

**CITY OF DOUGLASS HILLS
ORDINANCE #3, SERIES 2022**

AN ORDINANCE RELATING TO THE APPROVAL OF REQUEST FOR A ZONING CHANGE FROM R-4 TO R-5A, APPROVAL OF A REVISED DETAILED DISTRICT DEVELOPMENT PLAN AND CERTAIN BINDING ELEMENTS ON 4.1 ACRES OF PROPERTY LOCATED AT 600 TO 602 BURNETT RIDGE ROAD AND BEING IN THE CITY OF DOUGLASS HILLS, CASE NUMBER 21-ZONE-0156

WHEREAS, the City Council of the City of Douglass Hills has received and reviewed the findings and recommendations of the Louisville Metro Planning Commission dated October 6th, 2022, Case No. 21-ZONE-0156, as provided in KRS 100.211; and

WHEREAS, the Louisville Metro Planning Commission has recommended to the City Council of the City of Douglass Hills that the proposed rezoning and Revised Detailed District Development Plan be approved, subject to certain Binding Elements, on the following described property, and

WHEREAS, the owners of the property herein described have agreed to certain Binding Elements, now, therefore,

BE IT ORDERED BY THE CITY OF DOUGLASS HILLS:

Section 1. That based upon the record, the detailed findings and favorable recommendation contained in the records of the Louisville Metro Planning Commission (which Findings are hereby incorporated in full herein); the requested rezoning from R-4 to R-5A, the Revised Detailed District Development Plan and the Binding Elements in Case No. 21-ZONE-0156 are hereby approved. The City Council finds that City of Douglass Hills Codified Ordinance Section 80.003 is inapplicable, as the property is being rezoned to R5A, which is a multi-family residential classification and therefore the lots would not be only “zoned for single-family dwellings” as is required for the restrictions of 80.003 to apply.

Section 2. The following shall be considered binding elements with respect to the property described in Section 1 of this Municipal Order:

1. The development shall be in accordance with the approved district development plan/preliminary subdivision plan, all applicable sections of the Land Development Code (LDC) and agreed-upon binding elements unless amended pursuant to the LDC. Any changes/additions/alterations to any binding element(s) or development plan shall be submitted to the Planning Commission (or its designee), as well as the City of Douglass Hills for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The existing access point from Finchley Road (existing Burnett Ridge Place) is to be

closed and access to the site be made from Blankenbaker Parkway.

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. n the site, other than yard sale, residential identification and similar signs allowed owners of residential property in the Land Development Code.
4. Before any permit is requested, including but not limited to permits for building, parking lot, change of use, site disturbance, alteration or demolition:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
 - c. The property owner/developer must obtain approval of a detailed plan for screening/buffering/landscaping as described in LDC Chapter 10 prior to requesting a building permit. City of Douglass Hills approval of the landscape plan is also required. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - e. A road closure approval for Burnett Ridge Place shall be approved prior to requesting a building permit.
 - f. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - g. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the October 6th, 2022, Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the office of the Louisville Metro Planning Commission.
5. The applicant, developer or property owner shall provide copies of these binding elements to all tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of their content. The binding elements shall run with the land, and the owner and the occupant of the property shall at all times be responsible for compliance with them. At all times during development of the site, the applicant and developer, their heirs, successors and assignees, contractors, subcontractors and all other parties engaged in development of the site shall be responsible for

- compliance with these binding elements.
6. The property owner shall provide a crossover access easement if the property to the south is ever developed. A copy of the signed easement agreement shall be provided to the Planning Commission staff upon request.
 7. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
 8. No subdivision of the muti-family units shall occur in a future condition except for compliance with the following conditions:
 - A. The structure to be subdivided contains 4 dwelling units or fewer;
 - B. That no more than one subdivided unit may drain across a single adjoining lot, either by surface flow of pipe;
 - C. That all public drainage created by any subdivision within this existing parcel shall be made to conform to MSD standards and be Oplaced in MSD Sanitary Sewer and Drainage Easement; and
 - D. That each currently proposed set of units are constructed with a single wastewater discharge line which can be accessed and maintained with no disturbance to an adjoining dwelling unit.

Section 3. This Ordinance shall take effect upon its passage and approval as required by law.

First Reading: 11/3/2022

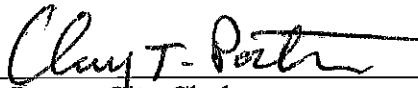
Second Reading: 12/1/2022

Adopted this 12th day of Dec, 2022.



 Bonnie Jung, Mayor

ATTEST:



 Clay Porter, City Clerk

Those in Favor: 5

Those Opposed: 1

I HEREBY ATTEST THAT I, AS THE AUTHORIZED REPRESENTATIVE OF THE APPLICANT/DEVELOPER HEREIN, HAVE READ FULLY UNDERSTOOD AND FULLY AGREED TO ALL THE BINDING ELEMENTS AND CONDITIONS OF APPROVAL CONTAINED IN CITY OF DOUGLASS HILLS ORDINANCE.

BY: STEWART COMPANIES
