



BRINDING ELEMENTS  
CASE NO. 2020-0074

1. The development shall be in accordance with the approved district development plan, all unless amended pursuant to the Land Development Code. Any development elements of any building element(s) shall be submitted to the Planning Commission or the Planning Commission's design review and approval. Any changes/additions/alterations not so referred shall be void.
2. No outdoor advertising signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site uses 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 canopy and shall remain in place until all construction is complete. No parking, material storage or construction activities are permitted within the protected area.
4. Prior to issuance of a permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit):
  - a. The development plan must receive full construction approval from Louisville Metro Metropolitan Sewer District, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed development plan for permit. Such plan shall be maintained on-site until occupancy of the site and shall be maintained thereafter.
  - c. A Tree Preservation Plan in accordance with Chapter 10 of the DC shall be reviewed and approved by the Planning Commission.
  - d. A major subdivision record shall be reviewed and approved by the Planning Commission.
5. 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 building elements requiring occupancy, unless specifically exempted by the Planning Commission.
6. The applicant, developer or property owner shall provide copies of these binding elements to the 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 the maintenance of these binding elements. The applicant and developer, their heirs, successors, and assigns, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
7. 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 at any time upon request.
8. The applicant shall install signs, approved by the Metro Public Works Dept., which indicate the signs shall be installed prior to release of bonds for the installation of the site infrastructure.
9. An encroachment permit and bond may be required by Metro Public Works for roadway signs, utility signs, or other signs located on the subdivision site or along streets adjacent to construction traffic activities.
10. 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 filed with the Planning Commission.
  - b. A copy of the Declaration of Covenants, Conditions and Restrictions, including all amendments, and the maintenance of common areas and open spaces, maintenance of noise barriers, maintenance of W/PAs, TPAs and other issues required by these binding elements / c. Bylaws of the Homeowner's Association in a form approved by the Council for the Planning Commission.
11. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this binding element.
12. Open space/conservation lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A vote to this effect shall be placed on the record plat, ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
13. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowner's Association. Accumulations of water with a mosquito larvae approved by the Louisville Metro Health Department. Larvicides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.
14. Building envelopes shown on single-family residential lots shall be substantially similar to those shown on the preliminary plans and shall be maintained in accordance with the record subdivision plat. Lists of addresses shall be shown and recorded with the record subdivision plat.
15. Prior to the issuance of a building permit for a multi-family structure, reviewed and approved by the Planning Commission, the applicant shall be required to submit the following information to the Planning Commission:
  - a. A site plan showing the location of the building and the location of the building's exterior walls and color across the development site.
  - b. A site plan showing the location of the building and the location of the building's exterior walls and color across the development site.
16. Prior to the issuance of a building permit for a multi-family structure, reviewed and approved by the Planning Commission, the applicant shall be required to submit the following information to the Planning Commission:
  - a. A site plan showing the location of the building and the location of the building's exterior walls and color across the development site.
  - b. A site plan showing the location of the building and the location of the building's exterior walls and color across the development site.
17. Prior to the issuance of the building permit for the 200' dwelling, either single or multi-family, a second access connection shall be made to a collector level roadway or higher.

