

ORDINANCE NO. 142, SERIES 2021

AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 16907, 16907R, 16909 AND 17401 AIKEN ROAD CONTAINING APPROXIMATELY 254.31 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0001) (AS AMENDED).

**SPONSORED BY: COUNCIL MEMBER MADONNA FLOOD**

**WHEREAS**, the Legislative Council of the Louisville/Jefferson County Metro Government (the "Council") has considered the evidence presented at the public hearing held by the Louisville Metro Planning Commission (the "Planning Commission") and the recommendations of the Planning Commission and its staff as set out in the minutes and records of the Planning Commission in Case No. 21ZONE0001; and

**WHEREAS**, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 21ZONE0001 and approves and accepts the recommendation of the Planning Commission as set out in said minutes and records, with amended and additional binding elements.

**NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:**

**SECTION I:** That the zoning of the properties located at 16907, 16907R, 16909 & 17401 Aiken Road containing approximately 254.31 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 21ZONE0001, is hereby changed from R-4 Residential Single Family to PRD Planned Residential Development; provided, however, said properties shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Case No. 21ZONE0001 with the following amended and additional binding elements:-

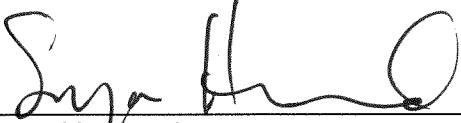
17. At the time the developer turns control of the homeowners' association over to the homeowners, the developer shall provide sufficient funds to ensure there is no

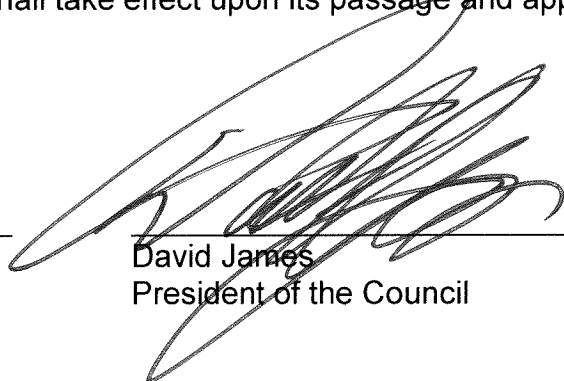
less than \$3,000 cash in the homeowners' association account. No homeowners' association funds shall be used by the developer to fulfill either the developer's obligations under Plan 2040 or any improvement submitted as part of the approved development plan, including but not limited to plantings and paving. Notwithstanding the foregoing, the homeowners' association funds may be used for the post-construction maintenance obligations of common elements, including maintenance of the open space. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.

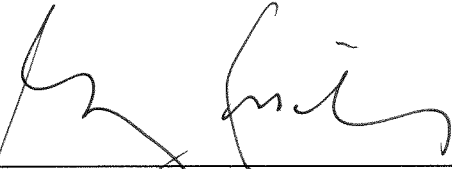
25. Any increase in density on the property, any changes in use on the property, and/or any amendments to the binding elements shall be reviewed before the Planning Commission with final action to be determined by Metro Council.

26. After full construction of the Aiken Road access points, developer shall not oppose efforts by neighbors to close Flat Rock Road and install an emergency gate restricting access to the property.

**SECTION II:** This Ordinance shall take effect upon its passage and approval.

  
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Sonya Hayward  
Metro Council Clerk

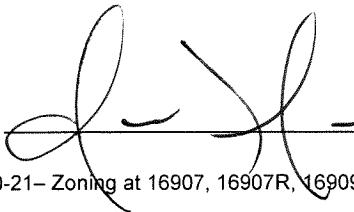
  
\_\_\_\_\_  
David James  
President of the Council

  
\_\_\_\_\_  
Greg Fischer  
Mayor

9/28/21  
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Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

By:   
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**LOUISVILLE METRO COUNCIL  
READ AND PASSED  
September 23, 2021**