

BINDING ELEMENTS

- 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 for review and approval; any changes/additions/alterations not so referred shall not be valid.
- No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
- The existing access point(s) to Taylorsville Road (are) to be removed and access to the site be made from the new curb cuts as shown on the development plan.
- Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
- Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - Encroachment permits must be obtained from the Kentucky Transportation Cabinet. c. A minor subdivision plat or legal instrument shall be recorded creating the lot lines as shown on the development plan and dedicating additional right-of-way to Taylorsville Road to provide a total of 65 feet from the centerline. The minor plat shall also show an access easement to the R-4 property to the south. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the October 6, 2022 Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
- 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.
- There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
- 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.
- The fencing along Taylorsville Road shall be a four-board horse fence with wire fencing attached to the back.
- Lighting: a) All exterior lighting, whether freestanding or attached to any structure, including street lights, lot lights and lighting for any signage, shall be fully shielded, shall utilize flat or hidden lenses, and shall be pointed directly to the ground. The following are exceptions to this requirement: a) Low voltage landscape lighting aimed away from adjacent properties and not exceeding 2000 lumens in output per fixture. b) No lighting shall have a correlated color temperature (CCT) exceeding 2700 degrees Kelvin. c) No parking lot light fixtures shall be more than fourteen feet high, measured from ground level.
- Signage:
 - No lighted signage shall be placed above the first-floor level, except it shall be allowed on a gable over an entrance if fully shielded and pointed directly to the ground and not backlit.
 - No changing image or moving signs shall be permitted.
 - All freestanding signage shall not exceed six feet in height, measured from ground level.
- The R-4 portion of the subject property (Tract 2) shall not be developed in any manner, including a building permit for a single-family residence, without written approval from the Kentucky Transportation Cabinet (KYTC). Development of said parcel may require additional roadway improvements, and such improvements, will be noted in the approval from KYTC.

PLANNING COMMISSION APPROVAL	
DATE	
BY	
PLANNING COMMISSION SECRETARY	

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