

BINDING ELEMENTS CASE NO. 18DEVPLAN1173

NOW, THEREFORE, BE IT RESOLVED, that the City of Jeffersontown does hereby **APPROVE** the revised detailed development plan and waiver and is subject to the following binding elements, to wit:

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

- 1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes, additions or alterations of any binding element(s) shall be submitted to the Planning Commission and to the city of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
- 2. The development shall not exceed 22,090 square feet of gross floor area.

3. 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 Construction Review, City of Jeffersontown and the Metropolitan Sewer District.
- b. Encroachment permits must be obtained from the Kentucky Transpoliation Cabinet.
- The size and location of any proposed freestanding sign must be m compliance with the City of Jeffersontown Sign Ordinance.
- 5. 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.
- 6. If a building permit is not issued within two years of the date of approval of the plan, the prope1iy shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
- 7. 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 ce1tificate of occupancy, unless specifically waived by the Planning Commission and City of Jeffersontown.

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. There binding elements shall run with the land and the owner of the property and occupant of the prope1iy 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 patties engaged in development of the site, shall be responsible for compliance with these binding elements.

 If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.

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- 10. 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.
- The proposed addition shall be substantially similar in appearance and materials to the existing building.
- 12. The plan indicates the approximate location for a future connection to the abutting site to the east. This connection shall be completed should the abutting site be redeveloped.
- All off-street parking areas shall be permanently and continually maintained in good condition and free from potholes, weeds, dirt, trash and other debris.
- 14. There shall be no outdoor storage on the site.

