The development shall be in accordance with the approved district development plan. Any changes/additions/alterations of any binding element(s) shall require notice to the Old Dorsey Place Homeowners Association and Owl Creek Community Association via their registered agents thirty (30) days in advance of any Planning Commission meeting (i.e. LD&T) at which any such change/addition/alteration is considered, and any such change/addition/alteration shall be referred by the Planning Commission to the City of Lyndon for approval, and any changes/additions/alterations not so referred shall not be valid.

Prior to development of each site or phase of this project, a detailed district development phase shall be submitted to the Planning Commission for approval. Each plan shall be in adequate and subject to additional binding elements. The additional binding elements may relate, not be limited, to the following items:

- At the time of detailed district devectors construction on a site shall be subto consistency with the use, desigeneral district development plan. The density of the R-7 multi-family development shall not exceed 9.5 dwelling units per aunits on 19.55 acres). 44 of these units shall be developed as patio homes and 142 developed as apartments. No more than 50% of the apartment units shall be one bedroo One bedroom apartments will be a minimum of 700 square feet in size. Each of the off (two and three bedroom) shall be a minimum of 1000 square feet in size. levelopment plan approsubmitted to the Plannir lesign and locational of proval, a rendering of building ining Commission for review a il guidelines of these binding

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- 581,418 square feet of office space One 4-story 150 room hotel 24,792 square feet of restaurant spac 34,624 square feet of retail space 21,000 square feet of bank space

ntion ditches

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The highest peak roof elevation for any ap elevation of the adjoining patio homes.

The following are prohibited uses of the property: adult entertainment; automobile parking areas, public and private; gas stations; automobile service stations with service bays for repair; automobile part stores that have service bays for parts installation and/or for automobile repair; automobile sales agencies; automobile rental agencies; car washes; clubs, private, non-profit or proprietary; community residences; garage or yard sales; laundries or launderettes, self-service; towers (radio, TV cellular, receiving or transmitting); and all uses of the property (except assisted living facilities, homes for the elderly and nursing homes) that require a conditional use permit in addition to appropriate zoning.

Freestanding signage shall be monument style with uniform brick foundations and uniform tops. No freestanding sign shall exceed seven feet in height and 63 square feet in area. Only two four freestanding signs shall be permitted along. Hurstbourne Parkway - at the designated entrances to the Forest Green development, for Lots 9A and 9B along Hurstbourne Pkwy., and one additional sign along Dorsey Ln. as shown on the Revised Detailed District Development Plan presented to the Development Review Committee July 18, 2012. All other freestanding signs shall be located along the interior access road (Forest Green Parkway). All freestanding signs shall obtain prior approval from the Planning Commission.

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Outdoor lighting shall be designed to be similar in height, style and intensity to that approved at the Woodlawn Center at Hubbards Lane and Westport Road. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line, except that, at the back side of the berm at the rear of the main shopping center, lighting levels shall not exceed one foot

The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:

masses existing on the maps; and for each tree/tree mass

public areas outside of the innovative subdivision that are not the responsibility of the relopment Association or of an individual lot owner, and the Commercial Association's ntenance obligation will include entrance and street signage, street lighting, street repairs and scaping along streets and at entrances.

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noted on the Development Plan, the Developer or its assignee, Developer, hall not be permitted to remove any healthy shade Open Space areas and building setbacks as denoted on the uced on the record plat.

Within the "Greenways" areas denoted or the Development Plan, no development shall occur except as shown on the approved district development plan. Within these "Greenway" areas and within areas located outside of Greenways areas which, contain slopes greater than15 percent inside Open Space areas, the Developer or its assignee shall not be permitted to engage in any land disturbing activities until such time as a plan, prepared generally in accordance with the Louisville and Jefferson County Multi-Objective Stream Corridor/Greenway Plan, which shall include provisions for preservation of vegetation, stream and slope protection and public usage of Greenway: areas, has been approved by the Planning Commission. Such plan shall also o be submitted to Friends of Beargrass Creek for review and comment at the time of submittal to applicable agencies. The plan for stream corridor preservation mandated by this binding element shall be implemented within six months of approval of said plan by the Planning Commission. No portion of the "Greenways" area shall be the subject of any future rezoning request. (A portion of the "Greenways" area shall be limited to that necessary for pedestrian paths, vehicular and pedestrian stream crossings, with possible minor incursions into the "Greenways" in the vicinity of Lots 1, 2, and 3.

The level of quality and design and building materials shall be generally consistent with the renderings and photographs produced at the April 2, 1998 public hearing and at the March 18, 1999 Planning Commission review of the Revised District Development Plan. Buildings shall be constructed of brick except for minor accent treatments, and except that Lot 9 office buildings shall be constructed in accordance with the rendering produced at the March 18, 1999 Planning Commission meeting, which includes mostly glass, concrete, and stone.

Drive-thru businesses shall be lin be utilized for what is typically kno nited to Outlots 6, 7, 8. No more than one of those outlots shall wn as fast food restaurants.

Hours of operation (i.e, when customers are served) for businesses otherwacies and hotels shall be limited to 6:00 a.m. until 12:00 midnight.

Construction activity shall be limited to Monday through Saturday, 7:00 a.m. to 7:00 pm. No construction activity (except on the interior of building) shall be permitted on Sundays or holidays. Heavy equipment operation shall be prohibited on weekend days. Construction traffic shall be prohibited from using neighborhood streets.

shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday les shall be bricked on three sides and wood gated with all inceal interior receptacles.

A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District Design Manual and the USDA National Resources Conservation Service recommendations. The plan shall be submitted to Friends of Beargrass Creek for review and comment at the time of submittal to MSD. Documentation of MSD's approval of the plan shall be submitted to the Planning Commission prior to grading and construction activities. Developer shall actively inspect and enforce plan implementation and maintenance and keep streets free of mud.

The developer and its assigns shall mitigate stormwater- runoff from impervious surfaces using accepted Best Management Practices ("BMPs") to the extent reasonable and practical in accordance with the accompanying letter from Gresham Smith & partners. Plans for storm water management shall be submitted to Friends of Beargrass Creek for review and comment at the time of submittal to MSD.

alteration permit (including but not limited to building, parking lot, alteration permit) is requested:

a. The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).

b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) in accordance with the parkway policy, "Section Study at Lots 1,4 and 7" and as described in Article 12 prior to requesting a building permit. Within the parkway buffer along the frontage of Lots 2 through 10, the owner/developer shall install a berm of no less than 3 feet in height and varying between 3 and 5 feet in height Such plan shall include enhanced screening along the rear of the main retail enter in accordance with the concept plan presented at the public hearing, which shall include a berm with a staggered double row of evergreen trees as approved by the Planning Commission, and shall be implemented prior to occupancy of the site and shall be

Association (herein referred to as the "Homeowners Association", membership in which shall include all of the owners of lots in the innovative residential subdivision) and the Forest Green Development Association (herein referred to as the "Development Association", membership in which shall include all of the owners of all of the lots in the overall Forest Green development) and may also include a Forest Green Commercial Association (hereinafter referred to as the "Commercial Association", membership in which may include the owners of lots in the commercial portion of the Forest Green Development). The Homeowners Association shall have responsibility for maintenance of all areas of the Forest Green innovative subdivision which yards of individual dwellings and its and building exteriors. The Development Association shall have responsibility for maintenance of all areas of the Forest Green innovate subdivision, plus areas outside of said subdivision, which comprise areas denoted on the preliminary plan and development Association's maintenance obligations shall include tree and trail preservation and are of other planting and facilities within those Open Space and Greenways areas. The Commercial Association, if formed, will have responsibility for maintenance of all interior streets.

24. If a building permit is not issued within one year of the date of approval of the plan or rezoning development plan is approved or an extension is granted by the Planning Commission.

25. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy, unless specifically waived by the Planning Commission.

26. The property owner/developer shall provide copies of these binding elements to tenants, content of these binding elements. Pruther, the property owner/developer shall provide copies of these binding elements to tenants, content of these binding elements. The property owner/developer shall furnish to representatives of the duties related to the binding elements. The property owner/developer shall require elements. The property owner/developer shall require elements. The property owner/developer shall require of the developer shall furnish to representatives of the adjacent residents associations (Foxboro purposes of reporting possible violations of the adjacent residents associations (Foxboro shall be made for gaining access to the contact person over the weekend and after normal and radii at the proposed development entrances as required per lefferson County Public Works and Transportation (JCPW&T) and the Kentucky Transportation Cabinet (KTC).

The Developer shall improve Dorsey Lane to provide a minimum of 12 ft. from centerline shall be provided at the Hurstbourne Parkway intersection and at the patio homes (Forest Garden Drive). Utilities shall be relocated as necessary. 26.