

BINDING ELEMENTS
CASE NO. 14ZONE1061

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 review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 16,300 square feet of gross floor area.
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.
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 Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Eminentment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - 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.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
6. 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.
7. 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.
8. The property owner shall provide a cross over access easement if the property to the north and south are ever redeveloped. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.
9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the April 16, 2015 Planning Commission meeting.

Proposed Binding Elements by Applicant

- There will be no truck idling, loading/unloading activities that interfere with Saturday or Sunday services at the adjoining church property.
- EZ-1 uses of the property shall not include the following list of prohibited uses, except as this prohibited use list may be amended following application, notice to APOs and those who spoke at the public hearing, and decision of the Planning Commission or Committee thereof.

Prohibited Uses

- Adult bookstores, novelty sales, health spas or entertainment
- Animal Pound
- Auction sales
- Automobile (major repair) garages
- Automobile gas stations/convenience stores
- Battery storage
- Bed and Breakfast and Hotels/Motels
- Billiard parlors, game rooms and similar entertainment uses
- Bingo Hall
- Boarding and Lodging houses
- Boiler manufacturing
- Bowling Alley
- Bus garage and repair
- Car Wash
- Clubs (Private)
- Distilleries, breweries and non-industrial alcohol spirits
- Establishments holding retail malt beverage and liquor licenses
- Firearm manufacture or sales
- Flea Market
- Fraternities, sororities, clubs and lodges
- Food Processing
- Garage or Yard sale
- Golf driving ranges
- Indoor or Outdoor paintball ranges
- Laundries/laundrettes or Dry Cleaning
- Machine tool, die and gauge shops
- Pawn Shop
- Railroad freight terminals and yards
- Refrigerating plants
- River terminals
- Skating rinks (ice or roller)
- Storage of coal and gas, yards and pockets
- Tattoo, body art and piercing parlors
- Used car sales

Use, manufacture, processing, treatment or storage of the following:

- Chemicals
- Insecticides, fungicides, disinfectants, and related industrial and household chemical compounds (blending only)
- Jute, hemp, sisal, or oakum products
- Lead oxide
- Oils, shortening and Fats (edible)
- Paint and coating
- Paint, lacquer, shellac and varnish
- Poultry or rabbit, packing or slaughtering (wholesale)
- Rubber (natural or synthetic)
- Sauerkraut
- Stone processing or stone products
- Synthetic Fibers
- Textile and product bleaching
- Tire retreading and vulcanizing shops
- Tobacco (including curing) or tobacco products