

**ORDINANCE NO. \_\_\_\_\_, SERIES 2023**

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 5024 AND 5026 SOUTH 3<sup>RD</sup> STREET AND 307 WEST KINGSTON AVENUE CONTAINING APPROXIMATELY 0.429 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 23ZONE0065). (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. 23ZONE0065; and

**WHEREAS**, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 23ZONE0065 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 properties located at 5024 and 5026 South Third Street and 307 West Kingston Avenue containing approximately 0.429 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 23ZONE0065, is hereby changed from OR-1 Office Residential and R-7 Multi-Family Residential to C-1 Commercial and CR Commercial 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. 23ZONE0065, with the following additional binding elements:

8. Owner/developer shall use commercially reasonable efforts to pursue a parking agreement for at least 5 spaces with adjacent and area commercial properties.

9. Any significant increases to the proposed structures (e.g. increases in building height, number of units, number of buildings), any increase in density on the property, any changes in use on the property which directly or indirectly require a public hearing before the Planning Commission or subcommittee thereof, and/or any amendments to the binding elements, other than (i) the addition of new binding elements, (ii) changes to binding elements that merely update the public hearing date, or (iii) updating a previous version of this binding element to reflect the current language, 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

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Markus Winkler  
President of the Council

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Craig Greenberg  
Mayor

\_\_\_\_\_  
Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

By: \_\_\_\_\_