

CITY OF JEFFERSONTOWN  
JEFFERSON COUNTY, KENTUCKY

ORDINANCE NO. 1370, SERIES 2017

AN ORDINANCE RELATING TO AMENDMENT OF ORDINANCE NO. 1185, SERIES 2004, AND ADOPTING AMENDMENTS TO CHAPTER 4 PART 2 OF THE LAND DEVELOPMENT CODE TO:

ADD OUTDOOR ALCOHOL SALES AND CONSUMPTION AND OUTDOOR ENTERTAINMENT AS A CONDITIONAL USE PERMIT IN THE COMMERCIAL TOWN CENTER-1 (CTC-1) ZONING DISTRICT AND OUTDOOR ENTERTAINMENT AS A CONDITIONAL USE PERMIT IN THE COMMERCIAL TOWN CENTER-2 (CTC-2) ZONING DISTRICT;

AND TO:

ADD A CONDITIONAL USE PERMIT TO ALLOW RESTAURANTS WITH DRIVE-THROUGH FACILITIES IN THE COMMERCIAL TOWN CENTER-1 (CTC-1) AND COMMERCIAL TOWN CENTER-2 (CTC-2) ZONING DISTRICTS.

**WHEREAS**, the City Council of the City of Jeffersontown recognizes a need to promote economic development opportunities for business attraction and expansion in the Town Center Form District; and,

**WHEREAS**, the City Council of the City of Jeffersontown finds that the proposed amendment to Chapter 4, Part 2 of the LDC is in conformance with the comprehensive plan because this amendment is in compliance with the following comprehensive plan guidelines, and,

**WHEREAS**, the City Council of the City of Jeffersontown further finds that the proposal meets **Guideline 3** regarding **Compatibility**, because the proposal ensures that land uses and transportation facilities are located, designed and constructed to be compatible with nearby land uses and to minimize impacts to residential areas, schools and other sensitive areas in the community; and,

**WHEREAS**, the City Council of the City of Jeffersontown further finds that the proposed amendment allows for the addition of compatible uses with an appropriate public review process to ensure that new development does not create adverse conditions for the adjacent uses; and,

**WHEREAS**, the City Council of the City of Jeffersontown further finds that the proposal meets **Guideline 6** regarding **Economic Growth and Sustainability**,

because the proposal provides a positive culture for attracting and sustaining business within the City of Jeffersontown and Jefferson County, and provides for economic development opportunities in a manner that is compatible to surrounding less intense development activity.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Jeffersontown, Kentucky that the City Council does hereby AMEND Chapter 4, Part 2 of the Land Development Code as adopted by Ordinance No. 1185, Series 2004, is amended to add the following Conditional Use Permits:

**4.2.51 Outdoor Alcohol Sales and Consumption and Outdoor Entertainment:**

Outdoor alcohol sales and consumption and/or outdoor entertainment may be permitted in the CTC-1 zoning district and outdoor entertainment may be permitted in the CTC-2 zoning district, upon the granting of conditional use permit and compliance with the listed requirements.

- A. All outdoor areas for the sale and consumption of alcohol and/or outdoor entertainment must have designated boundaries.
- B. Outdoor dining areas within the public right-of-way must receive approval from the City of Jeffersontown, Kentucky, and shall be designed in accordance with City's standards.
- C. Outdoor dining areas and/or outdoor entertainment within the public right-of-way shall contain a physical barrier that is at least three feet in height. The barrier should be designed to permit existing legal access from building to the adjacent public right-of-way.
- D. Outdoor dining areas that include the sale and consumption of alcohol and/or outdoor entertainment areas within 50 feet of a residentially zoned or used property shall provide a six foot continuous screen as part of the designated boundary for the areas of the outdoor area within 50 feet of residentially used or zoned property. The continuous screen shall be in conformance with the Chapter 10, Part 4 (Implementation Standards). Temporary outdoor sale and consumption areas during the Gaslight Festival that are in compliance with the Jeffersontown Gaslight Festival District regulations and hold a Special Festival Permit are exempt from this requirement.
- E. The use of outdoor dining areas for the sale and consumption of alcohol and/or outdoor entertainment shall cease by 12 A.M.
- F. The board may require additional and more restrictive requirements than those listed above based on the conditions of the specific location and the characteristics of the specific restaurant.

**4.2.52 Restaurants with Drive-Through Facilities:**

Restaurants with drive-through windows may be permitted in the CTC-1 and CTC-2 zoning district, upon the granting of conditional use permit and compliance with the listed requirements.

- A. Drive-Through windows shall be limited to 1 lane.
- B. Building(s) must be located within the Town Center Form district minimum/maximum setbacks per Chapter 5.
- C. Buildings on corner lots must hold the corner per Chapter 5.5.1.A.2.
- D. Drive-Through Facilities must meet the queuing requirements of Chapter 9.1.14.

INTRODUCED AND READ AT A MEETING OF THE CITY COUNCIL OF THE CITY OF JEFFERSONTOWN, KENTUCKY AT A MEETING HELD THE 20<sup>th</sup> DAY OF ~~FEBRUARY~~, 2017

*July*

READ, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF JEFFERSONTOWN, KENTUCKY AT A MEETING HELD ON THE 15<sup>th</sup> DAY OF ~~FEBRUARY~~, 2017.

*August*

VETOED:

APPROVED:

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

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

DATE: \_\_\_\_\_

DATE: 8/17/17

ATTEST:

  
\_\_\_\_\_  
BILL FOX, CITY CLERK