

**CITY OF JEFFERSONTOWN
JEFFERSON COUNTY, KENTUCKY**

ORDINANCE NO. 1295, SERIES 2013

**AN ORDINANCE RELATING TO A CHANGE IN ZONING FROM CN
COMMERCIAL TO C-2 COMMERCIAL, FOR PROPERTY LOCATED
AT 10413 TAYLORSVILLE ROAD, AND BEING LOCATED IN THE CITY
OF JEFFERSONTOWN, KENTUCKY**

WHEREAS, the City Council, City of Jeffersontown, Kentucky has received and considered the evidence at the Public Hearing held by the Louisville Metro Planning Commission ("Planning Commission") and the recommendations of the Planning Commission and its staff as set out in the minutes and records of the Planning Commission; and,

WHEREAS, the City of Jeffersontown's Technical Review Committee has reviewed the record as transmitted from the Planning Commission, and has otherwise determined that the development plan complies with the Land Development Code and is otherwise lawful; and

WHEREAS, the City Council, City of Jeffersontown, having reviewed testimony and evidence in connection with the public hearing held in this matter, having further heard arguments of interested parties, having reviewed the staff report and the file of case number 18782, as well as the Applicant's justification and findings of facts, now finds that these materials support the approval of the proposed change in zoning from CN Commercial to C-2 Commercial; and,

WHEREAS, the City Council, City of Jeffersontown, Kentucky, finds the proposed zoning change is compatible with the surrounding Form District; and,

WHEREAS, the City Council, City of Jeffersontown, Kentucky, finds the justification and findings of fact support the approval of the detailed development plan and the testimony, evidence, and information heard at the Public Hearing supports the approval of the detailed development plan;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF JEFFERSONTOWN, KENTUCKY, AS FOLLOWS:**

SECTION 1. That the above property located within the City of Jeffersontown, Kentucky, and more particularly described in the minutes and records of the Planning Commission in Docket No. 18782, is hereby changed from CN Commercial to C-2 Commercial zoning provided, however, that said property and the use thereof shall in perpetuity be subject to the following binding elements set forth in Section 2 hereof.

SECTION 2. The within property rezoned shall be subject to the following binding elements, to wit:

1. All binding elements in place and applicable to the subject property at the instigation of Case No. 18782 remain in full force and effect to the extent not modified, amended, or extinguish by the following binding elements.
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 LDC. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission’s designee and to the City of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
3. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owner on the corner of Taylorsville Road and Eastview Avenue and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services within one year of approval of the rezoning.
4. C-2 uses shall be limited to a contractor’s shop (which is within the C-2 zoning district list of uses) and to CN uses, except as otherwise approved by the Louisville Metro Planning Commission, or Committee thereof, and the City Council of Jeffersontown, Kentucky.
5. The existing J. Neanamacher house fronting on Taylorsville Road shall be protected as a structure substantially similar to its present residential design as of June 20, 2013.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in activity on the 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 the occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development and activity of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in current or future development of the site, shall be responsible for compliance with these binding elements.

**INTRODUCED AND READ AT A MEETING OF THE CITY COUNCIL
OF THE CITY OF JEFFERSONTOWN, KENTUCKY AT A MEETING HELD
ON THE 20th DAY OF August, 2013.**

READ, PASSED AND APPROVED BY THE CITY COUNCIL OF THE
CITY OF JEFFERSONTOWN, KENTUCKY AT A MEETING HELD ON THE
3rd DAY OF September, 2013.

VETOED:

APPROVED:

BILL DIERUF, MAYOR


BILL DIERUF, MAYOR

DATE: _____

DATE: 9/4/13

ATTEST:

Bill F
BILL FOX, CITY CLERK