

CITY OF MIDDLETOWN
ORDINANCE NO. 10-12-2023-A
AN ORDINANCE RELATING TO THE APPROVAL OF A ZONING CHANGE FROM R-4 &
C-1 TO PEC & C-1 WITH A GENERAL DISTRICT DEVELOPMENT PLAN AND BINDING
ELEMENTS ON PROPERTY LOCATED AT 207 & 209 NORTH ENGLISH STATION ROAD
IN THE CITY OF MIDDLETOWN

WHEREAS, the City has received a request for approval for a zoning change and detailed district development plan with a waiver known as case no. 23-ZONE-0070.

NOW THEREFORE, BE IT ORDERED BY THE CITY OF MIDDLETOWN:

Section 1. That subject to full compliance with the restrictions contained in all the Binding Elements placed on this site, the City Commission hereby approves the General District Development Plan. The City of Middletown Commission does hereby specifically adopt in full (incorporated as if set out in full herein) the record as set out in the record of 23-ZONE-0070, supporting the Application.

Section 2. The following shall be Binding Elements which shall be applicable and enforceable concerning the future use of the real property described in Section 1 of this Ordinance:

1. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements, all of which must also be approved by the City of Middletown.
2. No outdoor advertising sign, small freestanding sign, pennants, balloons, or banners shall be permitted on the site.
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. No idling of trucks shall take place within 200 feet of residential structures. No overnight idling of trucks shall be permitted on-site.
5. 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.
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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
8. 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.

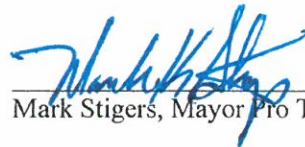
9. A single contribution shall be paid in the amount of \$37,255.38 for the northern intersection of N. English Station Road and Aiken Road within 30 days of the request of the Metro Department of Public Works.
10. KRS 91A.080 requires insurance companies which issue certain insurance policies on risks that are located within the City of Middletown, to designate City of Middletown as the property taxing jurisdiction for insurance premium taxes. For any insurance on this property by the applicant, developer, or property owner, please make sure your agent or insurance company designates it as a City of Middletown Policy.
11. The developer must pay all legal notices pertaining to the development including publication of this ordinance.

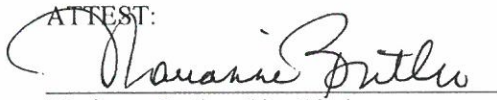
Section 3. This Ordinance shall take effect upon its passage and approval as required by law.

First Reading: 10-12-2023

Second Reading: 11-9-2023

Adopted this 9th day of Nov., 2023.


Mark Stigers, Mayor Pro Tem

ATTEST:

Marianne Butler, City Clerk

Commissioner Oliver: yes

Commissioner Hayden: yes

Commissioner Wolf: yes

Commissioner Stigers: yes

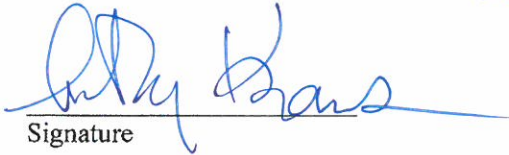
Mayor Chapman: absent

I HEREBY ATTEST THAT I, AS THE AUTHORIZED REPRESENTATIVE OF THE APPLICANT/ DEVELOPER HEREIN, HAVE READ FULLY UNDERSTAND AND FULLY AGREE TO ALL THESE BINDING ELEMENTS AND CONDITIONS OF APPROVAL.

BY: Tim Kraus

ITS: VP, Production Operations + Chief Eng. (Print Name and Title)

Contact Email and Phone TKraus@LouisvilleWater.com
502-569-0828


Signature