

*Total preserved tree canopy = 130,201 sf
 The tree canopy calculations could appear as follows: Gross site area: 1,085,008 sf
 Total tree canopy preserved: 130,201 sf (12% of total site)
 Total tree canopy required: 173,601 sf (16% of total site on a site that has 0-40% existing canopy coverage)
 Total required new canopy: 43,400 sf (4% of total site)
 Total canopy provided: 174,121 sf (16%)
 If preserved trees are removed from the TCPA, the total number of trees to be replaced would be 58 minimum 3" caliper trees.*

Tree Canopy Calculation Example

Total site area: 251,785 SF
 Existing tree canopy area: 24,477 (10%)
 Total tree canopy required: 88,125 (35%)
 Existing tree canopy to be preserved: (0%)
 Proposed tree canopy to be planted: 88,800 (35%)

B. Standards for Tree Canopy Credit Areas

* * *

3. No clearing, grading, construction or other land disturbing activity shall take place within the TCCA/WPA beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat. As trees are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified in this part. Underbrush Underbrush and invasives are is permitted to be removed in the TCCA.

* * *

6. Modification of Woodland Preserved Areas shown on approved development plans shall require the approval of the Planning Commission or authorized committee designee after the notification requirements as listed for detailed district development plans in Section 11.4.7.F.1 have been fulfilled.

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10.1.8 Tree Removal Permit

A tree removal permit is required for the removal of existing trees on non-residential and multi-family development sites where landscaping and tree canopy were/are required. (see Appendix 10E)

* * *

10.1.89 Waivers

* * *

D. Required Findings; in granting a waiver from 10.1.4 (20% Tree Preservation Requirement), the Planning Commission or designee must find that:

1. The waiver is in compliance with the Comprehensive Plan;
2. The applicant made a good faith effort to preserve as many trees as possible on the site, and within the adjacent right of way; and
3. There are other mitigating circumstances affecting this site which do not generally apply to sites developed for the same use and in the same form district.

SECTION V: Numerous subsections of Section 10.2 of the LDC are amended as follows:

10.2.4 Property Perimeter Landscape Buffer Areas

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B. Explanatory Text and Exceptions

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6. Sites with a Conditional Use Permit that are located in a residential zoning district shall be considered the same as a C-1 Commercial use for the purposes of application of Chapter 10, sites located in non-residential districts will follow the landscaping requirements for the zoning district that they are in, unless the Board of Zoning Adjustment deems a different classification is appropriate. Exception: Private schools and churches shall follow paragraph 5 above.

* * * *

10.2.8 Street Trees

- A. **Mandatory:** Street trees are required for all land uses along all public rights of way (excluding alleys). Street trees are required for residentially zoned property along collector and arterial level roadways. Street trees shall be provided in the public right-of-way, with permission of the agency having jurisdiction over the right-of-way. Street trees are required along all streets and for all uses within the Downtown Form District. Street trees shall be selected and placed with the approval of Planning and Design Services with consultation from the Director of Public Works or designee. If the sidewalk width, utility locations, or similar conditions make it impractical to install street trees, the Director of Works or designee may waive the requirement for street tree planting or unobstructed sidewalk width. In Suburban Forms alone, if the Public Works Department or Kentucky Transportation Cabinet refuses to allow plantings in the right-of-way, street trees shall be provided adjacent to the right-of-way, in a minimum 6 foot wide planting area. All street trees shall conform to the minimum

~~requirements of the Streetscape Master Plan Manual. If a streetscape master plan has been approved for a specific street, all street trees shall be planted in accordance with the approved master plan. Street trees shall be planted at a 1 3/4" minimum caliper. Street trees, for all uses except commercial in Traditional Forms, shall be regularly spaced and planted at a ratio of no less than 1 Large (Type A) tree per 50 30-50 lineal feet of right-of-way, or 1 Medium (Type B) tree per 40 2025 lineal feet, or 1 Small (Type C) tree per 30 1520 lineal feet. Street trees for commercial uses in Traditional Forms shall be planted at a ratio of no less than 1 Large (Type A) tree per 30 lineal feet of right-of-way, or 1 Medium (Type B) tree per 25 lineal feet, or 1 Small (Type C) tree per 20 lineal feet. Small trees are permitted only where utility lines or other site constraints will not allow installation of Large or Medium trees. (EXCEPTION: Refer to Chapter 3 for Floyds Fork Overlay information). In the event that an MSD approved Green Management Practice (GMP) is being proposed within the right of way or along the edge of the property, the street tree(s) shall be chosen from Chapter 13: Native Revegetation from the MSD Design Manual (a link to document found in Appendix 10A).~~

NOTE: See Appendix 10A for listing of Type A, B and C trees.

- ~~A. **Voluntary:** Street trees may be provided adjacent to non-residentially zoned property, as well as residential sites abutting local streets or private access easements providing the principal means of access.~~
- ~~C. **Tree Canopy Bonus:** Street tree plantings shall qualify for a 25% bonus in calculating compliance with tree canopy requirements refer to 10.1.5.D.~~

~~DB.~~ Please refer to Chapter 10, Part 6, for Streetscape Master Plans.

10.2.12 Vehicular Use Area Interior Landscape Areas

Landscape areas shall be provided within all Vehicular Use Areas to break up large impervious areas and allow for a greater distribution of tree canopy coverage and to provide the opportunity: to capture parking lot stormwater runoff, thus increasing water quality: and retaining greater amounts of storm water on site through infiltration. 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. Interior landscape areas shall not be required for enclosed VUAs that are secured from access by a fence, wall or similar barrier at least 3.5 feet in height and used for storage, loading docks or their associated maneuvering areas, or for loading, unloading, and storage areas in an industrial zone, PD (industrial uses), C-M, M-1, M-2, M-3, PEC, and & EZ-1 or in loading dock & and truck maneuvering areas in Commercial and Office zones. These VUA areas shall still count toward the overall ILA requirement for the development site.

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10.2.14 ~~Alternative Landscape Plans~~ Tree Planting Compliance

If a Landscape Buffer Area (LBA) or Interior Landscape Area (ILA) cannot meet the tree planting requirements in the LBA or ILA then the site may utilize the fee in lieu as described in Chapter 10.1.3.A.3.c.6 per tree that cannot be planted within the LBA or ILA.

10.2.1415 Alternative Landscape Plans

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10.2.1516 Landscape Architect Seal Requirement

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10.2.1617 Form District Specific Landscape Requirements

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SECTION VI: Chapter 10 of the LDC, Sections 10.4.3, 10.4.4, and 10.4.12, are amended as follows:

10.4.3 Plant Sizes

* * * *

Size criteria for deciduous tree species shall be determined based on its Size Type as described in Chapter 1, Part 2 (Definitions) of the Land Development Code. Installation criteria for each Size Type is as follows:

| | |
|---|---------------------|
| Small Tree (under 25 feet in height at maturity) | 6 feet high |
| Medium Tree (25 feet-50 feet in height at maturity) | 1 ¾ ½ inch caliper* |
| Large Tree (over 50 feet in height at maturity) | 1 ¾ ½ inch caliper* |
| * Medium and Large street trees are required to be planted at 1 ¾ inch caliper. | |

* * * *

10.4.4 Spacing

No newly planted trees may be planted closer together than ~~40~~ 15 feet for Small trees, ~~25~~ 20 feet for Medium trees, and 30 feet for Large trees; unless specifically approved by the Planning Director or designee. 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. The ~~Planning Commission staff~~ Director or designee can authorize a closer spacing of trees in special circumstances. When GMP planting areas are used within perimeter buffer area, the screening intent of this part should still be met.

Table 10.4.12

| TREE SPACING AGAINST BUILDINGS | |
|---|------------------------------------|
| Tree Height | Minimum Spacing from Building Edge |
| Up to 25 feet (small tree) | 10 feet |
| 25 feet-50 feet (medium tree) | 15 feet |
| 50 feet + (large tree) | 15 feet |
| No tree shall be planted in a space less than 3 feet in width. Only small trees shall be planted in spaces less than 4 feet in width. | |

* * * *

10.4.12 Implementation

A. For development sites that require a landscape architect seal in accordance with Chapter 10 (10.2.15) of the LDC the following requirements shall apply:

1. Prior to receiving a certificate of occupancy, a landscape architect shall inspect and certify that all required landscaping shown on the approved landscape plan has been installed.
2. EXCEPTION: A temporary certificate of occupancy may be received for periods outside of the planting season. The temporary certificate of occupancy shall be for a period no greater than six months. Before expiration of the temporary certificate of occupancy the required landscaping shown on the approved landscape plan shall be installed and shall be inspected and certified by a landscape architect.

B. For Major Subdivisions the LDC the following requirements shall apply:

1. Prior to bond release, a landscape architect shall inspect and certify that all required landscaping shown on the approved landscape plan has been installed.
2. Parkway, scenic corridor, and Gene Snyder Expressway plantings shall be inspected and certified within 6 months from the issuance of the site disturbance/clearing and grading permit.

C. On sites two (2) acres or less in size, all new trees proposed to meet the requirements of Chapter 10, parts 1, 2, 3 and 6 shall be planted within six months of the completion of the development or next planting season per PDS staff. The following further clarifies "completion of the development":

A-1. Subdivisions

- 1-a. Perimeter Landscaping – Landscaping shall be installed prior to recording of the record plat of the particular subdivision section.
- 2-b. Street Trees – The time line of installation shall be established by condition of approval for the subdivision at time of preliminary plan approval.

B-2. All Development Plans

- 4.a. Installation of landscaping shall be established and a note placed on the approved landscape plan indicating installation time line.

SECTION VII: Chapter 11 of the LDC, Sections 11.4.4.B–F and 11.5A.4, are added or amended as follows:

11.4.4 Application

* * * *

B. A site consisting of two (2) or more acres as of the date of passage of this ordinance shall be ineligible for filing an application for a rezoning map amendment if 20% or more of a site has been clear-cut/removed at any time (i) within twenty-four (24) months prior to pre-application submittal, if the subject property is owned or acquired by the applicant up to twenty-four (24) months prior to the pre-application filing; or (ii) from the date the applicant had a purchase contract right to purchase the subject property prior to the pre-application filing; both without consultation and approval of the Planning Director or designee. In addition, no such tree removal shall take place in the time between pre-application submittal and final approval. This requirement shall not prohibit tree removal per Chapter 102.02 of the Louisville Metro Code of Ordinances for safety reasons (including dead tree removal), routine maintenance (including removal of invasive species), required geotechnical work, utility work, or anything protected by state statute. Existing and on-going tree farms and nurseries are exempt.

C. An affidavit by the land owner shall be filed at time of rezone pre-application submittal indicating that 20% or less tree removal took place during the lesser of (i) the land owner's ownership of the site, inclusive of any purchase contract right to purchase the subject property, or (ii) two (2) years prior to development submittal.

BD. A development plan of sufficient detail to demonstrate to the Planning Commission the character and objectives of the proposed development and the potential impacts of the development on the community and its environs. In instances where a general development plan is submitted, the Planning Commission may require submission of a detailed development plan prior to issuance of site disturbance and building permits. In certain instances, a preliminary subdivision plan will satisfy the requirements for a general or detailed development plan. These circumstances are identified in Part 2 of this Chapter. In addition, staff shall endeavor to assure that notice is given to all neighborhood groups who have registered to receive notice of development applications.

CE. Technical studies or reports required by this Land Development Code including but not limited to air quality, traffic, historic and cultural resource, geologic, hydrologic, and hydro-geologic.

DE. Upon receipt of a complete application, as determined by the Planning Director, staff of Planning and Design Services shall cause notice of the application to be given. Not less than ten (10) calendar days prior to initial consideration of an application by either the Commission or a Committee thereof, notice of the application shall be given to first and second tier adjoining property owners. In addition, staff shall endeavor to assure that notice is given to all neighborhood groups who have registered to receive notice of development applications.

11.5A.4 Application

A. Applications for Conditional Use Permit shall be submitted on forms supplied by the department. Applications shall be signed by the property owner or his/her agent and filed with Planning and Design Services in accordance with these regulations and the Board of Zoning Adjustment By-Laws and Rules of Procedure. Applications shall be accompanied by supporting material determined appropriate by the Planning Director and by the appropriate fee. The list of required supporting materials shall be available from the offices of Planning and Design Services. Failure to submit all required material may result in delay of the application review. At a minimum, the following materials shall be submitted with all applications for Conditional Use Permit:

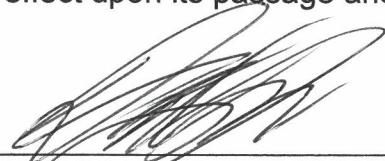
1. A "Demonstration of Appropriateness" document which addresses as applicable the items listed in Section 11.5A.1.B above.
2. A site consisting of two (2) or more acres as of the date of passage of this ordinance shall be ineligible for filing an application for a conditional use permit if 20% or more of a site has been ~~clear-cut~~removed at any time (i) within twenty-four (24) months prior to pre-application submittal, if the subject property is owned or acquired by the applicant up to twenty-four (24) months prior to the pre-application filing; or (ii) from the date the applicant had a purchase contract right to purchase the subject property prior to the pre-application filing; both without consultation and approval of the Planning Director or designee. In addition, no such tree removal shall take place in the time between pre-application submittal and final approval. This requirement shall not prohibit tree removal per Chapter 102.02 of the Louisville Metro Code of Ordinances for safety reasons (including dead tree removal), routine maintenance (including removal of invasive species), required geotechnical work, utility work, or anything protected by state statute. Existing and on-going tree farms and nurseries are exempt.
3. An affidavit by the land owner shall be filed at time of conditional use permit pre-application submittal indicating that 20% or less tree removal took place during the lesser of (i) the land owner's ownership of the site, inclusive of any purchase contract right to purchase the subject property, or (ii) two (2) years prior to development submittal.

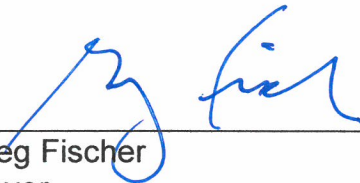
24. A development plan of sufficient detail to demonstrate to the Board the character and objectives of the proposed development and the potential impacts of the development on the community and its environs.

35. Not all Waivers, Variances and Conditional Use Permits require engineered surveys. However, where dimensional information is determined to be essential for consideration of such waivers, variances or Conditional Use Permits by staff, the applicant shall provide a survey prepared by a licensed Land Surveyor in the Commonwealth of KY. Only those property boundaries that are contiguous with the dimension(s) in question need to be provided. The cost of the required survey shall be borne by the applicant. In cases where staff determines a survey is not required the applicant shall not be responsible for the cost of any survey submitted by any party.

SECTION VIII: This Ordinance shall take effect upon its passage and approval.


Sonya Harward
Metro Council Clerk

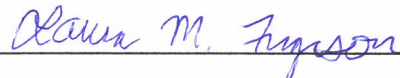

David James
President of the Council

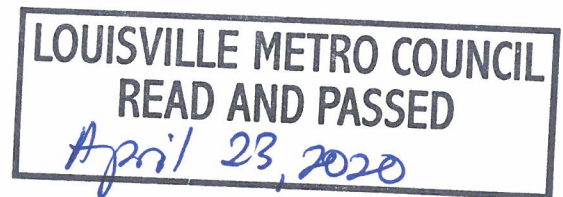

Greg Fischer
Mayor

4/24/2020
Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: 



O-259-19 Amend LDC Related To Trees (Tier 5 Amendments 3-11-2020) (LF)