

**CITY OF JEFFERSONTOWN  
JEFFERSON COUNTY, KENTUCKY**

**ORDINANCE NO. 1404, SERIES 2020**

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

**WHEREAS**, the properties currently owned by Kristy L. Thompson & Emilio Arturo Higuera located at 10503 & 10505 Fairview Avenue 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 these parcels 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 10503 & 10505 Fairview Avenue 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 grants a waiver from Chapter 10 to allow reductions in Landscape Buffer Area width, as recommended for approval by the Louisville Metro Planning Commission and further approves the requested Detailed Development Plan subject to all binding elements set forth in the February 6, 2020 minutes of the Planning Commission in Case No. 19-ZONE-0035, along with the City of Jeffersontown revisions, which are attached hereto as Exhibit "A".

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 17<sup>th</sup> DAY OF March, 2020.**

**READ, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF JEFFERSONTOWN, KENTUCKY, AT A MEETING HELD ON THE 21<sup>st</sup> DAY OF April, 2020.**

**VETOED:**

**APPROVED:**

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

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

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

**DATE:** 4/22/2020

**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 Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. 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.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
  - a. The development plan must receive full construction approval from the City of Jeffersontown and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the City of Jeffersontown Public Works Department.
  - c. A minor subdivision plat or legal instrument shall be recorded dedicating additional right-of-way to Fairview Avenue as shown on the approved development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
  - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
  - e. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the February 6, 2020 Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
4. A certificate of occupancy must be received from the appropriate code enforcement 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.
5. 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.

6. 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.
7. 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 and City of Jeffersontown.
8. All off-street parking areas shall be permanently and continually maintained in good condition and free from potholes, weeds, dirt, trash and other debris.