

# ARTICLE XI

## VERSAILLES/MIDWAY/WOODFORD COUNTY LANDSCAPE AND LAND USE BUFFERS ORDINANCE (Date)

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LANDSCAPE REVIEW COMMITTEE

**VERSAILLES/MIDWAY/WOODFORD COUNTY  
LANDSCAPE AND LAND USE BUFFERS ORDINANCE**

**1100 INTENT**

The intent of this article is to improve the appearance of vehicular use areas (VUAs) and property abutting public rights-of-way; to require buffering between incompatible land uses; to protect, preserve and promote the aesthetic appeal, character and value of the community, and to promote public health and safety through the reduction of noise pollution, air pollution, visual pollution, air temperature, and artificial light glare.

**1101 SITES AFFECTED**

1101.1 New Development - No new site development, building, or structure shall hereafter be constructed or vehicular use area created or used unless landscaping is provided as required by the provisions of this Article, excluding agricultural and residential uses in agricultural zoning districts. (See Article VII, Section 703.10E for Rural Residential Landscape requirements)

1101.2 Change to Existing Development - No building, structure, or vehicular use area (VUA) shall be expanded, moved, or reconstructed and no use shall be changed to another use or increased in intensity unless the minimum landscaping required by the provision of this Article is provided for the property, excluding agricultural and residential uses in agricultural zoning districts. Landscaping shall be provided only for any additional structures, parking or VUA over and above that of the existing development, except as follows. If the additional parking or VUA requirement is equal to or greater than the number of parking spaces or VUA area provided by the previous use, then perimeter landscaping shall be provided for the entire vehicular use area serving the property. (See also Section 1105.11 concerning interior landscaping requirements when VUA is altered or expanded.) The provisions of this section shall be effective regardless of whether or not new construction is necessary to meet the parking requirements for the new uses.

1101.3 Change of Zone - No use of an existing building, structure, or vehicular use area shall be commenced subsequent to a change in zoning unless property perimeter landscaping as required herein has been provided.

1101.4 Change of Use - No use shall be changed to another use for which the Zoning Ordinance requires additional parking over and above that required for the previous use, unless vehicular use area perimeter landscaping as required by this Article is provided for such additional parking. The provisions of this section shall be effective regardless of whether or not new construction is necessary to meet the parking requirements for the new uses. Where new construction will not be necessary to meet the parking requirements, such additional required parking shall be deemed to be on the perimeter for as much as possible of the existing vehicular use area. Where the previous use had no required parking, perimeter landscaping shall be provided for the entire vehicular use area serving the new use. Interior landscaping shall not be required where only the use of the property is changed and no new construction or reconstruction is proposed.

**1102 AUTHORITY**

The authority to administer these landscape regulations is granted to the Planning Commission under KRS Chapter 100, Sections 201, 203, and 281.

**1103 JURISDICTION**

The area for which these regulations apply shall coincide with the jurisdiction of the zoning ordinance of which they are made a part.

**1104 CONFLICTING REGULATIONS**

Should the requirements set forth in this section be found in conflict with other provisions of these regulations, the more stringent regulations shall apply. Any regulations adopted as part of a special landscape or urban design plan for particular areas (e.g., road corridor, downtown) shall supercede this ordinance.

**1105 WHERE LANDSCAPE MATERIALS REQUIRED**

This section describes the minimum requirements that shall be met in regard to interior and perimeter landscaping for vehicular use areas, perimeter landscaping for incompatible land uses, and landscaping for service areas.

1105.1 Perimeter Landscaping Requirements

Unless otherwise provided, landscape materials shall be installed to provide a minimum of fifty (50) percent winter opacity and a seventy (70) percent summer opacity, between one (1) foot above finished grade level to the top of the required planting, hedge, fence, wall, or earth mound within four (4) years after installation. The required landscaping shall be provided along the property perimeter in designated landscape buffer areas (LBAs) as shown in the chart Section 1105.2 or adjacent to the vehicular use area as shown in the chart Section 1105.3. A "Planting Manual and a Plant Materials List" shall be maintained by the Planning Office and available in the offices of the Building Inspection Office, to provide more detailed information on acceptable plant material.

1105.2 Property Perimeter Requirements

<b>A. When the following ...</b>	<b>B. adjoins the following ...</b>	<b>C. a minimum buffer area *1 of this width is required *3 *4 *11</b>	<b>D. which will contain this material, to achieve opacity required *4 *5 *7 *10</b>
1. Any mobile home park	Any other property	10' adjacent to all common boundaries, including street frontage	1 tree/40' of linear boundary, OFT *2, from Group A, B, C of Plant List plus continuous 6' high planting, hedge, fence, wall or earth mound
2. Any business or professional office zone	Any residential zone *9	15' adjacent to all common boundaries except street frontage *6	1 tree/40' of linear boundary OFT, from Group A or B only, plus 1) a double row of 6' high hedge, or 2) a 6' high fence, wall or earth mound
3. Any light industrial zone	Any residential, professional office or business zone *9	15' adjacent to all common boundaries except street frontage *6	Same as 2D
4. Any heavy industrial zone	Any residential, professional office or business zone *9	30' adjacent to all common boundaries except street frontage (may be reduced to 15' where VUA on subject property adjoins common boundary).	1 tree/30', OFT, Group A or B, plus continuous 6' high planting, hedge, wall, fence (not to exceed 8' in height at street grade) or earth mound. Such plantings are to be shown on a unified plan for the development

5. Any double frontage lot (as defined by the Subdivision Regulations) in any zone except A-1, unless the lot is used for a vehicle sales facility or a service station	Any freeway or arterial street not providing direct access to the property	20' for residential zones and 10' for all other zones adjacent to freeway or arterial	Same as 4D
6. Any zone except agricultural and industrial zones	Railroads (except spur tracks)	Same as 7C, adjacent to railroad boundaries *6	Same as 2D
7. Utility substation, landfills, sewage plants, sewage pump stations, or similar uses	Any property boundary, including street rights-of-way	15' adjacent to all boundaries, except only 5' for sewage pump stations measured adjacent to the enclosure	Same as 2D
8. Any R-2, R-3, R-4 zone except when developed as buildings for single family or two-family occupancy	Any single-family zone *9	10' adjacent to all common boundaries except street frontage	1 tree/40' of linear boundary, OFT *2, from Group A, B, or C of Plant List plus a continuous 6' high planting, hedge, fence wall, or earth mound
9. Any business, professional office or industrial zone	Any agricultural zone *8	15' adjacent to all common boundaries except street frontage *6	Same as 1D, except use only Group A or, 1) one evergreen tree/15' of linear boundary, OFT, planted 15' o.c.; or 2) one tree/20' of linear boundary, OFT, that is a combination of 50% deciduous trees from Group A and 50% small flowering trees or evergreen trees; or, 3) one small flowering tree/15' of linear boundary, OFT, planted 15' o.c.
10. Any residential, professional office, business, or industrial zone	Urban Service Boundary *12	150' buffer required except along Blue Grass Parkway where it must be 50'. *12	Same as 1D, except use only Group A

- \*1 Grass or ground cover shall be planted on all portions of the landscape buffer area not occupied by other landscape material.
- \*2 O.F.T. means "or fraction thereof." Unless otherwise specified, trees do not have to be equally spaced, but may be grouped.
- \*3 To determine required area of landscape buffer area, multiply required width by length of common boundary. Through the plan review process, landscape buffer area width may be averaged as follows, if the Planning Commission determines such averaging to meet the intent of this ordinance: Using items 1C as an example, the 10' required width times an assumed 100' of common boundary equals 1,000 sq. ft. of required landscape area. Thus, if some sections of the landscape buffer area are only 5' in width, other sections will have to be greater than 10' in width

in order to attain the required 1,000 sq. ft. of landscape area. Five (5) feet shall be the least dimension.

- \*4 A continuous planting of evergreen trees 15' o.c. shall be deemed to meet the requirements for trees and a continuous planting of shrubs provided the trees meet the requirements of Section 1105.1333 and an opacity of seventy percent (70%) is achieved.
- \*5 No map amendment request, subdivision plat, or development plan shall be approved by the Planning Commission except in compliance with this section. However, the Planning Commission shall not require such landscaping adjoining the Urban Service Area boundary where any of the following conditions exist: major railroad lines, major water bodies (not including streams or farm ponds), public owned parks or open space, public property with a low intensity of use, or existing urban development along the Urban Service Area boundary.
- \*6 The 15' Landscape Buffer Area (LBA) may be reduced to 5' when used in conjunction with a 6' high opaque wall or fence, if the Planning Commission determines such reduction to meet the intent of this ordinance.
- \*7 In situations where a slope occurs along a boundary, the required landscaping shall be placed (in relation to the slope) where it will most effectively screen the more intensive use from the adjoining property. The maximum allowed slope in a buffer area shall be 3 to 1.
- \*8 Screening may be waived with the written concurrence of the adjoining property owner.
- \*9 For the purposes of determining buffer easements, established single-family uses and public uses such as parks and schools may be considered by the Planning Commission to be equivalent to single-family residential zones.
- \*10 When a wall is used to buffer any zone or VUA from a residential zone, it is to be constructed of pre-cast concrete or constructed of/faced with natural stone or brick.
- \*11 Blue-line stream corridors and streamside buffers should be established along each side of each blue-line stream. These buffers should be at least fifty feet in width beginning at the top of bank along each side of the stream and existing riparian and upland vegetation retained and preserved within the buffer area. The determination of the status of a stream, either blue-line (continuous flow) or intermittent flow should be made at the time when a development proposal for the subject proposed is submitted and may be based on USGS designations or other competent information or evidence. Streamside buffers may also be required for intermittent streams and will be determined on a case-by-case basis.
- \*12 Where the Urban Service Boundary abuts any portion of the Rural Service Area, excluding USB lands that adjoin the Bluegrass Parkway, a 150 foot wide buffer should be provided and maintained. Where houses or other buildings and structures are proposed to face the Urban Service Boundary/Rural Service Area, the 150 foot wide buffer may be reduced to 50 feet. The permanent buffer should be extensively landscaped and not occupied by any right-of-way or required yard unless and until the Urban Service Boundary is shifted. The street or yard may not be within the 50 foot wide permanent buffer.
- \*12. **THE CITY OF VERSAILLES ONLY:** Where the Urban Service Boundary abuts any portion of the Rural Service Area, excluding USB lands that adjoin the Bluegrass Parkway, a 50 foot wide buffer should be provided and maintained.(Adopted 4/15/2008)

1105.3 Vehicular Use Area Perimeter Requirements

<b>A. When the following . . .</b>	<b>B. adjoins the following . . .</b>	<b>C. a minimum landscape buffer area of this width is required *1</b>	<b>D. which will contain this material, *3 to achieve opacity required.</b>
1. Any vehicular use area *2 (VUA) on any property	Any property in any zone except industrial or agriculture	5' to edge of paving where vehicles overhang, 4' minimum from edge of paving and 3' (that prohibits any vehicular overhang) for other areas, on boundary of portion of vehicular use area that faces adjacent property	1 tree/40' of boundary of vehicular use area OFT *4, from Group A, B, or C, plus a 3' average height continuous planting, hedge, fence, wall or earth mound or a 3' decrease in elevation from the adjoining property to the vehicular use area *5
2. Any vehicular use area in any zone except vehicular sales facilities or service stations *6	Any public or private street right-of-way, access road or service road (except expressways)	Same as 1C above, except applies to VUA portion facing public or private street right-of-way, access road, or service road	Same as 1D, except use only Group A or B
3. Any vehicular sales facility or service station	Any public or private street right-of-way, access road or service road, expressway or arterial street	Same as 2C above	1 tree/50' OFT from Group A or B, plus an 18" average height continuous planting, hedge, fence or wall
4. Financial institutions with drive-in facilities or night depositories	Same as 2B	Same as 1C	1 tree/40' of boundary OFT from Group A or B (deciduous only) with 5' of clear trunk, plus an 18" average height continuous planting, hedge, fence, or wall adjoining a public or private right-of-way and a 3' average height planting, hedge, fence or wall adjacent to all other property

\*1 These provisions may be included within the property perimeter landscaping required by Section 1105.2 where landscaping buffer areas are also applicable.

\*2 A vehicular use area (V.U.A.) is any open or unenclosed area containing more than 1,800 sq. ft. of area and/or used by five or more of any type of vehicle, whether moving or at rest, including but not limited to parking lots, loading and unloading areas, mobile home parks, and sales and service areas. Driveways are considered to be vehicular use areas.

\*3 Grass or ground cover shall be planted on all portions of the landscape buffer areas not occupied by other landscape material.

\*4 OFT means "or fraction thereof."

\*5 When a wall is used to buffer any zone or VUA from a residential zone, it is to be constructed of pre-cast concrete or constructed of/faced with natural stone or brick.

\*6 Service Station is defined as a facility providing fuel, service, and repair for vehicles. Fuel/food stores are not service stations.

#### 1105.4 Location of Landscape Buffer Area (LBA)

The LBA described in 1105.2- 1, 2, 3, 4, 5, 7, 8, 9, & 10 of Section 1105.2 shall apply to all common boundaries. The LBA described in 1105.2.6 shall apply to the property line adjacent to the railroad right-of-way. The LBA described in 1105.2.12 shall apply to the property line adjacent to the USB along the Bluegrass Parkway. The LBA described in 1105.3.1 shall apply to all common boundaries. The LBA described in 1105.3.2, 3, & 4 shall apply to the property line adjacent to the freeway or public right-of-way.

#### 1105.5 Relationship to Yard Requirements

Where there are requirements for LBAs and minimum yards, the more stringent requirement shall be complied with.

#### 1105.6 Responsibility for Providing LBAs

The LBA set forth in sections 1105.2 and 1105.3 shall be provided as a condition of development by the person in charge of or in control of the property, whether as owner, lessee, tenant, occupant, or otherwise, which creates the incompatible situation, or shall be placed on the activity or parcel being processed when the adjoining property is already developed with the exception of freeways and railroads. An owner securing a change in zone which creates an incompatible situation shall be deemed the one who creates such situation and shall immediately provide the buffer area as a condition of the zone change. If the incompatible situation already exists or is created by a general zone change not sponsored by the property owner, the buffer area shall be provided as a condition of the approval of any future subdivision or development plan of the affected land.

1105.61 Inclusion of Subdivision Plat - Areas to be set aside for LBAs shall be shown on preliminary subdivision plats and development plans. Illustrations including trees, shrubs, ground covers, and barriers shall be shown on preliminary subdivision plats and development plans.

1105.62 Easement Conflicts - Where LBAs are required in the same location as utility easements, the two may be combined providing that the total width and screening requirements of sections 1105.2 and 1105.3 are met. However, where existing trees are to be preserved, the two may not be combined. Trees planted in easements containing overhead lines shall be small (S) trees that will not conflict with the utilities.

1105.63 Provision of Planting Materials and Barriers - Such trees, shrubs, ground covers, and barriers as shall be required and/or shown on the final subdivision plat or development plan shall be provided by the owner or developer and considered as any other site improvement. (See Section 1105.162 concerning bonding of landscaping.)

1105.64 Trees on right of way - Trees required as a part of the vehicular use area perimeter landscaping may be placed on the right-of-way adjoining such vehicular use area when approved by the Planning Commission and governing agency responsible for right-of-way maintenance with maintenance agreement.

#### 1105.7 Requirement Conflicts

Whenever a parcel or activity falls under two or more of the landscape requirements listed in sections 1105.2 and 1105.3, the most stringent requirements will be enforced.

#### 1105.8 Landscaping at Driveway and Street Intersections

To assure that landscape materials do not constitute a driving hazard, a "sight triangle" will be observed at all street intersections or intersections of driveways with streets. At street intersections, the sight triangle shall be formed by measuring from the intersection of the curb lines at least 35' in each direction along the curb lines and connecting these points. At driveway intersections, the sight triangle shall be formed by measuring at least 15' back into the driveway and 20' in each direction along the curb line (forming two triangles). No landscape material shall be placed within the sight triangle that is greater than 18" in height. Trees having at least 5' of clear trunk (no limbs) or otherwise not presenting a traffic visibility hazard shall be permitted within the sight triangle.

#### 1105.9 Joint Driveways and Common Vehicular Use Areas

Vehicular use area screening shall not be required between a vehicular use area and the adjoining property where a property line divides a driveway used for common access to two (2) or more properties nor when both of the following conditions exist: a) the vehicular use areas are for the required parking for the properties or the common use of the properties (as substantiated by a reciprocal parking and access agreement), b) a final development plan for the properties has been approved by the Planning Commission.

#### 1105.10 Existing Landscape Material

Existing landscape material which is proposed to be used to fulfill landscape requirements shall be shown on the required plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the Landscape Inspector such material meets the requirements and achieves the objectives of this article. Existing healthy trees from Group "A" or "B" of the Plant List may be substituted for trees required for property or vehicular use area perimeter landscaping, or for interior landscaping by using the following criteria: a 6" to 12" caliper tree surrounded by a minimum of 150 square feet of landscape area may be substituted for two (2) new trees of the required minimum size; a 12" to 24" caliper tree surrounded by a minimum of 250 square feet of landscape area may be substituted for three (3) new trees of the required minimum size; a 24" or greater caliper tree surrounded by a minimum of 300 square feet of landscape area may be substituted for four (4) new trees of the required minimum size.

#### 1105.11 Interior Landscaping for Vehicular Use Areas

Any open vehicular use area (excluding loading, unloading, and storage areas in an industrial zone) containing 6,000 or more sq. ft. of area, or twenty or more vehicular parking spaces, shall provide interior landscaping in addition to the previously required perimeter landscaping. Interior landscaping shall be peninsular or island types. Where a vehicular use area is altered or expanded to increase the size to 6,000 or more square feet of area, or twenty or more vehicular parking spaces, interior landscaping for the entire vehicular use area shall be provided and not merely to the extent of its alteration or expansion.

1105.111 Landscape Area - For each 100 sq. ft., or fraction thereof, of vehicular use area, five (5) sq. ft. of landscaped area shall be provided.

1105.1111 Minimum Area - The minimum landscape area permitted shall be sixty-four (64) sq. ft. with a 4' minimum dimension to all trees from edge of pavement where vehicles overhang.

1105.1112 Maximum Contiguous Area - In order to encourage the required landscape areas to be properly dispersed, no required landscape area shall be larger than 350 sq. ft. in vehicular use areas under 30,000 sq. ft. in size, and no required area shall be larger than 1,500 sq. ft. in vehicular use areas over 30,000 sq. ft. In both cases, the least dimension of any required area shall be 4' minimum dimension to all trees from edge of pavement where vehicles overhang. The maximum distance between landscape areas shall be 120' measured from the closest perimeter landscape area curb edge or the closest curb edge of each required interior area. Landscape areas larger than above are permitted as long as the additional area is in excess of the required minimum.

1105.1113 Minimum Trees - A minimum of one (1) tree shall be required for each 250 sq. ft. or fraction thereof of required landscape area. Trees shall have a clear trunk of at least five (5) feet above the ground. The remaining area shall be landscaped with shrubs or ground cover, not to exceed two (2) feet in height.

1105.1114 Vehicle Overhang - Parked vehicles may hang over the interior landscaped area no more than two and a half feet, as long as concrete or other wheel stops are provided to insure no greater overhang or penetration of the landscaped area.

#### 1105.12 Landscaping for Service Structures

All service structures shall be fully screened except when located in an industrial zone or when located more than 35' above the established grade (roof-top structures). Service structures in an industrial zone shall be fully screened when located within 100' of any zone except industrial or when within 100' of a public right-of-way or private access easement. For the purpose of this Article, service structures shall include propane tanks, dumpsters, air conditioning units and condensers, electrical transformers and other equipment or elements providing service to a building or a site.

1105.121 Location of Screening - A continuous planting, hedge, fence, wall, or earth mound shall enclose any service structure on all sides unless such structure must be frequently moved, in which case screening on all but one (1) side is required. The average height of the screening material shall be one (1) foot more than the height of the enclosed structure, but shall not be required to exceed eight (8) feet in height. Whenever a service structure is located next to a building wall, perimeter landscaping material, or vehicular use area landscaping material, such walls or screening material may fulfill the screening requirement for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section. Whenever service structures are screened by plant material, such material may count toward the fulfillment of required interior or perimeter landscaping if location is appropriate. No interior landscaping shall be required within an area screened for service structures.

1105.122 Protection of Screening Material - Whenever screening material is placed around any trash disposal unit or waste collection unit which is emptied or removed

mechanically on a regularly occurring basis, a fixed barrier to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The barrier shall be at least eighteen (18) inches from the material and shall be of sufficient strength to prevent possible damage to the screening when the container is moved or emptied. The minimum front opening of the screening material shall be twelve (12) feet to allow service vehicles access to the container.

1105.123 Screening of Outdoor Storage Areas - All outdoor storage areas in industrial zones shall be screened by a solid wall or fence not less than six (6) feet in height.

#### 1105.13 Landscape Materials

The landscaping materials shall consist of the following, and are described in more detail in the Planting Manual and Plant Materials List available at the Planning and Building Inspection Departments.

1105.131 Walls and Fences - Walls shall be constructed of natural stone, brick or other weatherproof materials; while fences shall be constructed of wood or other weatherproof, durable materials generally used in the exterior construction of buildings (See also notes #10 and #5, for tables 1105.2 and 1105.3). Fence posts shall be structurally stable based on the material used, and shall have a maximum spacing of 8' o.c. If wood is used, the posts shall be 4" x 4" minimum. Posts shall be set in or anchored to crowned concrete footers at least 6" larger in each direction than the post it supports. The base of the footer shall be at least 24" below finished grade. If wood is used for any member, it shall be softwood treated with water-borne preservative to the American Wood Preservers Institute standard LP-2 for above ground use or LP-22 for ground contact use, or all heart redwood, or all heart cedar. All cut surfaces of pressure treated lumber shall be water-proofed. If another material is used, it shall be weatherproof. Slats are to be minimum 1/2" in thickness and are to be placed on the outside of the fence unless the design is two-sided (shadow-box, etc.). All hardware is to be galvanized or otherwise rust proofed. Wood horizontal members shall be installed bark-side up. Chain link fencing may not be used to meet the requirements of this Article. Chain link fencing may be installed in the required landscape area only if it is in addition to the required continuous planting, hedge, fence, wall or earth mound. In industrial zones, there shall be no height limitation on walls or fences; in all other zones, however, there shall be a six (6) foot height restriction for walls or fences in front yards and side street side yards, and an eight (8) foot height restriction in side and rear yards. All walls or fences shall have a minimum opacity of eighty (80) percent. Walls and fences allowed to meet the requirements of this Article shall not be used for the erection or display of any sign or other advertising device.

1105.132 Earth Mounds - Earth mounds shall be physical barriers which block or screen the view similar to a hedge, fence, or wall. Mounds shall be constructed with proper and adequate plant material to prevent erosion. A difference in elevation between areas requiring screening does not constitute an earth mound. Maximum slope shall be 3 in 1.

1105.133 Plants - All plant materials shall be living plants (artificial plants are prohibited) and shall meet the following requirements:

1105.1331 Quality - Plant materials used in conformance with provision of this Ordinance shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations. Bare root plants, with the exception of shrubs and hedges, vines and ground covers shall be prohibited.

1105.1332 Deciduous Trees - (Trees which normally shed their leaves in the Fall) - Shall be species having an average mature crown spread of greater than fifteen (15) feet in Woodford County and having trunk(s) which can be maintained with over five (5) feet of clear wood in areas which have visibility requirements. Trees having an average mature spread of crown less than fifteen (15) feet, may be substituted by grouping of the same so as to create the equivalent of a fifteen (15) foot crown spread. A minimum of ten (10) feet overall height or a minimum caliper (trunk diameter, measured six (6) inches above ground for trees up to 4 inches caliper) of at least 1-3/4 inches immediately after planting shall be required. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than fifteen (15) feet to such public works, unless the tree root system is completely contained within a barrier for which the minimum interior container dimensions shall be five feet square and five feet deep and for which the construction requirements shall be four (4) inches thick, reinforced concrete.

1105.1333 Evergreen Trees - Evergreen trees shall be a minimum of five (5) feet high with a minimum caliper of one and one-half (1-1/2) inches immediately after planting.

1105.1334 Shrubs and Hedges - Shall be at least 12" with three (3) canes for Section 1105.3 lines 3 and 5, at least 2' with three (3) canes for all other lines of Section 1105.4 and, and 3' with four (4) canes for Section 1105.2 in average height when installed. After approval by the Landscape Inspector and with the exception of the 12" plants, shrubs and hedges may be pruned to one-half the height in accordance with accepted horticultural practices. All plants shall conform to opacity, mature height, and other requirements of the final approval of each planting or replanting. Privet, Ligustrum species, cannot meet the opacity requirements and may not be used to satisfy the requirements of this Article. The height of the planting shall be measured from the level of the surface of the vehicular use area at the edge closest to the screening.

1105.1335 Vines - Shall be at least 15 inches high at planting, and are generally used in conjunction with walls or fences.

1105.1336 Grass or Ground Cover - Grass of the fescus (Gramineak) or Bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns in Woodford County, and may be sodded, plugged, sprigged, or seeded; except in swales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used, nurse-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover such as organic materials shall be planted not more than 15" on center and in such a manner as to present a finished appearance and have 75% of complete

coverage after two complete growing seasons. In certain cases, ground cover also may consist of rocks, pebbles, sand, and similar approved materials.

#### 1105.14 Vehicle Overhang

Parked vehicles shall not be permitted to overhang a landscape buffer area or an interior landscaping area more than two and one-half feet. Curbs or wheel stops shall be provided to permit no greater overhang.

#### 1105.15 Maintenance and Installation

All landscaping materials shall be installed in a sound, workmanship-like manner, and according to accepted, good construction and planting procedures. Any landscape material which fails to meet the minimum requirements of this Article at the time of installation shall be removed and replaced with acceptable materials. The person in charge of or in control of the property whether as owner, lessee, tenant, occupant, or otherwise shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper, neat, and orderly appearance, free from refuse and debris, at all times. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first; while other defective landscape material shall be replaced or repaired within three months. Topping trees or the severe cutting of limbs to stubs larger than three (3) inches in diameter within the tree crown to such a degree as to remove the normal canopy shall not be considered proper or permitted for the maintenance of trees as required by this Article. Violation of these installation and maintenance provisions shall be grounds for the Building Inspection Department to refuse a building occupancy permit, require replacement of landscape material or institute legal proceedings to enforce the provisions of this Article.

#### 1105.16 Plan Submission and Approval

Whenever any property is affected by these landscape requirements, the property owner or developer shall submit a landscape plan to the Planning Office. For any property where a vehicular use area for twenty (20) or more vehicles or 6,000 or more square feet is provided, the landscape plan shall be prepared and sealed by an architect, landscape architect or engineer licensed to practice in the State of Kentucky. The requirements of this Article shall be followed in approving or disapproving any landscape plan required by this Article.

#### 1105.161 Plan Content

The contents of the plan shall include the following: (a) plot plan, drawn to an easily readable scale, showing and labeling by name and dimensions, all existing and proposed property lines, easements, buildings, and other structures, vehicular use areas (including parking stalls, driveways, service areas, etc.) water outlets and landscape material (including botanical name and common name, installation size, on center planting dimensions where applicable, and quantities for all plants used); (b) existing and proposed contours at two (2) foot intervals; (c) typical elevations and/or cross sections as may be required; (d) title block with the pertinent names and addresses (property owner, person drawing plan), scale, date, north arrow (generally orient plan so that north is to top of plan); (e) zone of site and adjacent properties; (f) the location and drip line of any existing significant trees or tree stands, including those in fence rows and drainage areas, a general description of type and size of trees, and any proposed provisions for

preserving trees, and (g) calculation of vehicle use area, required and provided interior landscape area.

1105.162 Building Permit and Certificate of Occupancy

Where landscaping is required, no building permit shall be issued until the required landscaping plan has been submitted and approved, and no Certificate of Occupancy shall be issued until the landscaping is completed as certified by an on-site inspection by the Landscape Inspector. In instances where the State will issue the Certificate of Occupancy, the development plan shall not be certified until the required landscaping is bonded as outlined below. If the required landscaping has not been completed and a Temporary Certificate of Occupancy is issued, a full cash certificate of deposit or irrevocable letter of credit from a banking institution with offices in Woodford County, Kentucky shall be posted at that time and submitted to the Planning Director in the name of the appropriate legislative body. The amount of the certificate of deposit or letter of credit shall be based upon the cost of the proper installation of the uninstalled landscape material shown in the submitted plan with the cost certified by a landscape contractor. The amount of the certificate of deposit or letter of credit shall also include an inflation factor and/or administrative contingency cost of 25% of the base cost to complete the work in the event of the foreclosure of the certificate of deposit or letter of credit.

Where landscaping is required for a subdivision plat, certification or bonding is required prior to approval of Final Plat.

1105.163 Posting of a Full Cash Certificate of Deposit or Irrevocable Letter of Credit

After a full cash certificate of deposit or irrevocable letter of credit has been posted with the appropriate legislative body, the landscaping material required in the approved landscaping plan shall be installed within three (3) months after the date of posting the full cash certificate of deposit or irrevocable letter of credit for Final Development Plans, or 12 months after the same date for Final Plats. Extensions of the planting period may be granted by the Planning Director upon a demonstration by the property owner or developer that such an extension is warranted because of adverse weather conditions or unavailability of required plant materials. No more than three (3) such one (1) month extensions may be granted. The full cash certificate of deposit or irrevocable letter of credit shall be called if the required landscaping has not been installed by the end of the approved planting period and the appropriate legislative body shall apply the proceeds of the certificate of deposit or letter of credit to have the work completed.

1105.17 Planting Manual and Plant Materials List

Developers shall refer to the Planting Manual and Plant Materials List<sup>1</sup> which are available at the Planning Office for minimal requirements to use in meeting the provisions of this Article. Any materials which are not on the Plant Materials List shall be considered on an individual basis to determine the suitability of the specific plant in

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<sup>1</sup> \* The Planting Manual shall be the manual prepared and used by the Lexington-Fayette Urban County Government originally approved on December 15, 1983 and amended on November 30, 2000, and to include any future amendments thereto.

the proposed location. A plant not on the Plant Materials List shall be permitted only upon the expressed approval of the Landscape Inspector.

## **1106 ADMINISTRATION**

The enforcement of this ordinance shall be carried out as set forth on the following section.

### **1106.1 Enforcement**

The requirements of this ordinance will be administered by the Planning Commission and their staff with the assistance of a Consulting Landscape Examiner, and enforced by the appointed zoning enforcement officer. It shall be unlawful to occupy any premises unless the required landscaping has been installed or bonded in accordance with the final subdivision plat or development plan.

1106.11 Violations - In cases where the property owner or developer fails to install required landscaping, or where the property owner/tenant fails to properly maintain required landscaping, the officer of the Planning Commission shall notify the responsible party of such violation and order correction of same. If necessary, the City or County Attorney or any other appropriate authority shall institute appropriate action in court to eliminate the violation.

1106.12 Penalties - Fines and other penalties may be imposed upon violators according to Article III of the Zoning Ordinance. After notification of the responsible party, each day of continued violation shall constitute a separate violation.

### **1106.2 Variances**

In such individual situations where, by reason of exceptional topographic, dimensional, or shape or other special conditions of the site, the enforcement of these ordinances would create an undue hardship on the applicant, that applicant may appeal to the Board of Adjustment for relief from specific provisions. The Board of Adjustment may consider recommendations from the Landscape Review Committee and/or the Board of Architectural Review in deciding the appeal.

## LANDSCAPE ORDINANCE - PART TWO

### DEFINITIONS

The following terms relate to the Landscape Ordinance and are generally not included in the list of definitions contained in most zoning ordinances.

Landscape Buffer Area (LBA) - a strip of land to be set aside to separate incompatible land uses on which shall be placed trees, bushes, ground covers and barriers as necessary to reduce the deleterious effects of the activities.

Landscaping - the use of planting material, pavements, walls, fences and earth mounds to enhance the aesthetic and safety characteristics of new and existing development.

Earth mounds - ridges of piled earth constructed with proper slopes (not to exceed 3:1) and plant material to prevent erosion.

Incompatible Land Uses - any facility or use on a property which is incompatible with the adjacent use. For example, parking areas and dumpsters would be incompatible uses, but drainage facilities most likely would not.

Interior landscaping areas - planting areas such as islands or peninsulas within a vehicular use area as required by Section 1105.11 of this Ordinance.

Vehicular use area - any open or unenclosed area containing more than 1,800 square feet of area and/or used by six or more of any type vehicle or mobile home including but not limited to parking lots, loading and unloading areas, sales and services area.

Ground cover - planting with a mature height of twelve inches (12") or less including but not limited to grass, certain junipers, and ivy. Within LBAs next to a public right-of-way, crushed rock, tree bark or process shale may also be used.

Low shrubs - low lying deciduous or evergreen ground covers.

Shrubs - planting materials with a functional mature height of two to twelve feet with foliage for its full height.

Trees - planting materials with a functional mature height of ten or more feet. When used in conjunction with interior landscaping areas, trees should have a minimum clear height of five feet from the ground to the lowest branch.

Hedge - a row of bushes planted at such interval as to create a continuous mass within two years after planting.

Fence - a barrier constructed of wood, metal, stone, brick or other weatherproof material for the purpose of restricting movement, or screening conflicting activities from sight. In the case of wood fences, slats are to be a minimum 1/2" in thickness and are to be placed on the outside of the fence unless the design is two-sided (shadow-box, etc.). Chain link fencing may not be used to meet the requirements of this ordinance. The height of fences shall be governed as set forth in the Zoning Ordinance. Fences shall not be used for advertising purposes.

### **LANDSCAPE ORDINANCE - PART THREE**

There is hereby established a Landscape Review Committee for the purpose of insuring compliance with the provisions of portions of the Zoning Ordinance as they relate to landscaping. The Committee, with the approval of the Planning Commission, may engage the services of a Landscape Examiner to review development plans and final plats for compliance with this Ordinance. The Landscape Examiner shall have the power and authority to require such modification of any plat or plan submitted as to insure compliance with the Ordinance. The Committee shall review requested variances of this Ordinance and make recommendations on these variances to the Planning Commission. The Committee or Landscape Inspector shall also inspect the premises prior to the issuance of a Certificate of Occupancy. If, due to seasonal variance, planting is not practical at the time required for the issuance of a Certificate of Occupancy, the inspection will be at such time as the planting and landscaping is actually completed. If, in the opinion of the Committee or Landscape Inspector, the Ordinance has not been complied with, it may make such recommendations to the enforcement officer and request that appropriate legal action be instituted. The Landscape Inspector shall assist the Committee in notifying property owners/tenants of violations to this Ordinance and seeking resolution of same.

The Committee should consist of the following persons: a registered landscape architect, or horticulture specialist, one member appointed from the general public, and the enforcement officer or designee.