

**CITY OF JEFFERSONTOWN
JEFFERSON COUNTY, KENTUCKY**

ORDINANCE NO. 1390, SERIES 2019

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

WHEREAS, the property currently owned by Albert L. Gregg located at 10620 Taylorsville Road 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 area in which it is located, 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 PRD,; 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 10620 Taylorsville Road from R-4 to PRD, as those classifications are described by the City of Jeffersontown as of the date of final passage of this Ordinance.

Section 2. The City e Louisville Metro Planning Commission and further approves

the requested Detailed Development Plan subject to all binding elements set forth as follows:

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 for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall comply with the City of Jeffersontown Sign Ordinance.
3. 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.
4. 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 Public Works Depart and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. 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.
 - d. A major subdivision Record Plat creating the lots as shown on the approved district development plan shall be recorded prior to issuance of any building permits
 - e. A reciprocal access agreement or other legal instrument in a form acceptable to Planning Commission's Legal Counsel shall be recorded allowing for pedestrian and vehicular access as shown on the approved development
 - f. A cross access agreement or other legal instrument in a form acceptable to Planning Commission's Legal Counsel shall be recorded allowing for access to the property at 10630 Taylorsville Road as shown on the approved development plan

5. A certificate of occupancy must be received from the Jeffersontown Department of Permitting, Planning & Code Enforcement 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 & City of Jeffersontown.
6. 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 binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
7. Covenants, Conditions, and Restrictions (“CCRs”) shall be prepared by the developer to be submitted to and reviewed and approved by Planning Commission legal counsel, prior to recording of the subdivision’s Record Plat, for consistency with any binding elements that mandate inclusion in the CCRs, as well as the inclusion of the following requirements: (a) all road, drainage, sanitary sewer, water, other necessary infrastructure and other required landscaping and facilities shall be installed by the developer prior to turn-over of maintenance responsibilities to the Home Owners Association (“HOA”); (b) any shared water meters and property service connections for sanitary sewers shall be the sole responsibility of the HOA; (c) any water, sewer and drainage facilities that cross lot lines shall be included in blanket easements for purposes of both lot owner and HOA access and maintenance; and (d) where attached residences are proposed, easements shall be provided to provide for incidental encroachments, property maintenance and repair.
8. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission & City of Jeffersontown.
9. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity, unless approved by the Louisville Metro Planning Commission. A note to this effect shall be placed on the record plat.

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 5th DAY OF FEBRUARY, 2019.

READ, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
JEFFERSONTOWN, KENTUCKY, AT A MEETING HELD ON THE 19th DAY OF
February, 2019.

VETOED:

APPROVED:


BILL DIERUF, MAYOR


BILL DIERUF, MAYOR

DATE: _____

DATE: 2/20/19

ATTEST:



BILL FOX, CITY CLERK