CHAPTER 155: PLANNING AND DEVELOPMENT

Section

GENERAL PROVISIONS

§ 155.01 AGREEMENT ESTABLISHIING JOINT CITY-COUNTY PLANNING COMMISSION INCORPORATED BY REFERENCE.

(A) The agreement for the establishment of a Joint City-County Planning Commission and Boards of Adjustment conforming to the provisions of KRS Chapter 100, shall be made a part of this chapter by reference and is hereby approved and ratified. A copy of the agreement shall be maintained in the office of the City/Clerk/Administrator and shall be available for public inspection during normal office hours.

(B) The Mayors of Cave City, Glasgow, and Park City and the County Judge are authorized and directed to execute this agreement on behalf of the cities and county. The City Clerk of Cave City, the City Clerk / Administrator of Glasgow, the City Clerk of Park City and the County Court Clerk are authorized and directed to attest the same to affix the seal of his or her office thereto.
(Ord. 2207, passed 07-11-2022)

DEVELOPMENT PLANS

§ 155.14 INTENT; PURPOSE.

The purpose of this chapter is to establish and define development plans which may be utilized for a wide variety of planning related procedures. This subchapter outlines the content and procedure for submission, review and approval of all development plans required by the zoning ordinance and subdivision regulations unless another procedure or different contents are specified elsewhere in this subchapter.

§ 155.15 DEFINITIONS.

BMP MANUAL. Best Management Practices manual adopted by the Kentucky Department of Environmental Protection that contains the storm water management and erosion control practices required for all construction activities.

BORROW / BACKFILL SITE. Any construction site where fill material is either being excavated or deposited with no definite future development to be conducted on the site.

BUILDING PERMIT. Permit issued by the County Building Inspector permitting the applicant to begin building construction.

CURRENT PROPERTY OWNER. Party that purchases property from a developer or previous property owner and party responsible for current status of the development.

DETENTION BASIN. A reservoir for storing water over brief periods of time until the stream has the capacity for ordinary flow plus released water; used for flood regulation.

DEVELOPING PROPERTY OWNER. Party responsible for developing the construction site and all construction activities ranging from Planning Commission and permit approval to finished product.

DEVELOPMENT. Any site that is currently being altered or improved upon that entail residential, commercial, industrial, and public uses.

DRAINAGE STRUCTURE. Any structure (pipe, culvert, catch basin, drop box inlet, curb box inlet, detention basin, retention basin, flume, ditch (paved or grass)) or system of structures, either manufactured or naturally occurring, that aids in the drainage of rain water and water runoff from a specific area.

ENERGY DISSIPATER. A structure which slows fast-moving spillway flows in order to prevent erosion of the stream channel or any type of diversion that slows the energy of moving water.
Engineer – Anyone who is licensed by the Kentucky Board of Engineers and Land Surveyors to practice civil engineering in the Commonwealth of Kentucky.

FINISHED FLOOR ELEVATION. The elevation at which the building foundation meets the prevailing ground surface.

GRADING PLANS. Drawing of a construction site showing existing and proposed topography, environmental controls, erosion control methods, demolition, alterations and improvements to the land, including building and parking locations.

STORMWATER MANAGEMENT. Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

UNDERGROUND DETENTION. Method of storing water in an underground structure or facility that serves as a reservoir for slowly releasing water runoff from a site while minimizing the above ground area that would be required by a more traditional detention basin.

§ 155.16 REQUIREMENTS AFFECTING TIMING OF DEVELOPMENT ACTIVITY.

(A) *Approval of development plan and soil erosion control before disturbance of natural ground cover.*

(1) For any case where a development plan is required by the zoning ordinance, and the subject property is one acre or more in area, no grading, stripping, excavation, filling or other disturbance of the natural ground cover shall take place before the Joint City-County Planning Commission has approved a development plan (preliminary or final as appropriate).

(2) In any case where the subject property is less than one (1) acre, but more than twenty-five thousand (25,000) square feet in area or increase the impervious area by more than five thousand (5,000) square feet and located in either an R-3 (Multi-Family Residential) NB (Neighborhood Business), B-1 (General Business District), I-1 (Light Industrial), or I-2 (Heavy Industrial) zoning district, no disturbance of the natural ground cover shall take place before a grading plan, showing all proposed grading, stripping, excavation, filling, or water detention is presented to the Joint City-County Planning Commission staff for approval. Grading plans shall show all proposed erosion control measures in order to ensure that no sediment is being disbursed to adjacent properties and / or public right-of-ways.

(3) The contents of soil erosion control procedures and plans shall be determined by the Joint City-County Planning Commission staff or the Superintendent of the Street Department unless this subchapter contains stricter specifications.

(B) *Changes to site topography before approval of final development plan.* The developer is advised to proceed with caution when making changes to site topography after the required approval of a preliminary development plan and soil erosion control procedures (where no soil erosion control plan is required), but before the Joint City-County Planning Commission has approved a final development plan and, if applicable, a preliminary subdivision plat. Detailed engineering requirements for streets and other public facilities may necessitate additional changes to site topography beyond those already made by the developer.

(C) *Approval of development plan before building permit.* For any case where a development plan is required by this subchapter, no building permits shall be issued until a final development plan is approved by the Joint City-County Planning Commission and a copy of that plan is certified to the Building Inspector by the Joint City-County Planning Commission. The approval of a development plan shall limit and control the issuance of all building and occupancy permits and restrict the construction, location and use of all land and structures to the conditions as set forth in the plan.

(D) *Payment of cost of special meeting of Planning and Zoning Commission.* If approval of a development plan requires a special meeting of the Joint City-County Planning Commission, held at the request of the applicant, the cost of the meeting shall be paid by the applicant.

(E) *Temporary, limited purpose building permit.* Notwithstanding any other provision of this subchapter, the Building Inspector is authorized to issue a temporary, limited purpose building permit, valid for a period of 30 days, which may not be renewed or extended, under the following conditions:

(1) The area to which the temporary, limited permit applies must be zoned for industrial purposes at the time, and the purpose of issuance must be to facilitate the current construction of an industrial facility;

(2) A meeting be held with the city's Planning Staff, Building Inspector and all parties must have reviewed the preliminary plans (including grading, drainage, site layout, parking configuration, and erosion control measures to be implemented) for site improvement, and have determined that no significant flood, drainage, topographic or other similar problems will be occasioned by permitting site improvement work to proceed prior to the submission and approval of preliminary and final development plans;

(3) The grant of temporary, limited purpose permit shall not in any way exempt the developer from the requirements of submitting preliminary and final development plans, as required by ordinance, and modifying any work done under the temporary permit to conform to the final requirements of the approved development plan;

(4) The temporary, limited purpose permit limits the developer to site work only, which does not entail building construction, finalized entrances or street networks, finalized grading, or landscaping; and

(5) The strict conformance to the temporary, limited purpose building permit, guidelines does not relinquish the developer from adhering to any and all regulations in the Development Ordinance, Zoning Ordinance, Subdivision Regulations, BMP Manual or any findings of the Joint City-County Planning Commission when preliminary and final plans are presented to them.

§ 155.17 WHERE REQUIRED

Development plans shall be required as follows.

(A) Development plans are encouraged and may be required for all zoning map amendments or approval of a subdivision plat. If the proposed zoning is not in compliance with the approved

Comprehensive Plan or further explanation and details about the proposed use are needed in order for the Joint City-County Planning Commission to make an informed decision on the proposed zone change a detailed development plan and any additional details deemed necessary by the Planning Commission will be required. All applications for zoning map amendments and approval of subdivision plats that meet the aforementioned criteria shall require the submission and approval of both a preliminary development plan and a final development plan prior to development of the property.

(B) Preliminary development plan may be waived under certain conditions. If recommended by the planning staff of the city, the Planning Commission may waive the filing and approval of a development plan in connection with a zoning proposal, if the Planning Commission finds that development of the subject property would neither involve nor create significant flood, drainage, sewage, traffic, topographic or other similar problems; provided, however, if the city planning staff, the Superintendent of the Street and Sanitation Department, and the Manager of the City Water and Sewer Commission all concur that no significant problems related to flood, drainage, sewage, traffic, topographic or other similar problems are presented or create affecting the subject property or other property in the area in connection with a proposed zoning map amendment for which no present development is proposed for the property, then no preliminary development plan shall be required for a zoning map amendment.

(C) Development plans are required by the zoning ordinance to permit more than one principal structure and its accessory structures on a lot or parcel of land and shall be submitted to the Joint City-County Planning Commission , in accordance with the provisions of this subchapter.

(D) (1) Development plans required for multi-business structures.

(2) Development plans are required by the zoning code to permit construction of multi-business structures and shall be submitted to the Joint City-County Planning Commission, in accordance with the provisions of this subchapter.

(E) Development plans required whenever building permit issued. A development plan shall be required to accompany any building permit application filed to construct a building on property zoned anything other than residential; provided however, the City Building Inspector may issue a building permit without approval of the Joint City-County Planning and Zoning Commission if the following conditions are satisfied:

(1) If and only if the parcel on which the building is to be constructed contains one acre or less, in which case a grading plan with proposed erosion control plans will be required in accordance with the Best Management Practices.

(2) A plan has been submitted and reviewed by the city's Building Inspector, the Superintendent of the Street and Sanitation Department, the Manager of the city's Water and Sewer Commission and Fire Chief of the city's Fire Department; and

(3) Each certifies that there are not existing or potential substantial flood, drainage, sewage, traffic, topographic or other similar problems relating to the development of the subject property that could have an adverse influence on exiting or future development of the subject property or other property in the neighborhood.

(F) Borrow / Back Fill sites are classified as any site over 25,000 square feet where fill material is either being excavated or deposited with no intention of any immediate site development improvements to the site. Approval of any such site shall be at the discretion of the Planning Commission Staff, City Building Inspector, and the Director of Public Works and must adhere to the following:

(1) Borrow / Back Fill sites are only allowed in commercial and industrial zones; and

(2) Plans be submitted to the aforementioned City Officials which include existing topography, final grading, erosion control measures, including measures to ensure no substances of any kind be tracked onto public roadways.

§ 155.18 DEVELOPMENT PLAN PROCEDURES

The procedure for the Joint City-County Planning Commission consideration of any development plan shall be as follows.

(A) *Pre-Application Meeting.* Prior to development plan submittal and filing of an application the developer, or party representing the developer, the developer's engineer, and the general contractor, or representative of the general contractor shall schedule a pre-application meeting with the Joint City-County Planning Commission staff. The purpose of the pre-application meeting is to allow the Joint City-County Planning Commission staff to discuss the effect of the Comprehensive Plan, Zoning Ordinance, Subdivision Regulations, Best Management Practices Manual, and any other land development regulations upon the proposed development. This meeting will also provide the applicant with a general idea of the feasibility of the project before making commitments for more extensive project planning and development with regards to drainage, construction and sediment control measures.

(B) *Filing.* To request the Joint City-County Planning Commission official action on the development plan, the developer shall file with the Joint City-County Planning Commission a completed application form, filing fee and copies of the plan as required by the terms and conditions of the Joint City-County Planning Commission's application form. The Joint City-County Planning Commission staff will make the submitted copies of the plan available to all other concerned agencies.

(C) *Review.* The Joint City-County Planning Commission staff and concerned agencies shall review the development plan and seek a consensus on all issues. Documentation of agency review shall be available upon request. The Joint City-County Planning Commission staff will then forward its recommendations and those of the concerned agencies to the Joint City-County Planning Commission.

(D) *Joint City-County Planning Commission action.*

(1) No development plans shall be considered for action by the Joint City-County Planning Commission they have been reviewed by the Joint City-County Planning Commission staff and concerned agencies (including but not limited to all utilities, the Street Department, Fire Department and the like), and recommendations have been forwarded to the Joint City-County Planning Commission. All development plans shall be approved or disapproved within 90 days of the date they are formally

filed for Joint City-County Planning Commission action unless the developer agrees to a longer time period.

(2) The Joint City-County Planning Commission will review recommendations of the staff and concerned agencies and then act for approval, conditional approval with the conditions noted, postponement or disapproval. The Joint City-County Planning Commission may modify or disapprove the development plan if it finds the plan does not comply with the requirements of the zoning ordinance, and when applicable, the subdivision regulations; or if it finds there are existing or potential substantial flood, drainage, sewage, traffic, topographic or other similar problems relating to the development of the subject property. Reasons for action of postponement or disapproval shall be fully incorporated in the Joint City-County Planning Commission's minutes. The following actions by the Joint City-County Planning Commission shall have the meaning so stated.

(a) *Approval.* The development plan is ready to be certified by the Joint City-County Planning Commission chair and Secretary with no further corrections or revisions of the plan required from the developer.

(b) *Condition approval.* The development plan cannot be certified by the Joint City-County Planning Commission Chair and Secretary until the developer has complied with the conditions of approval set forth in the record of the Joint City-County Planning Commission action on the plan.

(c) *Postponement.* The Joint City-County Planning Commission has deferred action until some future Joint City-County Planning Commission meeting in order that certain clarification can be made in regard to the development plan. No completely new re-submittal is required of the developer as is the case for disapproval.

(d) *Disapproval.* The Joint City-County Planning Commission has disapproved the plan. To request new review and action, the developer must file a new application along with a filing fee, plan copies and other material as required under this subchapter.

(E) *Certification of approval.* Within six months of Joint City-County Planning Commission approval, unless a time extension has been granted previous to the expiration date, the following steps shall be completed or else Joint City-County Planning Commission approval becomes null and void.

(1) The developer shall fully comply with any conditions of approval placed on the plan by the Joint City-County Planning Commission and submit the completed original tracing of the plan to the Joint City-County Planning Commission.

(2) The plan shall be certified by the Joint City-County Planning Commission Chair and Secretary if it is in conformance with all requirements. The Joint City-County Planning Commission staff shall have copies of the plan prepared and distributed to other public agencies at the expense of the developer and return the original plan tracing to the developer.

(3) In conjunction with any request by the developer for a time extension or re-approval of an expired plan, the Joint City-County Planning Commission may require changes in the development plan

when if finds that time has necessitated such changes for the health, safety and welfare of the residents of the community, or when applicable ordinances and regulations have been changed.

(F) *Timing restrictions.* The following timing restrictions shall be applicable to development plans:

(1) Final development plans shall be submitted for Joint City-County Planning Commission consideration within two years of the date of Joint City-County Commission action on a preliminary development plan, otherwise, no further building permits shall be issued unless and until the plan is re-approved by the Joint City-County Planning Commission.

(2) The developer shall be required to obtain building permits for all structures shown on a final development plan within five years of the date of Joint City-County Planning Commission action on the development plan, otherwise, no further building permits shall be issued unless and until the plan is re-approved by the Joint City-County Planning Commission.

§ 155.19 TYPES OF DEVELOPMENT PLANS.

There shall be a preliminary development plan and a final development plan, defined as follows:

(A) *Preliminary development plan.* A preliminary development plan is a site plan by which, at the early stages of development design, the Joint City-County Planning Commission may consider, approve and restrict many major aspects of the development without requiring an undue amount of final design work on the part of the developer. The preliminary development plan is less detailed and specific than a final development plan in terms of exact arrangement of buildings, parking areas, open spaces access points and any other site design features. No building permits can be issued based upon a preliminary development plan.

(B) *Final Development Plan.* A final development plan is a site plan from which a building permit will be sought. A final development plan is intended to deal with site design issues at a detailed level and to actually dictate the approved locations of buildings, parking areas, open spaces, access points and any other site design features.

§ 155.20 CONTENT AND FORMAT OF DEVELOPMENT PLANS

(A) All development plans shall be designed with the following criteria in regards to storm water management:

(1) The developer is responsible for all surface and sub-surface drainage of the proposed development. The developer shall provide for such drainage in a manner as to properly relieve storm waters from the development without obstructing existing drainage patterns or increasing runoff onto adjacent properties, including city maintained right-of-way.

(2) In any case where post development storm water runoff is determined by the developer’s engineer to exceed pre-development runoff on-site detention, either by means of drainage structures, underground detention or a detention basin, will be required.

(a) All development plans and grading plans required by Section 155.20 shall have both pre-development and post-development storm water runoff calculations clearly indicated on the plans.

(b) All drainage structures and facilities (pipes, culverts, drop boxes, ditches, etc.) shall be designed to accommodate one hundred (100) year rain event.

(c) Detention basins shall be designed by a professional engineer licensed in the State of Kentucky. Design calculations for detention basins shall be provided to the Joint City-County Planning Commission.

(1) The detention facilities shall be of sufficient height to provide necessary water detention. It shall consist of an inlet structure, low flow pipe, emergency spillway and energy dissipater if required to control discharge.

(2) Side slopes shall not exceed maximum slope of 3 foot horizontal to 1 foot vertical (3:1) on the upstream side of the dam if it is to have a grass covering or a maximum slope of 2 foot horizontal to 1 foot vertical (2:1) if it is to be rock. The downstream side of the dam shall have a maximum slope of 3 foot horizontal to 1 foot vertical (3:1).

(3) A standard concrete headwall to disperse the water flow from an outlet structure will be sufficient if outlet velocities do not exceed four (4) feet per second.

(4) Energy dissipaters will be required for all outlet structures where outlet velocity exceeds four (4) feet per second to protect the downstream channel from eroding. Reference the adopted Best Management Practices Manual for additional erosion control requirements regarding detention basins.

(5) No overtopping of the emergency spillway is to occur and detention facilities are to be designed in such a way as to prevent it.

(6) Refer to Article 1004.1 of the subdivision regulations for additional detention basin requirements.

(d) In the event that pre-development and post development calculations provided by the developer's engineer are found to be inaccurate any time after approval of the final development plan the developing property owner shall be held liable for any and all damages incurred and corrective measures to be initiated.

(e) The developing property owner shall be held liable for any and all failures of drainage structures, underground detention, or detention basins resulting from any on-site occurrences resulting from design flaws of the development plans.

(f) In the event that drainage structures, underground detention, or detention basins fail due to improper installation, the developing property owner shall be held liable for any and all damages incurred and corrective measures to be initiated.

(g) In the event that any drainage structure or facility fails, the City of Park City shall not be held responsible for any damages to adjacent properties relating to the site at which the drainage structure or facility fails.

(h) Refer to Article 1004.2 of the subdivision regulations for specifications regarding drainage ditch design.

(i) A means of access (easement or access ways) shall be provided to all proposed storm water facilities for maintenance. Any and all easements to be maintained (mowed, cleared of debris, standard up-keep) by the current property owner.

(j) Maintenance (mowing, clearing of debris, standard up-keep) of drainage structures or facilities is the sole responsibility of the current property owners. However, in any case where events such as those mentioned in Section 155.20 occur, the developing property owner shall be held liable for any corrective actions.

(k) If downstream or bordering drainage facilities on offsite properties are found to be inadequate due to onside drainage improvements offsite improvements may be required.

(l) Strict conformance to these regulations does not relinquish the developer / property owner from liability concerning any damages to adjacent property owners, including City maintained right-of-way that may occur.

(m) In the event that the Joint City-County Planning Commission or the Superintendent of the Street Department present logical findings for not having detention (soil conditions, excessive slopes, etc.) the runoff detention requirement may be waived.

(3) Development shall take into consideration the requirements of Park City's "Dark Sky City" initiative and design site lighting according to the City of Park City ordinance.

(B) All development plans shall be prepared by Mylar or other material capable of clear reproduction using Ozalid print process. Plans shall be legible and of a size and scale (generally not exceeding one inch = 100 feet) which enables clear presentation of required information.

(C) Required plan information shall be as follows:

(1) *Contents of preliminary development plan.* A preliminary development plan shall contain the following information at a minimum:

(a) A title block containing the plan name, development plan type (preliminary or final), name and address of developer and plan preparer and a written and graphic scale;

(b) The boundary of the subject property, acreage or square footage of development, easements and setbacks, and the zoning and owner names for all adjoining property;

(c) Vicinity sketch, oriented in the same direction as the design scheme;

(d) Topography with one (1') foot or two (2') foot contour intervals, or spot elevations of sufficient detail to generally describe the lay of the land;

(e) Location, arrangement, and approximate dimensions of existing and proposed driveways, walkways, parking areas and arrangement of spaces, dumpster pads, points of ingress and egress and other vehicular and pedestrian right-of-way;

(f) Location, profiles and cross sections of any proposed or existing streets or deceleration lanes, when deemed necessary by the Joint City-County Planning Commission or Superintendent of the Street Department, within or abutting the subject property;

(g) Screening, landscaping (as required by Section 155.21 of the Park City Zoning Ordinance), recreational and other open spaces;

(h) Approximate size, location, height, floor area, area arrangement and use of proposed and existing buildings and signs;

(i) Location of proposed lot lines for projects anticipated to involve land subdivision;

(j) Storm drainage areas, floodplains, conceptual drainage controls and storm water retention, as required by Section 155.20, and any other designated environmentally sensitive or geologic hazard areas;

(k) The plan must show and / or describe direction of all storm water runoff;

(l) Type and location of all existing and proposed drainage structures and facilities, constructed or natural;

(m) Existing and proposed finished floor elevations (FFE);

(n) Scale, north arrow and benchmark tied to USGS;

(o) Location of all FEMA flood hazard areas;

(p) Summary table for all pipe and ditch calculations;

(q) Erosion control plan that meets the guidelines required by the adopted Best Management Practices Manual;

(r) Proposed and existing easements for utilities or other purposes, locations of sanitary sewers including lengths and alignments of laterals;

(s) Areas of substantial existing trees including those located along fencerows and drainage areas, along with a general description of the type and size of the trees;

(t) A statistical table summarizing all pertinent site data, including site area, zoning, building coverage and floor area, parking, open space, pre-development storm water runoff and post-development storm water runoff, and the like;

(u) For projects of one acre or more in area; A note stating that no grading, stripping, excavation, filling or other disturbance of the natural ground cover shall take place unless and until the Joint City-County Planning Commission staff has approved the developer's proposed soil erosion control procedures and, if required, a soil erosion control plan;

(v) A note stating that no building permits shall be issued unless and until a final development plan is approved by the Joint City-County Planning Commission;

(w) An owner's certification, signed and witnessed as follows: "I (We) do hereby certify that I am (we are) the only owner(s) of the property shown hereon, and do adopt this as my (our) development plan for the property."; and

(x) A Joint City-County Planning Commission certification to be signed by the Joint City-County Planning Commission Chair and Secretary if and when the plan is fully approved, as follows: "We do hereby certify that this development plan was approved by the Joint City-County Planning Commission at its meeting held on (date)". In the absence of this note the approved minutes of the Joint City-County Planning Commission will be sufficient.

(2) *Contents of final development plan.* A final development plan shall contain all information as required for preliminary development plans under the sections above, except that the plan information shall be of an exact nature, rather that approximate or general.
(Ord. 2207, passed 07-11-2022)

§ 155.21 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-1, General 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 § 14.7.6 of the Park City Zoning Ordinance.

(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-1, General Business 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 Park City, 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. An LBA within a B-1, General 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:

Zoning District	***Minimum Planting Materials and Screening***
B-1	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-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.

(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, it shall be four by four (3.5" by 3.5") posts 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 Park City, 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.

§ 155.22 AMENDMENTS TO DEVELOPMENT PLANS

(A) Amendments to approved development plans can be made only by official Joint City-County Planning Commission action in a regular scheduled Planning Commission meeting. Contents, format and procedures shall be as for the original submission.

(B) However, amendments which fully meet the requirements set forth hereinafter for minor amendments may be approved and certified by the Joint City-County Planning Commission's designated agent without further action by the Joint City-County Planning Commission.

(1) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

MINOR AMENDMENTS. To expedite approval in those situations where amendments are of a minor significance and generally relate to the shifting of previously approved spaces. The amendments:

1. May be approved by the Planning Commission Director where the amendments are not inconsistent with the adopted binding elements for the general development plan and where the cumulative effect of the amendments results in less than 10% variation in gross floor area and/or less than 10% of the total yard area provided in the adopted final development plan;

2. Would eliminate, alter or add adopted binding elements (zone change) or which exceed the maximum variations which may be approved by the Planning Director under division (B)(1) of this section, shall be approved by the Planning Commission only after a public hearing, properly held in the same manner as for the original approval of the general development plan;

3. Shall not change the location or cross section of any street and shall not increase the number or change the location of street access points on arterial or high traffic collector streets; and

4. May include a reduction in parking spaces only when as associated reduction in floor area or number of dwelling units would permit a lesser number of minimum required off-street parking spaces than required for the original development plan. To qualify as a minor amendment, this reduction may be equal to but not exceed the difference in minimum required parking between the original plan and the proposed minor amended plan. For any case, where parking in excess of the minimum requirement was provided on the original development plan, that same number of spaces shall be provided in excess of the minimum requirement for the proposed minor amendment plan.

(4) *Procedure for minor amendments.*

(a) *Filing.* To request approval of minor amendments to development plans, the developer shall file with the Joint City-County Planning Commission a completed application form, filing fee and copies of the plan as required by the terms and conditions of the Joint City-County Planning Commission's application form. The Joint City-County Planning Commission staff will make the submitted copies of the plan available to all other concerned agencies.

(b) *Review.* Joint City-County Planning Commission staff shall review the plan for compliance with all applicable requirements and ordinances and shall consult with concerned agencies as appropriate to assure proper plan review. Upon determination that all requirements have been met, the Joint City-County Planning Commission or its authorized agent shall certify the plan as approved. If any question arises a to compliance, however, the plan shall be referred to the Joint City-County Planning Commission for action.

(c) *Certification.* Upon certification of approval by the Joint City-County Planning Commission or its agent, Joint City-County Planning Commission staff shall have copies of the plan prepared and distributed to other public agencies at the expense of the developer and return the original plan tracing to the developer.

(3) *Content and format of minor amendments.* Minor amendments shall have the same content and format requirements as the original development plan, except that:

(a) The title shall indicate the plan is a minor amendment;

(b) A note shall be added listing the exact nature of the requested changes; and

(c) The following will be the required language for certification by the authorized agent of the Joint City-County Planning Commission: "I do herby certify that this development plan amendment complies with the Zoning ordinance provisions regarding amendments to development plans."

§ 155.23 RELATIONSHIP TO SUBDIVISION REGULATIONS.

The relationships between development plans and the subdivision regulations are established as follows:

(A) *Applicability of subdivision regulations.* Although development plans are not subdivision plats, quite often the development plan does indicate a need or intent to subdivide property. For any such development plan, the design and improvement standards contained within the subdivision regulations shall be applied to proposals contained on the development plan.

(B) *Development plans required by the subdivision regulations.* Development plans required by the subdivision regulations are required to conform with the provisions of this subchapter.

(C) *Plats: substitutions.* Preliminary or final subdivision plat may be substituted for development plans required in conjunction with map amendment requests. It is recognized that in certain cases a preliminary or final subdivision plat would be as appropriate or more appropriate to be considered in conjunction with a map amendment request than would a development plan. Generally, the situations involve developments where placement of structures will be tightly controlled by the streets, lot pattern and requirements for placement of structures within the zone and where the developer sees fit to have plans prepared at the required level of detail for subdivision plats prior to receiving a zone change approval. When a developer is required at the discretion of the Joint City-County Planning Commission to provide a development plan in conjunction with a zoning map amendment request, the developer may file a subdivision plat in place of the development, plan if deemed appropriate by the Joint City-County Planning Commission and Joint City-County Planning Commission staff. In any disputed case, the Joint City-County Planning Commission shall be the final judge as to whether a development plan or a subdivision plat is required. Development plans required by this subchapter for zoning change requests, all zoning map amendments or approval of a subdivision plat may be combined with subdivision plats where appropriate, but such a development plan shall not be replaced by a subdivision plat alone. (Ord. 2207, passed 07-11-2022)