

ORDINANCE NO. _____, SERIES 2023

AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 2297, 2301, 2313 AND 2345 LEXINGTON ROAD CONTAINING APPROXIMATELY 4.24 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 22ZONE0043). (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. 22ZONE0043; and

WHEREAS, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 22ZONE0043 and approves and accepts the recommendation of the Planning Commission as set out in said minutes and records, with an amended binding element.

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 2297, 2301, 2313 and 2345 Lexington Road containing approximately 4.24 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 22ZONE0043, is hereby changed from R-1 Single Family Residential, R-6 Residential Multi-Family, C-1 Commercial and C-2 Commercial to PDD Planned Development District; provided, however, said properties shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Case No. 22ZONE0043, with the following amended binding element:-

7. The developer/owner shall be responsible for submitting an annual report to Planning & Design Services staff at 12-month intervals from the date of the first certificate of occupancy (for a residential unit), until all affordable owner-occupied units have been issued building permits and for a period of 15 years after the last affordable rental unit building permit has been issued. The annual report shall be in a commercially reasonable form approved by Planning and Design Services staff and generally include, but not be strictly limited to, identify the name of the development, the unit numbers, the unit addresses, and the sale price and/or rental rates of the designated affordable units and shall certify that the developer/owner has made a good faith effort to verify that the tenants/purchasers were income eligible at the time of rental/purchase. The annual report compliance shall not require the developer/owner to utilize any third-party accounting or certification. The annual report shall indicate separately the number of building permits issued for owner occupied and for rental dwellings. Prior to selling any affordable units, the developer/owner shall work with Planning and Design Services staff to develop provisions that will cover any subsequent transfers of ownership during the affordability period, which shall be for 15 years from the date of certificate of occupancy for such unit. Such provisions shall be negotiated and agreed to prior to the sale of any units.

SECTION II: This Ordinance shall take effect upon its passage and approval or otherwise becoming law.

Sonya Harward
Metro Council Clerk

Markus Winkler
President of the Council

Craig Greenberg
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____

O-376-22 22ZONE0043 Approval (As Amended).docx (TF)