

BINDING ELEMENTS

~~DOCKET NO. 13-5-98~~ Case # 13DEVLAN1121

RESOLVED, that the Louisville and Jefferson County Planning Commission does hereby **RECOMMEND** to Fiscal Court of Jefferson that the change in zoning from **C-1 Commercial to C-2 Commercial** on property described in the attached legal description be **APPROVED**.

RESOLVED, That the Louisville and Jefferson County Planning Commission does hereby **APPROVE** the district development plan **SUBJECT** to the following binding elements:

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. No further development shall occur without prior approval from the Planning Commission except for land uses permitted in the established zoning district.
2. Use of the subject site shall be limited to a drive-in restaurant and other uses permitted in the C-1 commercial district. There shall be no other use of the property unless approved by the LD&T. Notice of a request to amend this binding element shall be given in accordance with Planning Commission policy. The LD&T Committee shall determine if a public hearing on the request to amend this binding element is needed.
3. The development shall not exceed 2,240 square feet of gross floor area.
4. The only permitted freestanding sign shall be a monument style sign, located as shown on the approved development plan. No portion of the sign, including the leading edge of the sign frame, shall be closer than zero feet to the front property line. The sign shall not exceed 72 square feet in area per side and 12 feet in height. No sign shall have more than two sides.
5. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.
6. There shall be no outdoor storage on the site.
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.
8. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:

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- 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.
9. If a building permit 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. Outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system permitted on the site shall not be audible beyond the property line.
 12. 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.
 13. The hours of operation shall be 10:00 a.m. to 11:00 p.m. Sunday - Thursday, and 10:00 a.m. to 1:00 a.m. on Friday and Saturday.

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NOTICE
PERMITS SHALL BE ISSUED
ONLY IN COMPLIANCE
WITH THE BINDING ELEMENTS
OF THIS DISTRICT
DEVELOPMENT PLAN