



DEVELOP LOUISVILLE
OFFICE OF PLANNING & DESIGN
LOUISVILLE, KENTUCKY

GREG FISCHER
MAYOR

EMILY LIU, AICP
DIRECTOR

**BINDING ELEMENT NOTICE OF VIOLATION
AND ORDER TO REMEDY**

Date: April 30, 2019

Property Address: 8014 NATIONAL TURNPIKE

Property Owner(s): SAJA SALMAN
CASE# 18PM29023 8014 NATIONAL TURNPIKE
LOUISVILLE, KY. 40214-5202

You are hereby notified that you are in violation of **BINDING ELEMENTS #1, #2,** in Docket No **9-37-84,** and **10608,** which stipulates the following:

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 for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The site shall be maintained free of rubbish, trash and debris.

The specific facts constituting the above referenced violation are the following:

- A. Upon inspection by Zoning Officer on April 29, 2019 the site specifically, has 5 or more junked, wrecked, or non-operative automobiles at this location and the storing of used car parts.

Accordance with Chapter 153 of the Louisville/Jefferson County Code of Ordinances, ***you are hereby ordered to cease violation and provide permanent remedy by May 30, 2019.*** Failure to comply by this date will result in the issuance of a citation and may result in a civil fine of up to \$4,000 per day of violation.

MIKE WILCHER

PLANNING SUPERVISOR

574-8692

alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, street names, signs, landscaping, permanent reference monuments (PRM's), permanent control points (PCP's), or any other improvement required by Chapters 1 through 10.

Incidental Sign - Any on-premises sign, that has a purpose secondary to other on-premises signs on a lot. Incidental signs shall only be located adjacent to building entrances, vehicular and/or pedestrian/bicycle access points or public gathering spaces on a lot. Incidental signs may be freestanding or attached to a building. Incidental signs may be illuminated and shall not exceed five square feet in area for non-residential uses and two square feet in area for residential uses. Attached incidental signs shall not exceed a mounting height of 20 feet on a building facade. Freestanding incidental signs shall not exceed a height of three feet.

Industrial Use – A nonresidential use classification that includes use(s) which involve the manufacture, fabrication, processing, or reduction of any article, substance, or commodity or any other treatment thereof in such a manner as to change the form, character or appearance thereof. In addition, it shall include trucking facilities, warehousing, storage facilities, businesses serving primarily industry, and similar enterprises.

Infill Development - Development that occurs on vacant or underutilized land in an area within which a majority of the land is developed or in use. (Refer to form district regulations for specific definitions and criteria relating to infill.)

Indirect Light - direct light that has been reflected or has scattered off of other surfaces.

Infrastructure - Facilities and services needed to sustain industry, residential, commercial and all other land use activities.

Institutional Use - Publicly owned and/or operated and private elementary schools, middle schools, high schools, civic buildings, community buildings and uses including substations, governmental buildings, religious buildings, museums, art galleries, fire houses, post offices, police stations, reservoirs, libraries, parks, essential services, hospitals, and similar uses, any of which may have additional requirements to use set forth within. For the purposes of this code all institutional uses shall be considered as non-residential uses.

Institutional Use, Private – An institutional use that is not publically owned and/or operated.

Interior Landscaping Area (ILA) - An interior landscaping area (ILA) is a peninsular or island-shaped planting area, located within a vehicle use area, with the express purpose of mitigating the environmental and visual effects of a VUA.

Irrigation System -An artificial watering system designed to transport and distribute water to plants.

14 entries for the letter I

Junk Yard - Any property, premises or place of business, including, but not limited to, auto salvage and auto crushing enterprises, maintained, operated, or used for storing, keeping, buying or selling of five (5) or more junked, wrecked, or non-operative automobiles, vehicles, machines, appliances and other similar scrap or salvage materials, scrap copper, brass, rope, rags, batteries, rubber debris, iron, steel or other scrap or ferrous or non-ferrous material. This term shall include used car parts dealers. However, this term shall not include a scrap metal processing facility or any facility regulated by Chapter 51 of the Jefferson County Code of Ordinances [solid waste].

1 entry for the letter J

Karst - A terrain, generally underlain by limestone or dolomite, in which the topography is chiefly formed by the dissolving of rock and which may be characterized by sinkholes, sinking streams, subterranean

9-37-85

Existing Binding Elements - Docket # 9-3785

1. The development will be in accordance with the approved district development plan. No further development will occur.
2. The building on the site shall not exceed 120 square feet in area.
3. The site shall be maintained free of rubbish, trash and debris.
4. Before a certificate of occupancy is issued:
 - a. The development plan must be reapproved by the Transportation Engineering, Water Management and Fire Safety Sections of the Jefferson County Public Works and Transportation Cabinet.
 - b. The size and location of any proposed signs must be approved by the Planning Commission. The Planning Commission may require that signs be smaller than would otherwise be permitted by the Zoning District Regulations.
 - c. The property owner must obtain approval of a general landscaping plan along the east property line to include flowers and shrubbery and screening and buffering along the south and west property lines. Such plan shall be implemented prior to occupancy and maintained thereafter.
 - d. Encroachment permits must be obtained from the Kentucky department of Transportation Bureau of Highways.
5. If a certificate of occupancy is not issued within one year of the date of approval of the plan or rezoning, whichever is later, 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.
6. 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 and all binding elements must be implemented prior to requesting the issuance of the certificate.
7. The above binding elements may be amended as provided for in the Zoning District Regulations.

9-37-85

Binding Elements – Case 10608 and Docket No. 9-3785

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, 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 for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. The development shall not exceed 3,950 square feet of gross floor area.
3. The site shall be maintained free of rubbish, trash and debris.
4. Signs shall be in accordance with Chapter 8 or as presented at the public hearing (4 square feet in area and 8 feet tall).
5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
6. 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 Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works 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.
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 certificate of occupancy, unless specifically waived by the Planning Commission.
8. An 8-foot tall wood privacy fence shall be erected along the south property line of the site to screen the auto detailing facilities from adjacent properties and shall be maintained thereafter. In addition, all structures located on the site shall be maintained according to building code requirements.
9. A 75-foot Tree Preservation Area (TPA) shall be established along the rear property line of the site and the existing tree canopy located within the TPA shall be preserved. In addition, existing tree canopy and required plantings shall be provided in the required 25-foot Landscape Buffer Areas along the north and south property lines of the site – adjacent to residentially zoned properties.

All binding elements and/or conditions of approval stated in this report are accepted in total without exception by the entity requesting approval of this (these) development item(s).