

ORDINANCE NO. _____, SERIES 2018

AN ORDINANCE CHANGING THE ZONING R-4 RESIDENTIAL SINGLE FAMILY TO PRD PLANNED RESIDENTIAL DISTRICT ON PROPERTY LOCATED AT 9213 FAIRGROUND ROAD CONTAINING 5.94 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 16ZONE1037). (AS AMENDED)

SPONSORED BY: COUNCILWOMAN 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 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. 16ZONE1037; and

WHEREAS, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 16ZONE1037 and approves and accepts the recommendation of the Planning Commission as set out in said minutes and records with 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 property located at 9213 Fairground Road containing 5.94 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 16ZONE1037, is hereby changed from R-4 Residential Single Family to PRD Planned Residential District; provided, however, said property shall be subject to the binding elements as set forth in the minutes of the Planning Commission in case No. 16ZONE1037 and additional binding elements as follows, and a revision to binding element #8:

8. 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~~\$10,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.

17. Developer shall complete all roadways in the development to Metro Public Works public road standards. Upon the completion of construction of the 28th home in the subdivision (being 80% of the total lots in the subdivision), the Developer shall post a bond, in an amount established by Metro Public Works, to complete the remainder of the roads in the subdivision, including the final coat of asphalt. The bond shall have the homeowner's association as the beneficiary, and shall be released only upon a certification from Metro Public Works that the roads were built to public road standards, or if Metro Public Works won't inspect, upon certification of a licensed engineer that the roads were built to public road standards.

18. All existing vegetation in the LBA along the western property line, adjoining Old Fairgrounds Woods, shall remain undisturbed (excluding the sewer connection as shown on the Development Plan and any required erosion control fencing), and Developer shall also plant along this western property line evergreen shrubs/trees that mature to a height no less than 8' and form a solid screen at maturity. Developer shall also plant the same evergreen shrubs/trees along the eastern property line behind lots 33, 34, 35, and 37. The type and variety of the evergreen shrubs/trees to be approved by Department of Planning and Design staff. The shrubs/trees shall be maintained and remain in good condition in perpetuity.

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

H. Stephen Ott
Metro Council Clerk

David James
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____

O-460-17 – as amended on 2/13/18 (PW)