ARTICLE 9
LANDSCAPING AND SCREENING

9.1 **Intent**

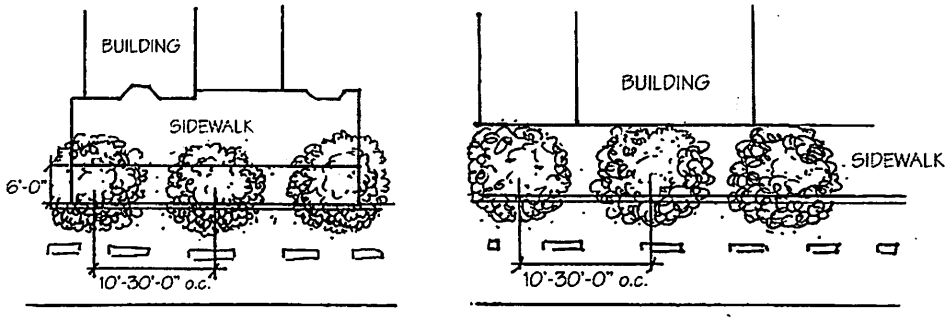
The provisions of this Article are designed to specifically address the application of landscape resources to varying styles of urban development, and the impact of such applications on the appearance, health, and welfare of the community.

9.2 **General Provisions**

9.2.1 Plantings toward the street shall respect the integrity of the street. Plantings should not obscure buildings, and should respect views to and from street, porches, walks, and public parks.

9.2.2 Plantings in immediate proximity to buildings in front and side yards shall respect architectural lines (should be seen as an extension of architectural walls).

9.2.3 All street yard trees shall be planted between 10 and 30 feet on center and shall be located close to a curb (within 6 feet), in the sidewalk, or between the sidewalk and curb.



9.2.4 The use of native species of trees, shrubs, vines, groundcovers and perennials is encouraged in order to make planted areas compatible with existing wildlife habitats, reflect regional identity, and reduce required maintenance and irrigation.

9.3 **Use of Existing Landscape Features**

Use of existing trees or shrubs to satisfy the off-street landscaping requirements of this section is strongly encouraged. If such existing landscaping is used and consists of mature and semi-mature trees, the Planning Commission shall have the authority to reduce the amount of required landscaping by up to fifty (50%) percent. Any parcel which is to be developed, in any district, and for all uses, shall identify (as part of the site plan required in Article 4) any and all significant trees with a caliper of 18" or greater located on the lot. Every effort shall be made by the

developer to save such trees. No trees with a caliper of 18" or greater on developed lots (public or private) may be removed unless approved by the Planning Commission during the site plan review process described in Article 4.

9.4 **Driver Visibility**

Unless otherwise specified in other local ordinances, traffic sight distances shall be seventy-five (75) feet in both directions for a driver at a street intersection and fifty (50) feet for a driver at driveway entrance to a street.

9.5 **Maintenance**

The owner is responsible for maintaining all required plant material in good health. Any dead, unhealthy or missing plants shall be replaced with vegetation which conforms with the initial planting standards of this section. All landscape planting areas shall be stabilized from soil erosion immediately upon planting and shall be maintained for the duration of the premises. In the event that plant material is severely damaged due to an unusual weather occurrence or other Act of God, the owner shall have one (1) year to replant.

9.6 **Installation and Standards**

Plant material shall be selected from the Approved Species list found in this article. Required shrubs shall be recommended for healthy growth under local climate conditions, not of a type highly prone to disease, and shall be of a type expected to grow in a manner which will satisfy the spirit and intent of this section. Plant materials shall be planted in accordance with generally recommended and accepted planting and growing practices.

The following standards shall apply to all new plant material installed as a requirement of this section:

A. All plant material shall conform to American Association of Nurseryman standards.

B. All plant material installed shall be free from disease.

C. All plant material shall be installed in a fashion that ensures the availability of sufficient soil and water to sustain healthy growth.

D. All plant material shall be planted in a manner which is not intrusive to utilities or pavement.

E. Minimum size of plant material at installation.

9.7 Tree and Root Protection Standards during Development and Construction

During the development and construction of a subdivision, commercial development over nine (9) acres in size, or any lot therein, adequate protective measures shall be provided to minimize damage to existing trees and other vegetation. The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines and grasses not actually lying in public roadways, drainageways, building foundation sites and a construction activity area equal to 20 feet around the building foundation, private driveways, soil absorption waste disposal areas, paths, and trails. Significant, healthy trees to be preserved and protected from construction damage shall include all trees over 18" in caliper measured at 3 feet above the top of the root ball. The subdivider shall make every effort to protect significant trees over 18" in caliper, including the drip line, from construction damage.

A tree and root preservation plan shall consist of the following type of preventative measures:

A. Prior to construction, tree protective barriers shall be placed around all significant trees to be saved or around the tree and root protection area(s) to prevent damage to significant trees over 18" in caliper. These barricades shall be installed prior to grading, construction, or other land disturbing activity, and cannot be removed until after final inspection be the building inspector or other appropriate code enforcement officer. The barricades shall be constructed from any material substantial enough to protect the roots, trunk, and crown of the tree. The barricade standards or rails shall be placed at least 1 foot outward from the tree for each inch of trunk diameter, with a minimum distance of 6 feet required from the edge of the trunk, which should be no less than the total area beneath the trees canopy, as defined by the farthest drip line of the tree.

B. No soil disturbance or compaction, stock piling of soil or other construction materials, vehicular traffic, or storage of heavy equipment are allowed in the tree and root protection area(s) or within the drip line of trees to be retained.

C. Dead trees and scrub growth shall be cut flush with adjacent grade. Trees 12" in caliper and larger shall have the stump removed.

D. Root pruning shall be kept to a minimum.

E. Pruning of existing trees shall be done according to the National Arborists Association standards in a manner that preserves the character of the crown.

F. Each tree or shrub that dies within one (1) year of construction completion, as a result of the contractor's negligence of these specifications, shall be removed and replaced by the developer with a new tree from the approved tree species list in this article.

G. Grading must not encroach on a tree's root zone in ways that threaten the survival of the tree. Root cuts and fills must be limited to 1/4 to 1/2 of the area within the drip line of a tree.

H. No ropes, signs, wires, unprotected electrical installation or other device or material shall be secured or fastened around or through a tree or shrub.

I. Toxic chemicals, gas, smoke, salt bine, oil or other injurious substances shall not be stored or allowed to seep, drain or empty within 100 feet of the drip line of trees or shrubs in the tree and root protection area.

J. Unprotected electrical service wires should not be allowed to come in contact with any significant tree or large mature shrubs in the tree and root protection area.

K. Except for sidewalks, curb and gutter, no paving with concrete, asphalt or other impervious material within the drip line of trees to be retained shall be allowed.

L. Healthy tree removal of significant trees should only occur within the building footprint area, the construction activity area, street rights-of-way, private driveways, utility easements, drainage ways and soil absorption waste disposal areas after preliminary plat or final plat approval is obtained.

M. No trees or shrubs shall be planted in any high-pressure gas line utility easement.

9.8 Letter of Credit

9.8.1 Vegetation used in landscaping or screening should be planted at certain times of the year, depending upon the species, to ensure the best chance of survival. In order to ensure compliance with this section, and to reduce the potential expense of replacing landscaping or screening materials planted in an untimely manner, in lieu of requiring the completion and installation of these improvements *prior* to the issuance of a Certificate of Occupancy, the Planning and Zoning Commission may enter into an agreement with the subdivider/developer whereby the subdivider/developer shall agree to complete all required landscaping and screening. Once said agreement is signed by the Planning and Zoning Commission and the subdivider/developer and the security required hereinbelow is provided, the Certificate of Occupancy may be approved if all other requirements of this Ordinance are met.

If the plant material has been installed prior to the issuance of the Certificate of Occupancy a final inspection shall be completed and if plantings are accepted as complete a copy of the guarantee of plant material from the landscaper or nursery shall be submitted.

In such situations, the subdivider/developer may submit an acceptable letter of credit to the Planning and Zoning Commission for its approval or rejection. The amount of said letter of credit shall be equal to 1.25 times the cost of purchasing,

installing, and completing landscaping and screening materials required under this Ordinance.

The terms of said letter of credit are established in the subdivision regulations.

9.8.2 **CERTIFICATION OF EXPENSE**

Any landscaping or screening surety described hereinabove shall be accompanied by an itemized estimate including material, tax and labor, prepared by a professional landscape architect registered in the Commonwealth of Kentucky, a nursery owner, or a landscaper, certifying that the surety amount is sufficient to cover the current cost of purchasing and installing the landscaping and screening materials required under this Ordinance.

9.8.3 **RELEASE OF GUARANTEE SECURITY**

It shall be the responsibility of the subdivider/developer posting the irrevocable letter of credit to inform the Planning and Zoning Commission when their obligations under said surety have been fulfilled and to request release from the terms and conditions of the posted surety. The subdivider/developer obligations shall not be considered fulfilled until the Planning and Zoning Commission specifically releases the subdivider/developer from his or her obligation. A final inspection shall be conducted, and a copy of the letter of guarantee for the plant material from the landscape installer will be required prior to the release of the letter of credit.

9.9 **Procedures**

When submitting a site plan where the landscaping requirements of this article are applicable, such site plan shall be accompanied by a landscape plan. The landscape plan shall contain the following:

A. Existing and proposed landscaping, including landscaping and screening that is required by this Ordinance, the location and dimensions of planting areas, street yards, parking areas, and transitional yards, and indications of the size of wall, fences, and earth berms.

B. The number, location, species, height, and size in circumference three feet above grade of existing natural trees between the principle building and public street right-of-way which are to be maintained or preserved.

C. The location and description of any barriers to be erected to protect any vegetation from damage both during and after construction.

D. A proposed plant list with the species name, number and size of plants to be installed.

If a landscaping plan was submitted as part of the site plan review process, it need not be resubmitted as part of the building permit application, provided there are no changes to the approved landscaping plan.

9.10

Waiving Screening and Buffer Requirements

In the event that the unusual topography or elevation of a development site or the location or size of the parcel to be developed would make strict adherence to the requirements of this article serve no meaningful purpose or would make it physically impossible to install and maintain the required screen and buffer, the Planning Commission may alter the requirements provided the spirit and intent is maintained. Such an alteration may occur only at the request of the subdivider/developer, who shall submit a plan to the Planning Commission showing existing site features that would screen the proposed use and any additional screen materials the subdivider/developer may propose to have installed. The Planning Commission shall have no authority to alter the screening and buffer requirements unless the subdivider/developer demonstrates that existing site features and any additional screening materials will screen the proposed use as effectively as the required screen.

The vacancy or non-use of an adjoining parcel shall not constitute grounds for providing relief to the screening and buffering requirements contained in this Ordinance. Neither shall the desire of an owner to make more intensive use or greater economic use of the property be grounds for reducing the screening/buffer requirements. Where the effect of the screening and buffer requirements is to deny the owner reasonable use of the entire tract (or tracts) of property, relief pursuant to this subsection may be granted to the extent that reasonable use of such tract or tracts is available.

9.11 Landscaping Provisions

9.11.1 GENERAL INSTALLATION REQUIREMENTS

Unless otherwise specified in individual district regulations, the following constitutes the required landscape installation regulations:

Required Landscaping Schedule

Land Use	Landscaping Required (% of lot area at maturity)
Three (3) Family Structures	20
Multifamily Structures	20
Manufactured Housing Park	0
Office, Professional and Civic Uses	15
Commercial	10
Industrial or Manufacturing	10

1. A minimum percentage of the total lot area of property on which development, construction or reconstruction occurs after the effective date of this Ordinance shall be devoted to landscape development in accordance with the following schedule. These requirements shall not apply to development, construction or reconstruction of single-family detached or two (2) family residential structures, nor shall they apply to the Downtown (DT) District.

9.11.2 PLANTINGS WITHIN STREET YARDS

All required street yards as provided for in Districts HC, RC, and ICD and all subdivisions shall be planted as follows:

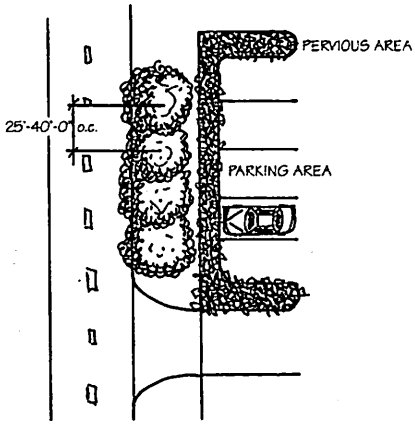
1. Trees shall be planted parallel to the street within 6 feet of the curb, between the curb and sidewalk, or in the sidewalk.
2. Tree species for a street shall be compatible and of a similar size and maturity.
3. Spacing shall be determined by tree type.

9.11.3 PLANTINGS WITHIN PARKING LOTS

Parking lots with more than ten (10) spaces shall be landscaped as follows:

1. Required trees shall be planted parallel to the street frontage within 12 feet of the street.

2. All pervious surfaces in a required street yard must have vegetative cover.
3. On a corner lot, where two front yards overlap, only one is counted for the purpose of this section.
4. Maximum area of impervious surface within a street yard shall be 15% (walkways, fountains, etc.).
5. Tree spacing shall be no less than 25 feet and no more than 40 feet on center for large trees; no less than 10 feet and no more than 25 feet for small to medium trees.



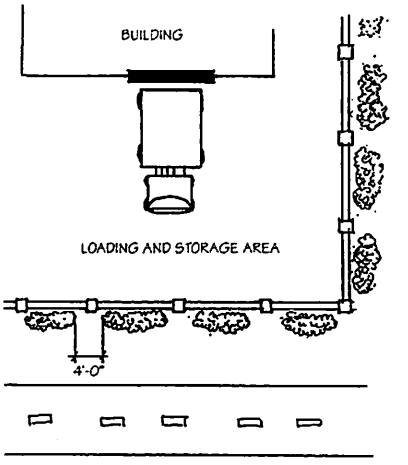
9.11.4 **SCREENING FOR LOADING AND STORAGE**

All essential service structures, loading and storage areas shall conform to the following:

1. Loading and Storage Areas:

   Screening shall be by wall or fence, 6 feet to 8 feet in height.

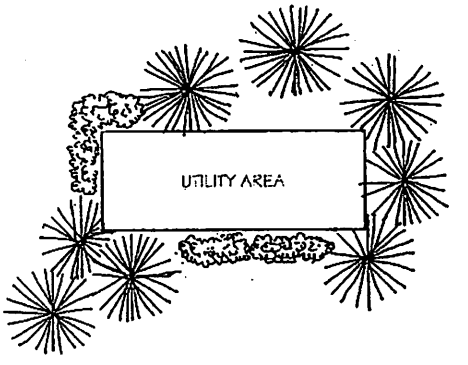
   One-third (1/3) of the surface area of the wall or fence must be screened from the right-of-way with plants within two years of the certificate of occupancy. Maximum gap between material shall be based on plant type.



9.11.4.1 **SCREENING FOR UTILITY AREAS**

Utility areas include any service unit that is not loading or storage and shall conform to the following:

1. Screening of utility areas shall be by shrub or tree.



9.11.5 **TRANSITIONAL YARD PLANTINGS**

A Transitional yard is a yard abutting two different districts. Nonresidential developments in HC and RC districts abutting residential uses shall maintain a minimum yard width of 20 feet planted with 7 trees per 100 linear feet and/or 75 shrubs per 100 linear feet.

9.11.6 **ADDITIONAL LANDSCAPING PROVISIONS FOR HC AND RC DISTRICTS**

The following are additional landscaping provisions applicable to HC and RC districts. These regulations are supplemental to the landscaping and screening regulations set forth elsewhere in this Article. Where provisions in this section conflict with those set forth hereinabove, the provisions in this section shall take precedence. Landscaping and screening regulations hereinabove that do not conflict with HC and RC district landscaping and screening regulations set forth in this section shall be met along with the regulations set forth in this section of the Ordinance.

A. Street Yards

1. Required trees shall be planted parallel to the street frontage within 12 feet of the street.
2. All pervious surfaces in a required street yard must have vegetative cover.
3. On a corner lot, where two street yards overlap, only one is counted for the purpose of this section.
4. Maximum area of impervious surface within a street yard shall be 15% (walkways, fountains).
5. Tree spacing shall be no less than 50 feet and no more than 60 feet on center for large maturing trees; no less than 10 feet and no more than 40 feet for small to medium maturing trees.
6. Dimensions:

a. Existing undeveloped lots

Minimum street yard = 10 times the length of the fronting right-of-way. (EXAMPLE: if the fronting right-of-way is 130 feet, then the minimum street yard will be 1,300 square feet.)

Minimum width = 7 feet

Maximum width = 14 feet

b. New lots

Minimum street yard = 15 times the length of the fronting right-of-way. (EXAMPLE: if the fronting right-of-way is 130 feet, then the minimum street yard will be 1,950 square feet.)

Minimum width = 10 feet

Maximum width = 24 feet

c. Expansions and Changes

Additions, expansions, or changes which increase a business by 40% of the gross floor area shall adhere to the following:

Minimum street yard = 5 times the length of the fronting right-of-way (EXAMPLE: if the fronting right-of-way is 130 feet, then the minimum street yard will be 650 square feet.)

Minimum width = 5 feet

Maximum width = 24 feet

B. Parking Areas

1. Parking areas which also have street yards shall meet the provisions for each.
2. Parking areas within 50 feet of a right-of-way shall have a planted screen between the parking perimeter and the street yard.
3. Screening must by 3 feet high with no gaps greater than 4 feet (excluding car sales lots and driveways)
4. Walls may be used to substitute for vegetation. Walls may not exceed 4 feet in height.
5. Interior plantings of parking areas in HC districts

a. New lots

1. 1 shade tree per 2,400 square feet of surface area.
2. 1 shrub per 500 square feet of surface area.

   No parking space shall be further than 60 feet from the trunk of a shade tree or 75 ft from 2 shade trees. Car sales lots shall have no stored or displayed vehicle further than 60 feet from the edge of a landscaped planting area.

3. Parking decks are exempt.
4. Shared parking shall be considered one lot when computing tree and shrub requirements.
5. Existing shade trees over 12" in caliper can be used to fulfill these requirements.
6. No landscaped area shall contain bare soil.

b. Expansion Lots

1. Expansions of existing surface area of less than 40% are exempt from these provisions.
2. Expansion between 40% and 50% shall adhere to the following:
   (i) 1 shade tree per 3,000 sq ft of surface area
   (ii) 1 shrub per 800 sq ft of surface area
   (iii) 60 ft minimum distance from a parking space to a shade tree trunk.
3. Expansions by more than 50% of surface area shall conform to new lot provisions.
4. If a lot undergoes two or more expansions within an 18 month period of time, beginning with the start of construction of the first expansion, the sum of the surface area expansion shall be added together and used as the basis of the required landscaping described above.

c. Storage, Loading & Utility Areas

1. Loading & Storage Areas
   (i) Screening shall be by wall or fence, 6 feet to 8 feet in height.
2. Utility Areas (under 200 sq ft). (see 9.11.4.1 for utility area definition)
   (i) Screening shall be evergreen or deciduous
   (ii) Minimum planted height = 18 inches
   (iii) Screen must reach a height and width equal to the structure being screened within 4 years.
   (iv) As an alternative to provisions (i) through (iii) above, screening may be by wall or fence that is equal to the height of the structure. The wall or fence shall be wide enough to adequately screen the utility area. Walls and fences shall conform to the standards set forth in Section 5.8.7.

d. Transitional Yards

1. Application and Conditions
   (i) Transitional yards shall apply to all nonresidential properties which abut a residential or mixed use district.
   (ii) Transitional yards shall be the responsibility of the nonresidential property.
   (iii) Developed lots or lots with unexpired permits at the time of adoption of this Ordinance are exempt from this Section.

(iv) Undeveloped properties, expansions of more than forty (40%) percent of existing floor area, and re-zoned property are subject to the provisions of this section.

(v) Transitional yards that may also require other landscaping, according to the provisions of this Ordinance, shall follow the more intensive landscaping provisions.

(vi) Transitional yards shall not overlap into required street yards.

2. Alternatives to Transitional Yards: Fences & Walls

(i) If required landscaping of a transitional yard makes up over twenty (20%) of a lot, the use of a solid wall or fence may reduce the yard requirement by 50%.

(ii) A fence or solid wall shall be of material compatible with the principle building in color.

(iii) Maximum height = 6 feet

(iv) One (1) tree per 20 feet of linear fence or wall shall be planted.

(v) Additional vegetation (including trees, shrubs, or vines) is required that will screen a minimum of one half (1/2) of a fence or wall within three (3) years.

(vi) Plantings must be between the fence or wall and the adjoining property line.

3. Alternatives to Transitional Yards: Earthen Berms

(i) If required landscaping of a transitional yard makes up over twenty (20%) of a lot, the use of an earth berm may reduce the yard requirement by 25%.

(ii) Berms must be planted within the property line.

(iii) Minimum height = 2 feet
Minimum crown width = 2 feet
Minimum slope = 2:1

(iv) Required transitional yards can be reduced by a maximum of sixty (60%) percent with the use of a solid wall or fence of material compatible in color with the principle building along with a planted earth berm.

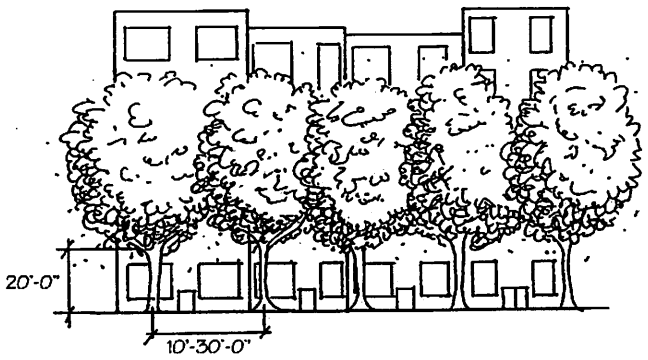
(v) Steeper slopes can be used only in the following circumstances:

* Steeper slope is stabilized
* Screening objectives are better achieved
* Physical constraints of site prevent the use of 2:1 slope

9.11.7 **ADDITIONAL LANDSCAPING PROVISIONS FOR NC-C DISTRICTS**

The following are additional landscaping provisions applicable to NCC districts. These regulations are supplemental to the landscaping and screening regulations set forth elsewhere in Article 9.

1. Civic Uses shall have the perimeter road frontage planted every 10 to 30 feet on center with large maturing trees from the Approved Species List in Article 9 of this Ordinance.
2. Commercial streets may be planted. Trees shall not obstruct the visibility of storefronts from the street. Trees shall limb up a minimum of 20 feet at maturity.



3. Parking areas shall conform to those set forth in Section 9.11.6(B)(5a,b).
4. Utility, storage and loading areas shall conform to Section 9.11.6(B)(5c).

9.11.8 **ADDITIONAL LANDSCAPING PROVISIONS FOR ICD DISTRICTS**

All street frontages shall be planted with large maturing trees parallel to the street no greater than 6 feet from the back of the curb. Spacing shall be between 10 feet and 30 feet on center for all trees. Existing development is exempt.

Open areas (including quadrangles) shall be landscaped along walkways and perimeter areas with parallel rows of trees. Large maturing trees are encouraged to be planted along the perimeter of open areas. Interior portions of open areas, including any walkways or paths, may be left free of trees, in order to encourage uninterrupted open areas for gathering and maintain clear vistas.

9.11.9 ADDITIONAL LANDSCAPING PROVISIONS FOR IBD DISTRICTS

1. All entrance streets and major internal street frontages shall be planted with large maturing trees parallel to the street no greater than six (6) feet from the back of the curb. Spacing shall be between 10 feet and 30 feet on center for all trees. Existing development is exempt.
2. Landscaping for parking lots shall follow the provisions set forth in Section 9.11.6(B-5a,b) hereinabove.
3. Open areas (quadrangles) shall be landscaped along walkways and perimeter areas with parallel rows of trees. Large maturing trees are encouraged to be planted along the perimeter of open areas. Interior portions of open areas, including any walkways or paths, may be left free of trees, in order to encourage uninterrupted open areas for gathering and to maintain vistas.
4. Utility, storage, and loading areas shall be screened as per Section 9.11.6(B-5c) hereinabove.
5. Transitional yards or appropriate alternatives are required when an industrial use abuts a residential use. The dimensions of the transitional yard shall be set by the Planning Commission so that said dimensions preserve and protect the health, safety, and welfare of the community. The Planning Commission shall use the transitional yard requirements in Section 9.8.6(C) to guide this process. Alternatives to transitional yards shall follow those regulations established for this purpose in Section 9.8.6(C).

9.11.10 LANDSCAPING FOR UTILITY SUBSTATIONS AND SIMILAR STRUCTURES

The landscaping and screening provisions in this Section shall apply to all utility support facilities over 200 sq. ft in combined area, including electric substations, telephone switching facilities over 200 sq ft, substations relating to the operation and performance of cellular tower facilities, and other similar facilities in connection with telephone, electric, sewage, and water facilities over 200 sq ft in area.

1. The utility support facilities shall be screened by a fence made from treated wood beams not less than one-inch thick. The fence shall be at least eight (8) feet in height, and the wood beams shall be no more than 1/4 inch apart.
2. All gates shall remain securely locked when not being serviced by maintenance or other technical personnel.
3. Barbed wire, electric fencing, and other similar types of fencing and material shall not be used in any manner, unless the need for such material for security purposes is demonstrated to the Planning Commission and the Planning Commission gives its consent for the use of such material.

4. The exterior of the utility support facilities shall be surrounded by a planting bed at least five (5) ft wide, except where there is a gate. This shall be planted with a combination of small trees and shrubs not more than six (6) feet apart on center. The bed shall be surrounded by an appropriate border to contain the planting material in the bed.
5. Maintenance responsibility of the landscaping and screening associated with the utility support facilities shall be according to the provisions set forth in Section 9.5.
6. In the event that safety, security, appearance of surrounding land uses, or technical concerns would make strict adherence to the requirements of this Section serve no meaningful purpose or would make it physically impossible to install and maintain the required screen and buffer, the Planning Commission may alter the requirements provided the spirit and intent is maintained. Such an alteration may occur only at the request of the utility or their designated representative, who shall submit a plan to the Planning Commission showing alternative screening and buffer provisions.

9.12 Approved Species List and Other Suitable Species

The approved species list will be the latest publication of HO-61 *Cooperative Extension Service, University of Kentucky College of Agriculture* and any subsequent updates to HO-61. (www.ca.uky.edu/agc/pubs/ho/ho61/ho61.pdf)

OTHER SPECIES (INCLUDING NON-NATIVE SPECIES) MAY BE APPROVED by the Planning Commission during site plan review.