

**CITY OF JEFFERSONTOWN  
JEFFERSON COUNTY, KENTUCKY**

**ORDINANCE NO. 1389, SERIES 2019**

**AN ORDINANCE TO AMEND THE ZONING OF A CERTAIN  
PARCEL OF LAND LOCATED WITHIN THE CITY OF  
JEFFERSONTOWN, KENTUCKY, FROM R-4  
CLASSIFICATION TO R-5A CLASSIFICATION WITH A  
DETAILED DISTRICT DEVELOPMENT PLAN**

**WHEREAS**, the properties currently owned by HLSC, LLC located at 3620 Charlane Parkway within the City of Jeffersontown is currently zoned R-4; and

**WHEREAS**, the City Council finds that the current zoning of this property is inconsistent with the highest and best use of the property, and

**WHEREAS**, the City Council finds that it is in the best interests of the owner of the affected parcel and in the best interests of Jeffersontown and the Jeffersontown community that this parcel be rezoned from R-4 to R-5A; and

**WHEREAS**, the City Council desires to go forward with the rezoning of the subject property,

**NOW THEREFORE, IT IS ORDAINED BY THE CITY OF  
JEFFERSONTOWN, KENTUCKY, AS FOLLOWS:**

Section 1. The City of Jeffersontown, Kentucky, hereby changes the zoning of the property located at 3620 Charlane Parkway from R-4 to R-5A, as those classifications are described by the City of Jeffersontown as of the date of final passage of this Ordinance.

Section 2. The City further approves the requested Detailed Development Plan subject

to all binding elements set forth in the November 15, 2018 minutes of the Planning Commission in Case No. 18ZONE1001, as amended by the City of Jeffersontown which are attached hereto as Exhibit "A" and incorporated herein by reference as if set forth in full.

Section 3. This Ordinance shall take effect upon passage and appropriate publication.

**INTRODUCED AND READ AT A CITY COUNCIL MEETING OF THE CITY COUNCIL OF JEFFERSONTOWN, KENTUCKY, AT A MEETING HELD ON THE 2<sup>nd</sup> DAY OF JANUARY, 2019.**

**READ, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF JEFFERSONTOWN, KENTUCKY, AT A MEETING HELD ON THE 15<sup>th</sup> DAY OF JANUARY, 2019.**

**VETOED:**

**APPROVED:**

\_\_\_\_\_  
**BILL DIERUF, MAYOR**

  
\_\_\_\_\_  
**BILL DIERUF, MAYOR**

DATE: \_\_\_\_\_

DATE: 1/15/19

**ATTEST:**

  
\_\_\_\_\_  
**BILL FOX, CITY CLERK**

## Exhibit A:

### Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee and to the City of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Multi-Family development of the property shall be limited to development under a horizontal property regime, as the term horizontal property regime is commonly understood.
3. The size and location of any proposed freestanding sign(s) must be in compliance with the City of Jeffersontown Sign Ordinance.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from the City of Jeffersontown and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
6. A certificate of occupancy must be received from the Jeffersontown Permitting Department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission and the City of Jeffersontown.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these