

**CITY OF JEFFERSONTOWN
JEFFERSON COUNTY, KENTUCKY**

ORDINANCE NO. 1397, SERIES 2019

**AN ORDINANCE TO AMEND THE ZONING OF A CERTAIN
PARCEL OF LAND LOCATED WITHIN JEFFERSONTOWN,
KENTUCKY, FROM R-4 CLASSIFICATION TO CTC-1
CLASSIFICATION A DETAILED DISTRICT
DEVELOPMENT PLAN AND WAIVERS**

WHEREAS, the property currently owned by Thomas Kruse & Rick Allison located at 10616 Watterson Trail 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 CTC-1; 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 10616 Watterson Trail from R-4 to CTC-1, 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 grants the waiver(s) from Chapter 10.2.4 to allow

encroachments into the 15-foot landscape buffers area along the south property line and eliminate the 8-foot screening requirement as recommended by the 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 and to the City of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Prior to a Certificate of Occupancy being requested the property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
3. If a building permit is not issued within two years of the date of approval of the plan, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
4. The development shall comply with the City of Jeffersontown Sign Ordinance.
5. 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.
6. 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 Department and the Metropolitan Sewer District.
 - b. A minor subdivision plat or legal instrument shall be recorded dedicating additional right-of-way to Watterson Trail to provide a total of 40 feet from the centerline. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
7. A certificate of occupancy must be received from the Jeffersontown Department of Permitting, Planning & Code Enforcement prior to occupancy of the structure 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.

8. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
9. 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.
10. All off-street parking areas shall be permanently and continually maintained in good condition and free from potholes, weeds, dirt, trash and other debris.

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.
November

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

VETOED:

APPROVED:

BILL DIERUF, MAYOR



BILL DIERUF, MAYOR

DATE: _____

DATE: 11/21/2019

ATTEST:

A handwritten signature in cursive script, appearing to read "Bill Fox", written in black ink.

BILL FOX, CITY CLERK