

**CITY OF JEFFERSONTOWN, KENTUCKY  
JEFFERSON COUNTY, KENTUCKY**

**ORDINANCE NO. 1276, SERIES 2012**

**AN ORDINANCE RELATING TO A CHANGE IN ZONING  
FROM C-1 COMMERCIAL TO C-2 COMMERCIAL FOR  
PROPERTY LOCATED AT AND KNOWN AS 9200  
TAYLORSVILLE ROAD, CONTAINING 1.738 ACRES AND  
BEING IN THE CITY OF JEFFERSONTOWN, KENTUCKY**

**WHEREAS**, the Louisville Metro Planning Commission has reviewed, held hearings and received staff reports on the applicant's request for a zoning change from C-1 Commercial to C-2 Commercial on property more particularly described in Case Number 16081, and located at and known as 9200 Taylorsville Road; and,

**WHEREAS**, the Louisville Metro Planning Commission has recommended the City of Jeffersontown, Kentucky approve said zoning change, with an additional nine (9) binding elements, to the binding elements set forth in Louisville Metro Planning Commission docket number 9-90-98; and,

**WHEREAS**, the Jeffersontown City Council has reviewed the file of the Louisville Metro Planning Commission, and the transcript of the Public Hearing held before that body; and,

**WHEREAS**, the Jeffersontown, Kentucky City Council is in agreement with the recommendation of the Louisville Metro Planning Commission.

**NOW, THEREFORE, IT IS HEREBY ORDAINED** by the Jeffersontown City Council as follows:

**SECTION I.** The property located at and known as 9200 Taylorsville Road (TAX Block 482, Lot 2) containing 1.738 acres and being in the City of Jeffersontown, Kentucky is hereby rezoned from C-1 Commercial to C-2 Commercial, subject to the following binding elements.

**SECTION II.** The rezoned parcel is subject to the following binding elements, to wit:

1. All binding elements from the approved General Development Plan under docket number 9-90-98 are applicable to this site.
2. 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 and the City of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.

3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banner shall be permitted on the site.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
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 and the City of Jeffersontown.
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. 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 and the City of Jeffersontown.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment. PA systems will be allowed provided they will not be audible beyond the property line.
8. A legal instrument providing for the long-term use of the (off-site parking spaces or joint-use parking spaces), as shown on the approved general district development plan and in accordance WITH (Section 9.1.5 Off-Site Parking or Section 9.1.6 Joint Use Parking), shall be submitted and approved by

the Planning Commission legal counsel and recorded in the County Clerk's Office. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

9. 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.

10. No idling of trucks shall take place within 200 feet of single-family residences.

SECTION III. That this Ordinance shall become effective upon passage and publication.

INTRODUCED AND FIRST READING WAS HEARD BY THE CITY COUNCIL OF THE CITY OF JEFFERSONTOWN, KENTUCKY THIS 6<sup>TH</sup> DAY OF FEBRUARY 2012.

INTRODUCED, READ, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF JEFFERSONTOWN, KENTUCKY THIS 15<sup>TH</sup> DAY OF MAY 2012.

VETOED:

APPROVED:

\_\_\_\_\_  
BILL DIERUF, MAYOR

  
\_\_\_\_\_  
BILL DIERUF, MAYOR

\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
DATE

ATTEST:

*Bill Ff*  
\_\_\_\_\_  
BILL FOX, CITY CLERK