

§ 158.028 LANDSCAPE AND BUFFER AREA MINIMUM REQUIREMENTS.

The purpose of this section is to improve the appearance of vehicular use areas and property abutting public right-of-ways; to buffer residential areas from proposed commercial and industrial developments; to protect, preserve and promote the aesthetic appeal, character and value of the community, and to promote the public health and safety through the reduction of noise pollution, air pollution, visual pollution, and artificial light glare.

(A) *Conflicting regulations.* Should the requirements set forth in this section be found in conflict with other provisions of these regulations, building code, or other regulations, law, or ordinance, the regulations which are more restrictive and impose higher standards or requirements shall govern.

(B) *Landscaping requirements.*

(1) *Applicability.* The landscaping provisions of this section are applicable to the B-3, Highway Service Business District, I-1, Light Industrial District, and I-2, Heavy Industrial District.

(a) *New development.* No new site development, building, structure, or vehicle use area (VUA) shall hereafter be constructed unless landscaping is provided as required by the provisions of this section.

(b) *Change to existing development.* No building, structure, or VUA shall be expanded, moved, or reconstructed and no use shall be changed to another use or increased in intensity unless landscaping is provided as required by the provisions of this section. Landscaping shall be provided only for any additional buildings, structures, or VUAs over and above that of the existing development.

(2) *Landscaping for vehicular use areas (VUAs).* Any open VUA (excluding loading, unloading, and storage areas in an industrial zone) containing 6,000 or more square feet of area, or 23 or more vehicular parking spaces, shall provide and maintain landscaped areas equal to 10% of the VUA (i.e. for each 100 square feet, or fraction thereof, of VUA, ten square feet of landscaped areas shall be provided).

(a) *Minimum area.* The minimum landscape area permitted shall be 60 square feet with a six feet minimum dimension to all trees, measured at the center of the tree, from edge of pavement where vehicles overhang.

(b) *Maximum contiguous area.* In order to encourage the required landscape areas to be properly dispersed, no required landscape area shall be larger than 350 square feet in VUAs under 30,000 square feet in size, and no required area shall be larger than 1,500 square feet in VUAs over 30,000 square feet. The maximum distance between landscape areas shall be 120 feet measured from the perimeter of the landscape areas edge of pavement. Landscape areas larger than above are permitted as long as the additional area is in excess of the required minimum.

(c) *Minimum trees.* A minimum of two trees shall be required for each 250 square feet, or fraction thereof, of required landscape area. Trees shall have a clear trunk of at least five feet above

the ground and be located at least six feet, measured at the center of the tree, from the VUA edge of pavement. The remaining area shall be landscaped with shrubs or ground cover, not to exceed two feet in height.

(d) VUA landscape islands. Landscape islands are required at the ends of all parking bays within the VUA. A minimum of one tree shall be planted within each landscape island. There shall be no more than 30 parking spaces in a single row or 60 parking spaces in a double row between islands in a VUA. Trees shall have a clear trunk of at least five feet above the ground and be located at least four feet, measured at the center of the tree, from the VUA edge of pavement.

(e) VUA setbacks. All VUAs shall be located no closer than five feet of any property line or street right-of-way. Parked vehicles may hang over the interior landscaped area no more than two and one-half feet, as long as concrete or other wheel stops are provided to ensure no greater overhang or penetration of the landscaped area. To assure that landscape materials do not constitute a driving hazard, all landscape areas shall comply with the "sight distance triangle" requirements of § 158.022.

(f) Credit for existing vegetation. Existing vegetation which is proposed to be used to fulfill the landscape requirements shall be shown on the required landscape plan, and may only be used when approved by the Planning Commission. All vegetation to be used must be on the property requiring the landscape plan. If in the future, the existing vegetation is removed, the vegetation shall be replaced in compliance with this section.

(3) Screening for service structures. All service structures shall be fully screened except when located in an industrial zone or when located more than 30 feet above the established grade (roof-top structures). Service structures in an industrial zone shall be fully screened when the development is located adjacent to any zone except industrial. For the purpose of this section, service structures shall include storage yards, propane tanks, dumpsters, air conditioning units and condensers, electrical transformers and other equipment or elements providing service to a building, structure, or VUA. Permitted accessory structures shall not be considered as service structures.

(a) 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 side is required. The average height of the screening material shall be one foot more than the height of the enclosed structure, but shall not be required to exceed eight feet in height. Whenever a service structure is screened by plant material, such material may not count toward the fulfillment of required landscaping for VUAs.

(b) 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 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 12 feet to allow service vehicles access to the container.

(C) *Landscape buffer areas (LBAs)*. Landscape buffer areas (LBAs) shall be provided for the purpose of minimizing conflict between commercial and industrial developments adjoining residential areas.

(1) **Applicability.** The landscape buffer area (LBA) provisions of this section are applicable to the B-2, General Business District, B-3, Highway Service Business District, OP, Office and Professional District, I-1, Light Industrial District, and I-2, Heavy Industrial District. No new site development, building, structure, or vehicle use area (VUA) shall hereafter be constructed unless LBAs are provided as required by the provisions of this section.

(2) **Responsibility of providing LBAs.** The LBA requirements set forth in this section 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 proposes the use adjacent to any residential district. A property owner securing a map amendment (zoning change) which creates an incompatible situation shall be deemed the one who creates such situation and shall immediately provide the LBA as a condition of the map amendment (zoning change). If the incompatible situation already exists or is created by a general map amendment (zoning change) sponsored by the Planning Commission or Glasgow City Council, the LBA shall be provided as a condition of the approval of any future subdivision or development plan of the affected land.

(3) **Minimum contiguous area.** LBAs shall be contiguous and located along the entire common property line of the subject property and any adjoining residential district. An LBA within a B-2, General Business District, and OP, Office and Professional District, shall have a minimum width of at least ten feet. A LBA within a B-3, Highway Service Business District, shall have a minimum width of at least 25 feet. LBAs located within an I-1, Light Industrial District, shall have a minimum width of at least 35 feet and 50 feet when located within an I-2, Heavy Industrial District. In situations where a slope occurs along the LBA, the required landscaping and screening 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 an LBA shall be three to one. No building, structure, or VUA shall be placed within an LBA. LBAs shall not count toward required landscaping for VUAs.

(4) **Planting materials and screening.** The following table describes the minimum landscape (planting materials and screening) requirements for a LBA adjoining a residential area:

<i>Zoning District</i>	<i>Minimum Planting Materials and Screening</i>
B-2 and OP	A double row continuous six feet high planting or hedge or a six feet high fence, wall, or earth mound.
B-3	One deciduous shade tree and two evergreen trees per 120 linear feet of LBA, or fraction thereof, or four evergreen trees per 120 linear feet of LBA, or fraction thereof, and a double row continuous six feet high planting or hedge or a six feet high fence, wall, or earth mound.

<i>Zoning District</i>	<i>Minimum Planting Materials and Screening</i>
I-1 and I-2	One deciduous shade tree and two evergreen trees per 100 linear feet of LBA, or fraction thereof, or four evergreen trees per 100 linear feet of LBA, or fraction thereof, and a double row continuous six feet high planting or hedge or a six feet high fence, wall, or earth mound.

(5) Exceptions.

(a) Screening within an LBA may be waived by the Planning Commission with the written concurrence of the adjoining property owner(s).

(b) LBAs may be waived by the Planning Commission when an arterial or collector highway separates the subject property from an adjoining residential district.

(c) LBAs are not required when a commercial property is used solely for residential purposes. When a residential use within a commercial zone is changed to another use, the LBA requirements of this section shall apply.

(D) *Landscape materials.* Landscape materials shall consist of the following, and are described in more detail in the Plant Materials List, (see Exhibit 1.0) and also available at the Planning Commission Office and Building Inspection Department.

(1) Walls and fences. Walls shall be constructed of masonry and/or concrete products and faced with natural stone, stone veneer, or brick. Fences shall be constructed of wood or other weatherproof, durable materials generally used in the exterior construction of buildings. Fence post shall be structurally stable based on the material used, and shall have a maximum spacing of eight feet on center. If wood is used, the posts shall be four-inch by four-inch minimum. Posts shall be set in or anchored to crowned concrete footers at least six inches larger in each direction than the post it supports. The base of the footer shall be at least 24 inches 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 one-half-inch in thickness and are to be placed on the outside of the fence (decorative side facing residential area) unless the design is two-sided (shadow-box, and the like). All hardware is to be galvanized or otherwise rustproof. Chain link fencing without slats blocking public view may not be used to meet the requirements of this section. Chain link fencing without slats may be installed in the required landscape areas 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 an eight feet maximum height restriction. All walls or fences shall have a minimum opacity of 80%. Walls and fences allowed to meet the requirements of this section shall not be used for the erection or display of any sign or other advertising device.

(2) 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 three to one.

(3) Plants. All plant materials shall be living plants (artificial plants are prohibited) and shall meet the requirements listed below. When plant material is used for screening, the plant material must be able to provide the required screening after three complete growing seasons. Trees are required to provide the minimum required crown spread after four complete growing seasons.

(a) Quality. Plant materials used in conformance with provisions of this section 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.

(b) Deciduous trees (trees which normally shed their leaves in the fall) shall be species having an average mature crown spread of greater than 15 feet and having trunk(s) which can be maintained with over five feet of clear wood in areas which have visibility requirements. Trees having an average mature spread of crown less than 15 feet may be substituted by grouping of the same so as to create the equivalent of a 15 foot crown spread. A minimum overall height of ten feet and a minimum caliper (trunk diameter, measured six inches above ground) of at least one and three-fourths 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 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 inches thick, reinforced concrete.

(c) Evergreen trees. Evergreen trees shall be a minimum of five feet high with a minimum caliper of one and one-half inches immediately after planting.

(d) Shrubs and hedges. Shrubs and hedges shall be at least 12 inches in average height when installed. All plants shall be installed to provide a minimum 50% winter opacity and an 80% summer opacity, between one foot above finished grade level to the top of the required planting.

(e) Vines. Vines shall be at least 15 inches high at planting, and are generally used in conjunction with walls or fences.

(f) Grass and ground cover. Grass of the fescus (Gramineak) or Bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns in Glasgow, 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 inches 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, groundcover also may consist of rocks, pebbles, sand, and similar approved materials.

(E) *Maintenance and installation.* All landscape 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 section 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 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 section. Violation of these installation and maintenance provisions shall be grounds for the Building Inspection and/or Codes Enforcement Department to refuse a building occupancy permit, require replacement of landscape material, or institute legal proceedings to enforce the provisions of this section.

(F) *Plan submission and approval.*

(1) Whenever any property is affected by the provisions of this section, the property owner or developer shall submit a landscape plan for review. The landscape plan shall be prepared and sealed by an architect, landscape architect or engineer licensed to practice in the state when an open VUA (excluding loading, unloading, and storage areas in an industrial zone) is proposed which contains 6,000 or more square feet of area and/or 23 or more vehicular parking spaces.

(2) The Building Inspection Department shall be the approving agency where a landscape plan is required in conjunction with a building permit and/or certificate of occupancy. The Planning Commission shall be the approving agency where a landscape plan is required in conjunction with a subdivision plat, development plan, and/or map amendment (zoning change).

(G) *Building permit and certificate of occupancy.*

(1) When a landscaping plan is required for new development, 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 Building Inspection Department. When a landscaping plan is required for a change to existing development, no use shall commence until the requirements of this section have been satisfied.

(2) A temporary certificate of occupancy may be issued prior to the installation of a landscape plan, only with the submission of an acceptable improvement guarantee. The person in charge of or in control of the property whether as owner, lessee, tenant, occupant, or otherwise shall be responsible for posting an acceptable improvement guarantee (surety bond, certified or cashiers check, or irrevocable letter of credit from a banking institution with offices in the state) with the Planning Commission. The amount of the improvement guarantee 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, architect, landscape architect or engineer licensed to practice in the state. The amount of the improvement guarantee shall also include an inflation factor and/or administrative contingency cost of 15% of the base cost to complete the work in the event of the foreclosure of the improvement guarantee.

(H) *Posting of an improvement guarantee.* After an improvement guarantee has been posted, the landscaping material required in the approved landscaping plan shall be installed within four months after the date of posting the improvement guarantee. Extensions of the planting period may be granted by the Planning Commission 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 such two month extensions may be granted. The improvement guarantee shall be called if the required landscaping has not been installed by the end of the approved planting period and the Planning Commission shall apply the proceeds of the improvement guarantee to have the work completed. After the required improvements have been constructed in accordance with the provisions of this section and upon final inspection and approval, the Planning Commission shall release the improvement guarantee.

(I) *Plan content.* The contents of the plan shall include the following:

(1) 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, and the like) 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).

(2) Typical elevations and/or cross sections as may be required.

(3) Title block with the pertinent names and addresses (property owner, person drawing plan), scale, date, north arrow.

(4) Zone of site and adjacent properties.

(5) The location and dripline 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.

(6) Vehicle use areas, required and provided landscape areas, and landscape buffer areas.

(J) *Administration.* The enforcement of this section shall be carried out as set forth on the following section:

(1) Enforcement. The requirements of this section will be administered by the Building Inspection Department and/or Planning Commission as outlined above and enforced by the City Code Enforcement Officer. It shall be unlawful to occupy any premises unless the landscaping provisions of this section have been met.

(2) Violations. In cases where the person in charge of or in control of the property whether as owner, lessee, tenant, occupant, or otherwise fails to install required landscaping, or where the person in charge fails to properly maintain required landscaping, the Code Enforcement Officer shall notify the responsible party of such violation and order correction of the same. If necessary, the appropriate authority shall institute appropriate action to eliminate the violation.

(3) Penalties. Fines and other penalties may be imposed upon violators in accordance with the provision of the Zoning Ordinance. After notification of the responsible party, each day of continued violation shall constitute a separate violation.

(K) *Variances.* In such individual situations where, by reason of exceptional topographic, dimensional, shape, or other special circumstances of the site, the enforcement of these requirements would create an undue hardship on the applicant, that applicant may appeal an application for a variance to the Board of Adjustment. In accordance with KRS 100.243 the applicant for a proposed map amendment (zoning change), at the time of the filing of the application for the map amendment (zoning change), may elect to have any variances for the same development to be heard and finally decided by the Planning Commission at the same public hearing set for the map amendment (zoning change). The reviewing body may impose any reasonable condition or restrictions on any variance it decides to grant.

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