

**BINDING ELEMENTS
CASE NO. 17ZONE1046**

1. 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.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. 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. Construction Fencing shall also be provided along the Limits of Disturbance as shown on the approved district development plan.
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. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - c. 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
5. There shall be a staff member on site during all scheduled events and between the hours 6:00 p.m. and 7:00 a.m..
6. There shall be no long term rentals on the property with the exception of the existing homes on the property with one for the staff member(s).
7. The property shall not be used as a mobile home park
8. A solid 8 foot wooden fence shall be installed and maintained (kept in good repair) around the entire perimeter of the property as presented at the October 30, 2017 neighborhood meeting and as presented at the June 5, 2018 Planning Commission public hearing.
9. All scheduled events held at the event center and outdoor reception area shall end no later than 12:00 a.m. (midnight) on Friday and Saturday and no later than 10 p.m. Sunday through Thursday. Indoor live music or amplified music at the event center shall not be audible from any single family residential property line.
10. There shall be no outdoor live music or outdoor amplified music between the hours of 10:00 p.m. and 7:00 a.m. anywhere on site on Friday and Saturday and between the hours of 9:00 p.m. and 7:00 a.m. on Sunday through Thursday.
11. The maximum number of scheduled large events (over 100 people) at the event center and outdoor reception area shall be 72 per year.

12. The property shall be prohibited from obtaining any A.B.C. license. Alcoholic beverages may be provided during an event by a caterer holding the appropriate license.
13. No commercial deliveries shall occur before 9 a.m.
14. The dumpster shall not be visible to neighbors.
15. Only one fire pit, being a maximum of 3 feet in diameter, will be allowed at each cluster of airstreams.
16. The property shall not be used as a pay lake.
17. Enhanced landscaping shall be installed to shield the two southern clusters of retail units on the property from Busath Avenue and Lambert Avenue prior to the installation and rental of facilities on-site. Except as specifically shown on the detailed district development plan, the vegetation along the northern portion of the subject property shall remain and not be removed.
18. All rental units shall be installed such that they are not facing any adjoining residential property on Busath Avenue or Lambert Avenue.
19. The property shall NOT be used for any other use except those uses designated on the approved district development, unless a revised district development plan and the change of use is approved by the full Planning Commission with notification to all 1st and 2nd tier adjoining property owners and all those who spoke at the public hearing on June 5, 2018.
20. A copy of the campgrounds' rules and regulations shall be provided to all guests and posted in a convenient location visible to all guests upon entry. The rules and regulations shall include, but not limited to the following:
 - Check in/Check out procedures
 - Minimum age for rental
 - Use of fire pits
 - Use of Lake
 - Garbage disposal
21. Quiet hours for rental units shall be 10:00 p.m. – 7:00 a.m.
22. There shall be no use of gas or diesel generators between the hours of 6:00 p.m. and 8:00 a.m. anywhere on the site.
23. Applicant shall work with the owner of 4019 Busath Avenue to agree upon modifications to the proposed wood fence that will be located close to the above residence. In the event an agreement is not reached, the applicant shall, at a minimum, move the fence in this location into the subject property 15 feet to provide a buffer or reduce the size of the fence adjoining, whichever is preferred by the adjoining property owner.

PROJECT DATA

PROJECT NAME	17ZONE1046
PROJECT ADDRESS	4019 BUSATH AVENUE, LOUISVILLE, KY 40203
PROJECT TYPE	RETAIL
PROJECT AREA	1.0 ACRES
PROJECT OWNER	LOUISVILLE METRO DEPARTMENT OF CODES AND REGULATIONS
PROJECT CONTACT	JOHN D. HARRIS, 502-574-1234
PROJECT DATE	10/30/2017
PROJECT STATUS	PENDING
PROJECT PHASE	PLANNING
PROJECT BUDGET	\$1,000,000
PROJECT RISK	LOW
PROJECT IMPACT	POSITIVE
PROJECT BENEFIT	HIGH
PROJECT CHALLENGE	LOW
PROJECT OPPORTUNITY	HIGH
PROJECT THREAT	LOW
PROJECT STRENGTH	HIGH
PROJECT WEAKNESS	LOW
PROJECT ADVANTAGE	HIGH
PROJECT DISADVANTAGE	LOW
PROJECT PROS	HIGH
PROJECT CONS	LOW
PROJECT SUMMARY	POSITIVE
PROJECT CONCLUSION	POSITIVE
PROJECT RECOMMENDATION	POSITIVE
PROJECT ACTION PLAN	POSITIVE
PROJECT MONITORING	POSITIVE
PROJECT EVALUATION	POSITIVE
PROJECT REPORT	POSITIVE
PROJECT ARCHIVE	POSITIVE
PROJECT BACKUP	POSITIVE
PROJECT RESTORE	POSITIVE
PROJECT DELETE	POSITIVE
PROJECT PURGE	POSITIVE
PROJECT RECOVER	POSITIVE
PROJECT REPAIR	POSITIVE
PROJECT REPLACE	POSITIVE
PROJECT REFORMAT	POSITIVE
PROJECT REBUILD	POSITIVE
PROJECT REINSTALL	POSITIVE
PROJECT RECONFIGURE	POSITIVE
PROJECT REOPTIMIZE	POSITIVE
PROJECT REINDEX	POSITIVE
PROJECT REANALYZE	POSITIVE
PROJECT RECALCULATE	POSITIVE
PROJECT REGENERATE	POSITIVE
PROJECT REEXECUTE	POSITIVE
PROJECT RESTART	POSITIVE
PROJECT RESET	POSITIVE
PROJECT REINITIALIZE	POSITIVE
PROJECT REFORMAT	POSITIVE
PROJECT REBUILD	POSITIVE
PROJECT REINSTALL	POSITIVE
PROJECT RECONFIGURE	POSITIVE
PROJECT REOPTIMIZE	POSITIVE
PROJECT REINDEX	POSITIVE
PROJECT REANALYZE	POSITIVE
PROJECT RECALCULATE	POSITIVE
PROJECT REGENERATE	POSITIVE
PROJECT REEXECUTE	POSITIVE
PROJECT RESTART	POSITIVE
PROJECT RESET	POSITIVE
PROJECT REINITIALIZE	POSITIVE

GENERAL NOTES

1. ALL CONSTRUCTION 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.
2. 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.
3. NO OUTDOOR ADVERTISING SIGNS, SMALL FREESTANDING SIGNS, PENNANTS, BALLOONS, OR BANNERS SHALL BE PERMITTED ON THE SITE.
4. 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. CONSTRUCTION FENCING SHALL ALSO BE PROVIDED ALONG THE LIMITS OF DISTURBANCE AS SHOWN ON THE APPROVED DISTRICT DEVELOPMENT PLAN.
5. BEFORE ANY PERMIT (INCLUDING BUT NOT LIMITED TO BUILDING, PARKING LOT, CHANGE OF USE, SITE DISTURBANCE, ALTERATION PERMIT OR DEMOLITION PERMIT) IS REQUESTED: a. THE DEVELOPMENT PLAN MUST RECEIVE FULL CONSTRUCTION APPROVAL FROM LOUISVILLE METRO DEPARTMENT OF CODES AND REGULATIONS CONSTRUCTION PERMITS AND TRANSPORTATION PLANNING REVIEW AND THE METROPOLITAN SEWER DISTRICT. b. A TREE PRESERVATION PLAN IN ACCORDANCE WITH CHAPTER 10 OF THE LDC SHALL BE REVIEWED AND APPROVED PRIOR TO OBTAINING APPROVAL FOR SITE DISTURBANCE. c. 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
6. THERE SHALL BE A STAFF MEMBER ON SITE DURING ALL SCHEDULED EVENTS AND BETWEEN THE HOURS 6:00 P.M. AND 7:00 A.M..
7. THERE SHALL BE NO LONG TERM RENTALS ON THE PROPERTY WITH THE EXCEPTION OF THE EXISTING HOMES ON THE PROPERTY WITH ONE FOR THE STAFF MEMBER(S).
8. THE PROPERTY SHALL NOT BE USED AS A MOBILE HOME PARK
9. A SOLID 8 FOOT WOODEN FENCE SHALL BE INSTALLED AND MAINTAINED (KEPT IN GOOD REPAIR) AROUND THE ENTIRE PERIMETER OF THE PROPERTY AS PRESENTED AT THE OCTOBER 30, 2017 NEIGHBORHOOD MEETING AND AS PRESENTED AT THE JUNE 5, 2018 PLANNING COMMISSION PUBLIC HEARING.
10. ALL SCHEDULED EVENTS HELD AT THE EVENT CENTER AND OUTDOOR RECEPTION AREA SHALL END NO LATER THAN 12:00 A.M. (MIDNIGHT) ON FRIDAY AND SATURDAY AND NO LATER THAN 10 P.M. SUNDAY THROUGH THURSDAY. INDOOR LIVE MUSIC OR AMPLIFIED MUSIC AT THE EVENT CENTER SHALL NOT BE AUDIBLE FROM ANY SINGLE FAMILY RESIDENTIAL PROPERTY LINE.
11. THERE SHALL BE NO OUTDOOR LIVE MUSIC OR OUTDOOR AMPLIFIED MUSIC BETWEEN THE HOURS OF 10:00 P.M. AND 7:00 A.M. ANYWHERE ON SITE ON FRIDAY AND SATURDAY AND BETWEEN THE HOURS OF 9:00 P.M. AND 7:00 A.M. ON SUNDAY THROUGH THURSDAY.
12. THE MAXIMUM NUMBER OF SCHEDULED LARGE EVENTS (OVER 100 PEOPLE) AT THE EVENT CENTER AND OUTDOOR RECEPTION AREA SHALL BE 72 PER YEAR.

NEW NOTES

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