

**CITY OF JEFFERSONTOWN
JEFFERSON COUNTY, KENTUCKY**

ORDINANCE NO. 1413, SERIES 2021

**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-6 CLASSIFICATION WITH A
DETAILED DISTRICT DEVELOPMENT PLAN**

WHEREAS, the properties currently owned by 9311 Old Six Mile, LLC located at 9311 Old Six Mile Lane 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-6; 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 properties located at 9311 Old Six Mile Lane from R-4 to R-6, 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 December 17, 2020 minutes of the Planning Commission in Case No. 20-ZONE-0010, 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 2nd DAY OF March, 2021.

READ, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF JEFFERSONTOWN, KENTUCKY, AT A MEETING HELD ON THE 16th DAY OF March, 2021.

VETOED:

APPROVED:

BILL DIERUF, MAYOR



BILL DIERUF, MAYOR

DATE: _____

DATE: 3/17/21

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. 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. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the December 17, 2020 Planning Commission meeting. A copy of the approved rendering will be available in the case file on record in the offices of the Louisville Metro Planning Commission.
 - d. A road closure for Tucker Road must be approved and recorded
 - e. Developer will verify the downstream storm sewer is functioning properly prior to construction plan approval to the extent possible. Developer shall also increase the size of the on-site detention beyond the 1:1 regulatory requirement to decrease the stormwater rate of runoff from the site to 50% of its current undeveloped level for a 100-year storm event.
3. 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.
4. 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.

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. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
7. The size and location of any proposed freestanding sign(s) must be in compliance with the City of Jeffersontown Sign Ordinance.
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.
9. A six-foot vegetative screen shall be provided along the western property line.