

## **EDEN PARK PUD LANDSCAPING REGULATIONS**

### **Section 1 - Purpose**

The purpose and intent of these Regulations is to preserve and promote the health, safety, and general welfare of the public; to facilitate the creation of an attractive and harmonious community; to protect, preserve, and promote the aesthetic appeal, character, and value of surrounding neighborhoods; to conserve properties and their values; to preserve the character of an area by preventing the harmful effects of potentially dissimilar uses; to encourage the appropriate use of land; and to conserve the natural resources. More specifically, these Regulations are intended to minimize any possible impact of dissimilar uses on adjoining or nearby uses by requiring a screen or buffer between the uses in order to lessen the negative impact of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusion, and other objectionable activities or impacts conducted on or created by an adjoining or nearby use. Additionally, these Regulations are intended to require the landscaping of parking lots in order to reduce the harmful effects of wind and air turbulence, heat and noise, and the glare of motor vehicle lights; to preserve underground water resources and to permit the return of precipitation to the ground water strata; to act as a natural drainage system and ameliorate storm water drainage problems; to reduce the level of carbon dioxide and return oxygen to the atmosphere; to prevent soil erosion; to provide shade; and to enhance the appearance of parking lots. Additionally, these Regulations are intended to require the preservation and planting of trees on sites being developed to provide an approved percentage of tree cover within ten (10) years.

### **Section 2 - Relationship to the Comprehensive Plan**

These Landscape Regulations are intended to implement the goals, objectives, and policies outlined in the Outlook 2020 Oldham County Comprehensive Plan. The goals and objectives listed under each element of the Comprehensive Plan recommend developing landscape guidelines in order to guide the preservation of on-site woodlands, provide appropriate buffers from adjacent uses, and improve the visual appearance of structures, parking facilities and preserve natural resources.

### **Section 3 - Applicability**

1. No site development, building or structure shall hereafter be constructed nor vehicular use area created unless landscaping is provided as required herein. Any building, structure, or Vehicular Use Area (VUA) that in its entirety is removed and reconstructed, or relocated to a new on-site location, shall be required to meet these standards. Any VUA that in its entirety is changed from gravel, stone, or similar material to asphalt or concrete pavement shall be required to meet these standards.
2. Existing development is subject to these Regulations as defined below:
  - a. Any construction resulting in an increase/expansion of an existing building/structure's square footage by twenty percent (20%) or more.
  - b. Any construction resulting in an increase/expansion of an existing vehicular use area (VUA) square footage by twenty percent (20%) or more.

- c. On small sites (one-half acre or less) where expansion is greater than 20% and less than 50%, no additional landscaping shall be required.
  - d. Change in the use of property from a use not required to provide landscaping and buffering to a use that is regulated by these Regulations shall necessitate the provision of landscaping and buffering as required by these Regulations.
  - e. The amount of landscaping shall be proportional to the increased structure.
3. Single-family detached residential developments are not required to comply with Section 4 through Section 9, but are required to comply with other sections.
  4. Phased development (excluding single-family detached residential) shall construct landscaping at each phase.

#### **Section 4 - Property Perimeter Landscape Buffer (PPLB) Areas and Plantings**

Property Perimeter Landscape Buffer (PPLB) Area shall be applied along all property boundaries of sites affected by this Division except for those boundaries adjacent to street.

The requirements for PPLB Areas are as follows:

1. Where a vacant parcel is proposed to be developed adjacent to a different existing Land Use Division, then the developer or property owner of the proposed development shall provide all the perimeter landscaping requirements. Detailed PPLB Areas requirements are shown in the table.
2. Where a vacant parcel is being developed adjacent to another vacant parcel, perimeter landscaping required shall be provided by the developer or owner of the first parcel to be developed. If the perimeter landscaping requirements have been fully complied with on an adjoining property, the property owner is not required to duplicate them along the common boundary.
3. When more than one landscape buffer areas applies, the more restrictive standards shall be used.

PPLB Areas may contain walks, trails, or other similar elements, provided that the required plant material is not eliminated and the Landscape Buffer Area is at least 25 feet wide. PPLB Areas shall be free from all other development including buildings, parking, driveways or other structures except those attendant to public Blue-Greenways or utility service within a dedicated easement. Outdoor storage or stockpiling of materials is not permitted within PPLB Areas.

Utilities easement (e.g., drainage, sewer, gas/electric) are allowed to encroach into the required width of PPLB Areas provided the required screening can still be achieved and the design of such facilities is compatible with the purpose of the PPLB Area. If work required within the easements causing removal or damage of landscape materials which are not restored or replaced by the party causing the removal or damage, then the property owner shall be responsible for replacement of materials according to the approved Landscape Plan.

**PROPERTY PERIMETER LANDSCAPE BUFFER (PPLB) AREAS**

		Existing Eden Park Land Use						
		SF-L	SF-S	RM	MU	OC	School	Parks
Proposed Eden Park Land Use	SF-L	--	--	--	--	--	--	--
	SF-S	--	--	--	--	--	--	--
	RM	SO-10	LO-10	--	--	--	--	--
	MU	SO-15	SO-15	LO-10	--	--	--	--
	OC	HO-20	HO-20	HO-20	--	--	--	--
	School	--	--	--	--	--	--	--
	Parks	--	--	--	--	--	--	--

**Opacity (Screen):** Opacity or Screening is classified into three categories: Low Opaque

**Screening (LO):** Less than 50 Opacity; Semi-Opaque Screening (SO): 50-80% Opacity; and High Opaque Screening (HO): 80% or more Opacity.

**LO.10:** means a minimum of low opaque screening with 10 feet landscaped buffer area.

**Section 5 - Vehicular Use Area Perimeter Landscape Buffer (VUAPLB) Areas**

Vehicular Use Area Perimeter Landscape Buffer (VUAPLB) requirements consist of Landscape Buffer Areas that have been established to reduce the visual impact of Vehicular Use Areas including, but not limited to, parking lots, loading docks, and service areas. These VUAPLB Areas shall be provided between any lot containing a VUA and a public roadway. Both Property Perimeter Landscape Buffer (PPLB) Areas and VUAPLB Areas may be necessary to produce appropriate screening.

VUAPLB Areas shall be placed at a minimum of 48 inches from the edge of pavement (or back of curb if present) when the elevation of the VUA is equal to or higher than the adjacent property.

VUAPLB Areas shall not be required between a VUA and the adjoining property in the instance of a property line that divides a driveway used for common access by the adjoining properties, or when both of the following conditions exist: 1). the VUAs fulfill the parking requirements for both properties, or are for the common use of both properties (as substantiated by a reciprocal parking and access agreement); 2). the Architectural Review Committee (ARC) has approved a final development plan for the properties.

**Section 6 - Vehicular Use Area Perimeter Planting**

VUAPLB Areas shall be provided with the equivalent of 1 deciduous shade tree per 50 linear feet of boundary or a fraction thereof. No trees shall be spaced greater than 70 feet. Additional landscape requirements shall vary relative to adjacent land uses and proximity to common property lines as follows:

Land Use	Distance of VUA from property line is less than or equal to 30 feet	Distance of VUA from property line is greater than 30 feet and less than 50 feet	Distance of VUA from property line is greater than or equal to 50 feet
VUA adjacent to any residential use except Mixed Use	6 foot high* continuous screen	3 foot high* continuous screen	3 foot high* continuous screen for at least 50% of VUA
Any loading area adjacent to any use	8 foot high* continuous screen	6 foot high* continuous screen	6 foot high* continuous screen if adjacent to residential
VUA adjacent to rights-of-way	3 foot high* continuous screen	3 foot high* continuous screen	N/A

\* Note: Refer to Section 12, Para. 4 for minimum plant sizes at time of planting.

The 3 foot or 6 foot high screen requirement can be met using shrubs, evergreen trees, berms, or fencing individually or in combination. Continuous screens may be broken or staggered for visual interest provided the result is a visually continuous screen.

All screening material including plants, fencing, walls, and berms used to satisfy these shall conform to the standards found in Sections 300-100 and 300-120.

**Section 7 - Interior Landscaping Areas (ILA) for Vehicular Use Areas**

Interior Landscaped Areas (ILA) shall be provided within all Vehicular Use Areas to fragment large impervious areas and allow for a greater distribution of tree canopy coverage. Dimensional requirements have been established to insure that interior landscape areas serve the intended goals and provide enough ground area to support required plant material.

1. VUAs exempt from ILA requirements are loading, unloading, and outdoor storage areas in OC Office - Commercial Divisions not accessible or visible to the general public. Note that these areas shall be subject to both VUAPLB and PPLB requirements.
2. Any newly created, altered or expanded parking lot of 6,000 square feet or more, or to accommodate twenty or more vehicular parking spaces, is required to have ILAs. Such landscaping shall be in addition to any PPLB and VUAPLB landscaping required.
3. Five (5) square feet of ILA shall be provided for each one hundred (100) square feet, or fraction thereof, of all VUAs requiring ILAs.
4. The minimum ILA size in all VUAs shall be one hundred fifty (150) contiguous square feet. Note that the standard curb may be included in the 150 square feet. Smaller ILAs are not prohibited but will not count toward ILA requirements.
5. In VUAs less than 12,000 sq. ft. in size or less than 20 parking spaces shall not have a maximum distance between interior landscape areas.
6. In VUAs of 12,000 sq. ft. or more or 20 or more parking spaces, the maximum distance between interior landscape areas shall be 120 feet.
7. The maximum distance between ILAs shall be measured both radially from the closest perimeter landscape area edge, and lineally in each row of parking spaces, from the closest edge of each ILA.

#### **Section 8 - Planting Requirements for Interior Landscaping Areas (ILAs)**

1. A minimum of one (1) tree shall be required for every 250 square feet, or fraction thereof, of required ILA. Trees shall have a clear trunk at time of planting to at least six (6) feet above the highest adjacent vehicle surface in areas requiring sight distance for vehicular circulation.
2. The ground plane of the ILA shall be landscaped with shrubs, turf, mulch, or groundcover. Note that shrubs shall not exceed two (2) feet in mature height above the highest adjacent vehicle surface in areas requiring sight distance for vehicular circulation.
3. Light poles, sidewalks, benches, or other site amenities are permitted in the ILAs provided they do not occupy more than 25% of any one interior landscape area or reduce the width of any planted area to less than 5 feet. Provision of such facilities does not reduce the number of required trees.
4. In all occurrences of ILAs where vehicles overhang, the minimum distance between any tree and edge of pavement shall be three (3) feet.
5. Note that parked vehicles may hang over the ILA no more than two and one-half (2 ½) feet. Wheel stops or curbs shall be provided in order to limit vehicle overhang or penetration of the landscaped area.

#### **Section 9 - Screening Requirements for Service Structures**

For the purposes of these Regulations, service structures shall include air conditioning or utility equipment, propane tanks, dumpsters, and other waster containers.

High Opaque Landscape Screening, at least 5' deep, or a continuous fence, wall or opaque gate shall enclose any service structure on any side visible from any street or adjoining property. The height of the screening material shall be one (1) foot greater than the height of

the enclosed structure. Whenever a service structure is located next to a building wall, the wall may fulfill the screening requirement for that side of the service structure provided that the wall or screening material is of a height sufficient to meet the height requirement set out herein.

### **Section 10 - Tree Preservation**

Retention of existing vegetation to meet the landscaping requirements is strongly encouraged. All land use developments should preserve as many trees as possible that do not adversely affect site grading, infrastructure installation and house construction. Regardless of whether existing plants are to be incorporated into the current development, all existing landscape material shall be shown on the Survey, Site Plan, or Landscape Plan.

Criteria for using existing landscape material: Any plant material in satisfactory condition proposed for use in fulfilling the requirements of these Landscaping Regulations in whole or in part, may be used when, in the opinion of the ARC, such materials meet the requirements and achieve the objectives of these Regulations.

Substitution of existing trees for newly planted trees: The following criteria shall be used where existing healthy trees are being substituted for newly planted trees:

1. An existing 6"-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.
2. An existing 12"-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.
3. An existing tree greater than 24" caliper surrounded by a minimum of 300 square feet of landscape area may be substituted by four (4) new trees of the required minimum size.
4. For all trees to be preserved, tree protection fencing has to be prescribed or shown on the tree preservation plan.
5. When the preserved trees do not survive the first three years since construction begins, replacements for these trees must be made at the property owner's expense at the same rate they were credited for.

### **Section 11 - Tree Protection during Construction and Maintenance**

1. Prior to any clearing and land disturbing activities that require a Soil Erosion and Sediment Control Permit, a silt fence or a durable and visible tree protection fence at least 3 feet in height shall be erected around all tree preservation areas and around any other areas of vegetation being preserved to meet the requirements of these Regulations, including individual trees surrounded by construction. All barriers shall be located at the edge of the area to be preserved, which is a minimum of 3 feet beyond or outside the drip line of any protected tree, and shall remain in place until construction is completed.
2. No clearing, grading, or other land-disturbing activities shall be allowed within the area enclosed by the tree protection barrier unless shown on a plan and approved by the ARC.

3. Root pruning shall be kept to an absolute minimum.
4. To prevent compaction of the soil or root system, no vehicles, material or equipment shall be stored or placed, or construction activities permitted, within the boundaries of the constructed barrier or vegetative buffers, beyond that allowed for preliminary site investigation work or otherwise approved by the ARC.
5. Attachment of rope, wire, nails, advertising posters, or other device in contact with a live tree or shrub, and deposition, placement, or storage of stone, brick, sand, concrete, or other materials within the drip line which may impede the free passage of water, air, or fertilizer to the root system is prohibited.
6. The property owner 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.
7. Except in existing vegetated areas not disturbed by construction, all unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first. Topping trees, or the severe cutting of limbs to stems larger than three (3) inches in diameter, within the tree crown, and to such a degree as to remove the normal canopy, shall not be considered proper or permitted for the maintenance of trees as required herein.
8. An authorized inspector shall have the right to enter onto any property to inspect the health and general condition of plant material that is located either within the rights-of-way, any easement, any part of an approved development/landscape plan, or reported as a public hazard.

## Section 12 - General Standards

1. All proposed plant materials shall be living plants (artificial plants are prohibited). The approval by the ARC shall be necessary in order to change plants from one plant category to another, and this change must be reflected on a revised plan or in a change order submitted to the ARC.
2. Plant materials used in conformance with provisions of these Regulations shall conform to the standards of the American Standard for Nursery Stock and shall have passed any inspections required under state regulations.
3. All landscape materials shall be installed in a sound, professional manner in accordance with the standards of the American Association of Nurserymen.
4. All required plant material shall meet the following minimum size criteria at time of installation:

Evergreen Trees	6 feet high
Sod	N/A
Large Tree (over 50 feet in height at maturity)	1 ¾ inch caliper
Medium Tree (25 – 50 feet at maturity)	1 ¾ inch caliper
Shrubs (when required for 6-8 feet screening)	36 inches high
Shrubs (when required for 3 foot screening)	18 inches high
Small Tree (less than 25 feet in height at maturity)	6 feet high
Vines	12"-15"

5. Tree 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 (5) feet square and five (5) feet deep, and for which the construction requirements shall be four (4) inches thick, reinforced concrete.
6. No tree shall be planted closer than 5 feet to any fireplug, utility pole or similar utility structure. Large or medium trees shall not be located beneath overhead wires and shall be planted at least 20 feet from any easement or rights-of-way in which overhead wires are located.
7. When planting new trees near existing mature trees, leave a minimum distance of half of the new tree's mature spread between the new tree and the existing trees.
8. No tree shall be planted in a space equal to or less than 3 feet in width.
9. A sight triangle will be observed at all street and drive intersections including intersections of alleys or driveways.
10. All shrubs shall conform to opacity, mature height and other requirements within four (4) years after the date of final approval of each planting or replanting.
11. Grass areas may be sodded, plugged, sprigged or seeded, and shall present a uniform healthy stand of the specified grasses following the first full growing season after installation.
12. Ground covers, other than grass, used shall be installed in such a manner as to present a finished appearance and reasonably complete coverage within three (3) years of planting.
13. Any tree that is not nursery stock and is to be moved in order to meet requirements of these Regulations shall be transplanted in accordance with sound planting guidelines adequate to sustain vigorous and healthy growth.
14. Any landscape materials, including grasses, which fail to meet the minimum approved requirements at time of installation, shall be removed and replaced with acceptable materials.
15. Walls shall be constructed of natural stone, brick, or other weatherproof materials in a linear, serpentine or other alignment and shall be continuously maintained in good condition and proper alignment by the property owner.
16. Fences shall be constructed of wood or other weatherproof, durable materials generally used for exterior construction and shall be continuously maintained in good condition and proper alignment by the property.
17. Walls or fences used to satisfy screening requirements shall be at least 80% opaque.
18. All fences shall provide a finished side facing the less intensive use or the rights-of-way.
19. Chain-link fencing may be installed for purposes other than to satisfy screening requirements only if it is not visible from any public roadway or neighboring property. Chain link fencing within a required buffer area may be permitted by the ARC only if it is hidden by plants, berms, or other allowable screening material and is not otherwise restricted.
20. Chain-link fencing may not under any circumstances be used to meet any screening requirements of this regulation, nor shall slats installed as part of a chain link fence be allowed.



21. Walls and fences surrounding service structures allowed to meet these requirements shall not be used for the erection or display of any sign or other advertising device.
22. Earth mounds/berms shall be physical barriers that block or screen the view, similar to a hedge, fence or wall. Any berm built to satisfy these requirements shall be constructed at a minimum height of 1 ½ feet and a minimum crown of 2 feet measured on a horizontal plane. All berms shall be landscaped.
23. To prevent erosion, mounds with side slopes greater than 3:1 shall be planted with a groundcover that does not require mowing.
24. Earth mounds/berms over 3 feet in height landscaped with woody plant material shall be permitted if the applicant demonstrates to the satisfaction of the ARC that an automatic irrigation system will be installed and/or other adequate measures will be taken to allow the proposed plants to thrive.

### **Section 13 - Landscaping Plan Submission and Approval**

The property owner or developer shall submit a Landscape Plan to the ARC whenever any property is affected by these Landscape Regulations. These Regulations shall be followed in approving or disapproving any required Landscape Plan. Landscape Plans shall also be submitted as part of any development plan or zoning change required by the Planning and Zoning Commission.

1. The Landscape Plan shall be prepared and signed by a landscape designer certified by the Kentucky Certified Nurserymen Program, or prepared, sealed, and signed by either a landscape architect, an engineer, or an architect, licensed to practice in the Commonwealth of Kentucky for any property where a vehicular use area (VUA) accommodating 40 or more vehicles or of a size over 12,000 square feet.
2. It is not the intent of these Regulations to discourage innovative, aesthetically pleasing landscaping design. Thus, the developer may choose to submit a Landscape Plan that conforms to the spirit and intent of these Regulations, while varying from its specific requirements. The Plan presented must be deemed a substantial improvement over the minimum requirements of these Regulations by the ARC.
3. The content of the Plan shall include the following:
  - a. A vicinity map clearly identifying the subject site.
  - b. Title block with pertinent names, addresses, project name and full site address, property owner, design firm preparing the drawings, scale, date and north point arrow.
  - c. Final grading contours at two (2) foot intervals unless waived by the ARC.
  - d. A scaled development plan or plans, not less than 40 scale (1" = 40'), showing and labeling, by name and dimensions, all existing and proposed property lines including metes and bounds, easements, buildings, walks, and other structures, VUAs (including parking stalls, driveways, service areas, square footage, etc. drainage outlets), all above ground and underground utility lines, structures, easements and keyed landscape material. Show and label the adjacent property owners, land use/zoning district and rights-of-way.
  - e. Show and describe existing trees and areas of vegetation that are to be retained as part of the required landscaping. Proposed landscape material including areas for sod, seed, mulch or groundcover should also be located and labeled on the Plan.

- f. The location, species and caliper of existing significant healthy trees (larger than 24" trunk diameter) on the site that are proposed to be removed shall also be shown.
- g. A complete and accurate plant schedule that includes plant key, botanical and common name, installation size, on-center spacing dimensions where applicable, and any specific planting notes.
- h. Typical Building, Wall, and/or Fence elevations and/or cross sections as may be required to properly depict landscaping concepts.
- i. Site statistics that contain the total square footage of parking/drive areas and interior landscape areas.
- j. Irrigation systems are encouraged but not required.
- k. Trees, shrubs and vines planting details shall comply with American Association of Nurserymen typical standards. This note must be shown on the Plan.
- l. Screening required for dumpsters and all other service structures shall be shown on the Plan.

#### **Section 14 - Permits and Waivers**

1. Where landscaping is required, no building permit shall be requested until the required Landscaping Plan has been submitted and approved by the ARC. Financial instruments may also be required by the Planning and Zoning Administrator, to ensure timely compliance with these Regulations. Unless otherwise approved by the ARC, prior to occupancy of the site, the required landscaping shall be installed in conformance with the approved plan, unless a full cash bond or an irrevocable letter of credit from a banking institution with offices in Oldham County has been posted.
2. Upon application, the ARC may grant a waiver of any requirements of these Regulations.