

www.kapurengineers.com

## Binding Elements - 17DEVPLAN1128

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

- 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 LDC. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
- 2. Signs shall be in accordance with LDC Chapter 8.
- 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 feet of a common property line. Fencing shall be in place prior to any grading or construction, 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 activity is permitted within the protected area.
- 5. Before any permit, including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition, is requested:
  - a. The development plan must receive full construction approval from Develop Louisville, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
  - c. A minor subdivision plat shall be recorded dedicating additional right-of-way as needed to provide a total of 40 feet from the centerline of Bush Farm Road. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  - d. The property owner/developer must obtain approval of a detailed plan for screening, buffering and or landscaping as described in LDC Chapter10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - e. A Tree Preservation Plan and a Tree Canopy Plan in accordance with LDC Chapter 10 shall be approved prior to obtaining approval for site disturbance.
  - f. A reciprocal access and crossover easement agreement in a form acceptable to Planning Commission legal counsel shall be created and recorded; a copy of the recorded instrument shall be submitted to the Planning and Design Services Department of Develop Louisville.
- 6. If a building permit is not issued within one year of the date of approval of the plan, the property shall not be used in any manner unless a district development plan is approved or an extension is granted by the Planning Commission.
- 7. 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.
- 8. 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 them. 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.
- 9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the LD&T meeting on October 12, 2017.
- 10. Facade design shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
- 11. No idling of trucks shall take place within 200 feet of single-family residences.
- 12. The applicant shall provide documentation showing that the development complies with LDC 4.1.3 lighting regulations prior to issuance of a construction permit. These include regulations regarding mounting height limits, luminaire shielding, canopy lighting levels and light trespass.
- 13. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.