

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

**AN ORDINANCE RELATING TO THE ZONING OF PROPERTIES LOCATED AT 5604, 5606, 5612, 5614 AND 5616 MT. WASHINGTON ROAD CONTAINING APPROXIMATELY 35.79 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 21ZONE0136). (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. 21ZONE0136; and

**WHEREAS**, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 21ZONE0136 and approves and accepts the recommendation of the Planning Commission as set out in said minutes and records, with additional and amended 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 5604, 5606, 5612, 5614, and 5616 Mt. Washington Road containing approximately 35.79 acres and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 21ZONE0136, is hereby changed from R-4 Single Family Residential to R-7 Residential Multi-Family; provided, however, said properties shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Case No. 21ZONE0136-, with the following additional and amended binding elements:

4. . . .
- c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter. Twice the required tree plantings shall be provided within the 50-foot building setback along the ~~Wilson properties~~, located at 5510 Mount Washington Road, 5608 Mount Washington Road, and 5610 Mount Washington Road, not to exceed 100 linear feet per property, closest to the houses on those ~~at properties~~. Half of the enhanced landscaping shall be Type A or B deciduous trees, and half shall be Type A or B evergreen trees.

. . .

~~f. The applicant shall make improvements to the intersection at Mt. Washington Road and Preston Highway, and to Mt. Washington Road, including sidewalks, in a manner substantially similar to that shown and described at the March 16, 2023 Planning Commission hearing and located in the case file as "Conceptual Striping Plan", subject to Public Works and/or Kentucky Transportation Cabinet approval. These improvements shall be bonded at site construction plan approval. All improvements shall be completed no later than issuance of the certificate of occupancy for the 133rd dwelling unit.~~

7. The development shall be limited to temporary and/or permanent certificates of occupancy for up to 199 units until a second separate access roadway connecting directly to an existing roadway is obtained pursuant to LDC 6.1.3.

10. The applicant shall make improvements to the intersection at Mt. Washington Road and Preston Highway, and to Mt. Washington Road, including sidewalks, in a manner substantially similar to that shown and described at the March 16, 2023 Planning Commission hearing and located in the case file as "Conceptual Striping Plan", subject to Public Works and/or Kentucky Transportation Cabinet approval. The applicant shall also make a commercially reasonable, good-faith effort towards constructing the version of the sidewalk plan which runs primarily along Mount Washington Road and Sandiford Plaza Drive. Only if these efforts fail may the

version of the sidewalk plan which runs primarily along Mount Washington Road, Pyramid Road, and Antle Drive be constructed instead. These improvements shall be bonded at site construction plan approval. However, if the applicant is unable to construct the off-site portion of the sidewalk despite a commercially reasonable, good-faith effort to do so, then it shall instead pay the fee in lieu based on the square footage which was not constructed. All improvements shall be completed, and all fees paid for any uncompleted portions, no later than issuance of the certificate of occupancy for the 133rd dwelling unit.

11. 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.

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Sonya Harward  
Metro Council Clerk

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Markus Winkler  
President of the Council

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Craig Greenberg  
Mayor

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Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

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

O-063-23 21ZONE0136 Approval (Tier 2 Amendments).docx (TF 5-31-23)