When the binding elements are agreed to, the zoning change is granted on the basis of compliance with those binding elements and building permits are issued only with those stipulations.

The purpose of Plan Certain is assurance that developers who request zoning changes will complete plans as proposed.

Date of Approval: 7/20/98

1.   The development shall be in accordance with the approved district development plan. Any changes/additions/alterations of any binding element(s) shall be referred by the Planning Commission to the City of Lyndon for approval, and any changes/additions/alterations not so referred shall not be valid.

2.   There shall be no medical offices or other uses requiring a parking ratio greater than one space per 400 square feet of floor area unless parking can meet the requirement of the proposed use.

3.   The development shall not exceed 1,600 square feet of gross floor area.

4.   There shall be no freestanding sign permitted on site without prior approval by the Planning Commission. The Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.

5.   No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.

6.   The existing access point to Shelbyville Road is to be closed and access to the site be provided solely by the rear yard access easement at such time as the adjacent property to the east is developed non-residentially and access to Holley Road is available.

7.   Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.

8.   Before any permit (including but not limited to building, parking lot, change of use or alteration permit)is requested:
    a.   The development plan must receive full construction approval from the Jefferson County Department of Public Works and

Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).

b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

c. An access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be secured and recorded granting access (as shown on the plan) to the adjoining property owners to the west and south. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

9. 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.

10. A certificate of occupancy must be received from the appropriate code enforcement office 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.

11. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.