

ORDINANCE NO. _____, SERIES 2021

AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 5661 WEST INDIAN TRAIL AND PARCEL ID NO. 104500730000 CONTAINING APPROXIMATELY 4.8 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0091)(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. 21ZONE0091; and

WHEREAS, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 21ZONE0091 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 5661 West Indian Trail and Parcel ID No. 104500730000 containing approximately 4.8 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 21ZONE0091, is hereby changed from R-4 Single Family Residential to R-5 Single Family Residential; provided, however, said properties shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Case No. 21ZONE0091, with the following amended and additional binding elements:

5. 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 condominium open space. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.

19. 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.

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

Sonya Harward
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: _____