

BINDING ELEMENTS 18SUBDIV1023

- The development shall be in accordance with the approved Residential Development Preliminary Plan. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission.
- An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.
- A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
- 4. All street signs shall be installed by the Developer, and shall conform to the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
- 5. The applicant shall install signs, approved by the Metro Public Works Dept., which indicate the future extension of the public rights of way as shown on the preliminary subdivision plan. Such signs shall be installed prior to release of bonds for the installation of the street infrastructure.
- Open space/conservation lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.
- The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
- 8. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvacide approved by the Louisville Metro Health Department. Larvacides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.
- 9. Trees will be preserved and/or provided on site and maintained thereafter as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the Land Development Code. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.
- 10. The applicant shall submit a landscape plan for approval by Planning Commission staff showing plantings and/or other screening and buffering materials to comply with the Chapter 10 of the Land Development Code prior to recording the record plat. The applicant shall provide the landscape materials on the site as specified on the approved Landscape Plan prior to issuance of Certificates of Occupancy for the site.
- 11. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 a. Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
 b. A deed of restriction in a form approved by Counsel to the Planning Commission addressing responsibilities for the maintenance of common areas and open space, maintenance of noise barriers, maintenance of WPAs, TPAs and other issues required by these binding elements / conditions of approval.
 c. Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
- 12. At the time the developer turns control of the homeowners association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners
- association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.
- Any signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.
- 14. When limits of disturbance are shown on the plan, a note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected at the edge of the limits of disturbance area, prior to any grading or construction activities. The fencing shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
- Prior to the recordation of lots 68-82, a geotechnical evaluation shall be conducted and the findings of this evaluation shall be provided to Planning and Design Services staff for review and incorporation into the record. The geotechnical evaluation must demonstrate that:
 a. The slope's ground surface and subsurface are not unstable;
 b. Development of the slope and associated mitigation measures will not increase the degree of risk of slope
- instability both on- site and on adjacent lands; and,
 c. The plan must specify how the mitigation measures and construction practices, including construction supervision, necessary to assure the stability of buildings and foundations to be constructed on the site as
- recommended in the geotechnical report will be implemented.

 Staff may request that the findings of this report be evaluated by the Planning Commission or designee.
- 16. Building envelopes/limits on lots 28, 29, 54-82, 221-223, 239, 240, 306-311, 341, 452, & 453 shall be substantially similar to those shown on the preliminary plan and must be shown and recorded on the record subdivision plat.
- 17. Limits of disturbance as shown on the preliminary plan shall be shown and recorded with the record subdivision plat.
- 18. The Applicant shall restore any disturbance of the Buffer Area and protected waterway by re-grading and revegetation. Provisions for restoration of the disturbed area shall be included in construction plans and within final record subdivision plat agreements. At the time of development, the following restoration standards shall be met.
 - 1. Restoration Required to Stabilize Banks. Riparian vegetation shall be planted, as necessary, to stabilize the banks of a protected waterway within a Buffer Area. Where a bank is denuded of its vegetation due to erosion, slope failure or similar occurrence, appropriate vegetation shall be planted to quickly establish a vegetative cover, and then replanted with riparian vegetation to ensure the long-term stabilization of the bank. Restoration plantings shall be selected from the MSD native species restoration specifications.

 2. Restoration of Eroded Banks Required. Where stream bank erosion has occurred as a result of on-site development activities, riparian vegetation shall be planted to stabilize the stream bank unless the County (Planning and Design Services, MSD, or Public Works) determines such vegetation would be inadequate to re-stabilize the bank. In instances where the County determines that planting of riparian vegetation is inadequate to stabilize the stream bank alternate methods of stabilization, approved be the County shall be
- 3. Other Restoration Allowed. Stream, stream bank, and vegetation restoration projects are allowed where the goal is to restore the protected waterway, wetlands, or Buffer Area to an ecologically healthy state, as approved by MSD.
- 19. Given the current or impending levels of service of two intersections identified in the Traffic Impact Study (TIS) dated October 22, 2018 prepared by Diane Zimmerman, PE, this subdivision developer, its successor or assign shall be responsible for making a financial contribution to the planning/design of the intersection that is already at a failing level of service and responsible for performing the actual design and construction of the intersection it eventually causes to fail as follows. (A) Within 60 days of recording the record plat, it shall pay to Louisville Metro Government \$250,000 for the express purpose of planning and/or design of the Eastwood Cutoff intersection at Shelbyville Road. (B) Prior to issuance of the 200th house building permit in this subdivision, it shall have designed and constructed at its sole cost and expense (in accordance with plans approved by Louisville Metro Public Works and the Kentucky Transportation Cabinet) an eastbound Taylorsville Road left-hand turn lane onto northbound S. English Station Road, the cost of which legally shall be eligible at the time the cost is incurred for full "credit" under the System Development Charges for Roadway Ordinance (found at Louisville Metro Code of Ordinances Chapter 164) or else this subsection (B) obligation is null and void.

