any owners of record of the subject property as of the effective date of this ordinance and their heirs, assigns, or successors in title. The term "Developer" is also intended to include any holding company or other entity established for the ongoing operation and maintenance of the development of the subject property including, but not limited to, common areas, joint use or joint access areas, and undeveloped portions of the property that are intended for development.

Section 13. CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE. Where this ordinance is in conflict with existing ordinances with respect to the development of this property the terms of this ordinance shall prevail unless stated otherwise herein. In the event that any portion of this ordinance is determined to be invalid by any court of competent jurisdiction, the remaining portions of this ordinance shall remain in full force and effect. This ordinance shall take effect upon after passage and upon the execution of the development order as described above, the public convenience and necessity requiring it.

APPROVED AS TO FORM:



John Kimball, City Attorney



Tom Rowland, Mayor



Shawn McKay, City Clerk

ZONING ORDINANCE NO: 2016-29

AN ORDINANCE TO ZONE THE "TASSO LN ANNEXATION AREA" WITHIN THE CORPORATE BOUNDARIES OF CLEVELAND, TENNESSEE

WHEREAS, a public hearing before this body was held on the 8th day of August 2016 a notice thereof published in the *Cleveland Daily Banner* on July 24, 2016 and

WHEREAS, a Plan of Service, including a zoning plan consistent with this ordinance, for this property was adopted by Resolution 2016-76; and

WHEREAS, this property was annexed by Resolution 2016-77; and

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

Section 1. BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the property described herein be, and the same is hereby, zoned from FAR Forestry/Agricultural/Residential within the unincorporated County to Planned Unit Development PUD 12 within the corporate limits of the City of Cleveland.

Section 2. The property shown in Exhibit "A" and exhibit "B" shall be zoned in accordance with the zoning plan described in Exhibit "C", attached hereto and made a part hereof by reference, upon the effective date of this ordinance.

Section 3. Be it further ordained that this Ordinance shall take effect immediately on final reading the public welfare requiring it.

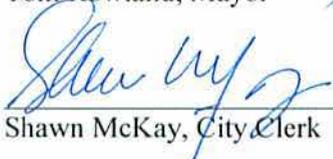
APPROVED AS TO FORM:



John F. Kimball, City Attorney



Tom Rowland, Mayor



Shawn McKay, City Clerk

1st READING 2-26-18 pg 34
FINAL READING 3-12-18 pg 58
MINUTE BOOK # 29

ZONING ORDINANCE NO: 2018-05

AN ORDINANCE TO ZONE THE "TASSO LNANNEXATION AREA" WITHIN THE CORPORATE BOUNDARIES OF CLEVELAND, TENNESSEE

WHEREAS, a public hearing before this body was held on the 26th day of February, 2018 a notice thereof published in the *Cleveland Daily Banner* on February 11, 2018 and

WHEREAS, a Plan of Service, including a zoning plan consistent with this ordinance, for this property was adopted by Resolution 2018-12; and,

WHEREAS, this property was annexed by Resolution 2018-13; and

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

Section 1. BE IT ORDAINED by the City Council of the City of Cleveland, in regular session assembled that the property described herein be, and the same is hereby, zoned from FAR Forestry/Agricultural/Residential within the unincorporated County to PUD12 Planned Unit Development (2016-26) within the corporate limits of the City of Cleveland.

Section 2. The property shown in Exhibit "A" and shall be zoned in accordance with the legal description described in Exhibit "B", attached hereto and made a part hereof by reference, upon the effective date of this ordinance.

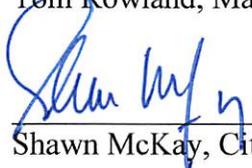
Section 3. Be it further ordained that this Ordinance shall take effect immediately on final reading the public welfare requiring it.

APPROVED AS TO FORM:



John F. Kimball, City Attorney



Tom Rowland, Mayor


Shawn McKay, City Clerk

Exhibit A



Exhibit B

Legal Description

Beginning at the northeast corner of the lands of 4 Star LLC, as recorded in the BCROD deed book 2429 page 796, said point being located in the southern right of way of Tasso Lane; thence south 66 degrees 43 minutes 57 seconds east, 174.50 feet to an iron pin; thence south 28 degrees 42 minutes 3 seconds west, 655.57 feet to an iron pin; thence south 36 degrees 2 minutes 28 seconds west, 468.74 feet to an iron pin; thence north 66 degrees 14 minutes 29 seconds west, 209.89 feet to an iron pin; thence north 31 degrees 27 minutes 18 seconds east, 524.54 feet to an iron pin; thence north 66 degrees 15 minutes 48 seconds west, 38.37 feet to an iron pin; thence north 26 degrees 10 minutes 46 seconds east, 425.70 feet to an iron pin; thence south 66 degrees 28 minutes 3 minutes east, 142.39 feet to an iron pin; thence north 23 degrees 31 minutes 57 seconds east, 163.97 feet to the point of beginning.