

Attachment #9: Summary of LDC Main Committee's Actions Related to Landscaping Sub-committee Report & Recommendations

Planning Commission Meeting Date: 9/4/14

Nov 6



Case No: 14AMEND1003
 Project Name: Landscaping Sub-committee Final Report
 Case Manager: Julia Williams, AICP, Planner II
 Report Co-authored by: Michael Hill, AICP, Planning Coordinator

LDC MAIN COMMITTEE REVIEW & ACTION SUMMARY

The recommendations of the Landscaping LDC Sub-committee were discussed at various LDC Main Committee meetings, the last one occurring on 4/22/14. Items #1, 3, 4, 7, 9-34 & 36-59 listed below in this report have all been recommended for approval by the LDC Main Committee. Items #2, 5, 6, 8 & 35 listed below were debated by the LDC Main Committee, but did not result in an official recommendation. One staff recommendation is also included in this report.

TASKS ASSIGNED TO THE LANDSCAPING SUB-COMMITTEE

This sub-committee was charged with reviewing and suggesting improvements to the contents of Chapter 10 (Tree Canopy, Landscaping & Open Space) in the Land Development Code.

LANDSCAPING SUB-COMMITTEE BACKGROUND INFORMATION

Between June 7, 2012 and December 9, 2013 the Landscaping Sub-committee met 27 times. The meetings averaged 10 participants per meeting. The 48 individuals listed below participated in this sub-committee.

Sherie Long – Planning & Design Services	Amy Cooksey – Mindel Scott & Associates
Bradley Coomes – Air Pollution Control District	James Bruggers – Courier Journal
Keill Jones – Sabak Wilson	Ivonye Kelachukwu – UL Student
Steve Rusie – Dunaway Engineering	Tony Gauntner
Barbara Sinai – Crescent Hill Community Council	Kathy Linares – Mindel Scott & Associates
Jon Henney – Gresham Smith & Partners	Kevin Rich
Mike Jones – Signature Green Properties	Samantha Yung
Teena Halbig – Floyds Fork Environmental Association	Peter Bodnar
Ann Richard – Land Design & Development	Todd Eberle
Michelle King – Air Pollution Control District	Byron Chapman – Mayor of Middletown
Cassandra Culin – Clifton	David Kaelin
Steve Porter – OPEN Louisville	Gina Yunker
Dustin Wallen – Economic Growth & Innovation	Laura Humphrey – Planning & Design Services
John Swintosky – Metro Parks	April Jones – Economic Growth & Innovation
Maria Koetter – Metro Office of Sustainability	Jim Mims – Codes & Regulations
Michael Hayman – City of Audubon Park	Emily Liu – Planning & Design Services
Kent Gootee – Mindel Scott & Associates	Mike Wright – Land Design & Development
Chuck Kavanaugh – Homebuilders Association of Louisville	Kate Cunningham
Tara Brinkmoeller – Homebuilders Association of Louisville	Kevin Young – Land Design & Development
Milana Boz – Metro Parks	Mike Farmer
Gabe Fritz – The Housing Partnership, Inc.	Franny Aprile
Scott Hannah – Heritage Engineering	John Addington – BTM Engineering, Inc.
Katy Schneider	Erin Thompson
Cory Petry – Limbwalker Tree Service	Andrea Webster

SUMMARY OF RECOMMENDATIONS

The 59 recommendations listed in this report are the result of the efforts of this sub-committee. Some of the items involve amending content of the chapter while other items are simply intended to improve the organization of the chapter. Some items include a consensus reached recommendation from the sub-committee, while other items include multiple options for the decision makers to consider. Each item has been acted on separately by the LDC Main Committee.

LANDSCAPING LDC SUB-COMMITTEE FINAL RECOMMENDATIONS

OFFICIAL RECOMMENDATIONS

The following LDC text amendments were recommended by the Landscaping LDC sub-committee and have been recommended for approval by the LDC Main Committee:

LAND ITEM #1 – Tree Canopy Applicability, Change Building Area to Building Footprint (Approved on 3/25/14)

Most of the group wanted to see building area changed to footprint so as not to penalize people from building taller buildings. Proposed changes are shown below.

Section 10.1.2 Applicability and Basis of Calculation

- A. The requirements of this Part shall apply to all new residential subdivisions creating more than five (5) buildable lots and to all new multi-family and nonresidential development. New single-family residential construction shall provide tree(s) in accordance with the residential design standards found within chapter 5.
- B. Expansion or reconstruction of an existing nonresidential building or development shall be subject to the requirements of this Part as follows:
 - 1. Any development site on which there is an increase in building area **footprint** or impervious surface area by more than fifty (50) percent or where a structure has been demolished and a new structure has been built in its place shall fully comply with the tree canopy requirements set forth in this Part.
 - 2. Any development site on which there is an increase in building area **footprint** or impervious surface area by more than twenty (20) percent and less than fifty (50) percent shall provide one-half (1/2) the tree canopy required by this Part.
 - 3. Any development site on which there is an increase in building area or impervious surface area by twenty (20) percent or less shall not be required to provide the tree canopy required by this Part.
- C. The requirements of this Part shall apply to the entire area shown on a development plan and the required canopy may be equally distributed throughout that area or be concentrated in certain parts or portions of that area.

NOTE: *This provision (10.1.2, C) allows residential subdivisions and multi-lot commercial developments to group trees in clusters throughout the development rather than meeting the canopy requirements on a lot-by-lot basis.*

LAND ITEM #1 – VOTE

Motion to approve LAND Item #1 made by Kelli Jones and seconded by Kevin Dunlap at 3/25/14 meeting.

YES: Donnie Blake (2 votes; also alternate for David Proffitt), Tara Brinkmoeller (alternate for Chuck Kavanaugh), Kathy Linares (2 votes; also alternate for Matt Meunier), Deborah Bilitski, Teena Halbig, Steve Porter (2 votes; also alternate for Tom FitzGerald), Kelli Jones (alternate for Pat Dominik), Barbara Sinai, Gabe Fritz and Kevin Dunlap

NO: None

ABSTAIN: None

ABSENT: Jim King and James Peden

LAND Item #1 was recommended for approval by a vote of: 13 in favor, 0 opposed, 0 abstention and 2 absent.

LAND ITEM #3 – Tree Canopy Compliance Options (Items 1-3 approved on 3/25/14; Changes to 10.1.3.C related to written maintenance agreement approved on 4/22/14)

The following changes are proposed to Section 10.1.3:

1. Change the title from Alternatives of Compliance to Methods of Compliance.
2. Allow Planning Commission staff to approve an alternative planting site, rather the Planning Commission, unless criteria cannot be met.
3. A new fee in lieu option has been added. (At the 9/4/14 Planning Commission hearing PDS Staff will present additional information regarding how the fee in lieu is determined.)

Note: The Louisville Metro Tree Advisory Commission (LMTAC) Policy Committee recommends the fee amount be determined through a bid process occurring at a regular interval of years as determined by Planning and Design. The Policy Committee's intent is to provide a clear connection between these funds and trees being planted and maintained. The Policy Committee also recommends that the LMTAC develop a guidance policy for determining recommended planting sites until a Tree Canopy Master Plan is developed.

The group also discussed adding something about having the applicant be accountable for the trees for a minimum of 3 years. This was mentioned for enforcement purposes to ensure the survivability and replacing of trees should they die. This concept was discussed, but no specific language has been proposed.

Section 10.1.3 Alternatives Methods for of Compliance

The tree canopy requirements of this Part may be satisfied at the applicant's discretion by any combination of the following means.

- A. Preservation of existing trees or tree stands on the development site.
- B. Planting new trees on the development site or as street trees on adjacent rights-of-way.
- C. Planting new trees on an alternative site upon the submittal of a written agreement between the applicant and property owner regarding the planting and maintenance of the trees. The plantings must be provided and installed at the applicant's expense, approved Alternative sites to be determined by the Planning Director or designee, Commission at the applicant's expense. If the proposal does not meet the criteria listed below, then the alternative site request will be forwarded to the Planning Commission.
- D. Pay fee in lieu, as determined by Planning and Design Services Director or designee, to a designated city tree account per 1 ¾ inch caliper tree required to meet the site canopy requirement. These funds will be administered by the City Arborist City's Urban Forester for the planting and maintenance of trees pursuant to the city's Tree Canopy Master Plan or at sites determined by the Tree Advisory Commission-Planning Director or designee AND the City's Urban Forester.

The Planning ~~Director or designee Commission staff~~ may approve ~~determine~~ an alternative site for the planting of an equivalent number/amount of trees that meets any one of the following criteria: (1) a site within a public park approved by the Metropolitan Parks Department; (2) a site on a public road right-of-way, not adjacent to the development site, approved by the Director of Works or by the appropriate state or federal official in the event that the site is on a state or federal road; (3) a privately developed site upon which affordable housing has been constructed or is to be constructed; and (4) a site of existing development where the Planning ~~Director or designee Commission staff~~ finds that additional tree canopy would be in the public interest. In any such case, the Planning ~~Director or designee Commission staff~~ may condition its approval of an alternative site upon the agreement of the applicant to plant a tree or trees of a type that is deemed appropriate for the site. It should be noted that using an alternative site to meet the tree canopy requirements is an option available to developers that must be approved by the Planning ~~Director or designee Commission or its staff~~. In no case shall the Planning ~~Director or designee Commission or its staff~~ require the off-site planting of trees to meet the requirements of this Part.; and (5) ~~Pay fee in lieu, as determined by Planning and Design Services' designee, to a designated city tree account per 1 ¾ caliper inch tree required to meet the site canopy requirement. These funds will be administered by the City Arborist for the planting and maintenance of trees pursuant to the city's Tree Canopy Master Plan or at sites determined by the Tree Advisory Commission.~~ (Moved to D above)

LAND ITEM #3 – VOTE 1 (Items #1-3)

Motion to approve LAND Item #3 made by Teena Halbig and seconded by Deborah Bilitski at 3/25/14 meeting.

YES: Donnie Blake (2 votes; also alternate for David Proffitt), Tara Brinkmoeller (alternate for Chuck Kavanaugh), Kathy Linares (2 votes; also alternate for Matt Meunier), Teena Halbig, Steve Porter (2 votes; also alternate for Tom FitzGerald), Kelli Jones (alternate for Pat Dominik), Barbara Sinai, Gabe Fritz and Kevin Dunlap

NO: None

ABSTAIN: None

ABSENT: Jim King, James Peden and Deborah Bilitski

LAND Item #3 was recommended for approval by a vote of: 12 in favor, 0 opposed, 0 abstentions and 3 absent.

LAND ITEM #3 – VOTE 2 (Section 10.1.3.C)

Motion to approve LAND Item #3 made by Tara Brinkmoeller and seconded by Kent Gootee at 4/22/14 meeting.

YES: John Torsky (alternate for James Peden), Donnie Blake, David Proffitt, Tara Brinkmoeller (2 votes; alternate for Chuck Kavanaugh and Matt Meunier), Pat Dominik, Kent Gootee (alternate for Kathy Linares), Steve Porter (2 votes; also alternate for Tom FitzGerald), Deborah Bilitski and Barbara Sinai

NO: None

ABSTAIN: Gabe Fritz

ABSENT: Jim King, Teena Halbig and Kevin Dunlap

LAND Item #3 was recommended for approval by a vote of: 11 in favor, 0 opposed, 1 abstentions and 3 absent.

LAND ITEM #4 – Tree Canopy Standards (Approved on 4/8/14)

A statement is added below to clarify which types of tree protection areas may count toward the required tree canopy requirements.

Section 10.1.4 Tree Canopy Standards

- A. The tree canopy on a development site shall meet the applicable standards according to the site's form district, proposed land use and the amount of tree preservation, as set forth in Tables 10.1.1 and 10.1.2, below. (Percentages refer to the relation of tree canopy to gross site area in square feet.)
- B. **Tree Canopy Credit Areas (TCCA) and Woodland Preserved Areas (WPA) can be used to satisfy tree canopy requirements while Temporary Tree Protection Areas (TTPA) may not be used to satisfy tree canopy requirements.**

LAND ITEM #4 – VOTE

Motion to approve LAND Item #4 made by Kelli Jones and seconded by Teena Halbig at 4/8/14 meeting.

YES: John Torsky (alternate for James Peden), Donnie Blake, Tara Brinkmoeller (alternate for Chuck Kavanaugh), Matt Meunier, Teena Halbig (2 votes; also alternate for Tom FitzGerald), Steve Porter, Kelli Jones (alternate for Pat Dominik), Barbara Sinai and Gabe Fritz

NO: None

ABSTAIN: None

ABSENT: Jim King, David Proffitt, Kathy Linares, Kevin Dunlap and Deborah Bilitski

LAND Item #4 was recommended for approval by a vote of: 10 in favor, 0 opposed, 0 abstentions and 5 absent.

LAND ITEM #7 – Tree Canopy Reductions (Approved on 4/8/14)

Some of the group wants to eliminate this tree canopy reduction section altogether, but consensus was not reached among the sub-committee members on this idea. The main committee may debate this if they wish to. On 4/8/14 the LDC Main Committee agreed to only allow 100% tree canopy reductions in the Downtown Form District.

Section 10.1.4

- B. Developments shall be entitled to a reduction in the tree canopy requirement prescribed in Tables 10.1.1 and 10.1.2 as follows:
 1. Any residential subdivision receiving at least 3.5 points for the provision of diversity housing in accordance with Chapter 4 Part 5 (Alternative Development Incentives) of the Land Development Code shall receive a 33% reduction.

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in DT
Form*

2. Any development located in the Downtown, Traditional Marketplace Corridor, Traditional Workplace and Traditional Neighborhood Form Districts shall receive reductions as follows:

- a. Tree Canopy Reduction for Nonresidential Development:

Development Floor Area Ratio (FAR)	Total Tree Canopy Reduction
- FAR 0.29 or Less	No Reduction
- FAR 0.30 to 0.49	33% Reduction
- FAR 0.50 to 0.99 and Greater	66% Reduction
- FAR 1.0 and Greater in Downtown Form District only	100% Reduction

- b. Tree Canopy Reduction for Multi-Family Residential Development:

Development Density (Dwelling Units per Acre)	Total Tree Canopy Reduction
- 12.00 Du/Acre or Less	No Reduction
- 12.01 to 16.00 Du/Acre	33% Reduction
- 16.01 to 22.00 and Greater	66% Reduction
- 22.01 Du/Acre and Greater In Downtown Form District only	100% Reduction

- c. Tree Canopy Reductions for Single Family Residential Developments:

Development Density (Dwelling Units per Acre)	Total Tree Canopy Reduction
4.4 Du/Acre or Less	No Reduction
4.41 to 5.5 Du/Acre	33% Reduction
5.51 Du/Acre and Greater	66% Reduction

NOTE: All reductions shall be based on the total square feet of tree canopy needed on a site to meet the requirements of Tables 10.1.1 and 10.1.2.

NOTE: These reductions in the tree canopy requirements have been created in an effort to support a more compact and efficient urban form and to support infill development opportunities.

NOTE: Any trees or tree stands that are being preserved to meet the minimum requirements of this Part shall also be subject to the requirements of Chapter 10 Part 4 (Implementation) of the Land Development Code.

LAND ITEM #7 – VOTE

Motion to approve LAND Item #7 made by Kelli Jones and seconded by Tara Brinkmoeller at 4/8/14 meeting.

YES: John Torsky (alternate for James Peden), Donnie Blake, Tara Brinkmoeller (alternate for Chuck Kavanaugh), Kathy Linares, Matt Meunier, Steve Porter, Kelli Jones (alternate for Pat Dominik), Deborah Bilitski, Barbara Sinai and Gabe Fritz

NO: Teena Halbig (2 votes; also alternate for Tom FitzGerald),

ABSTAIN: None

ABSENT: Jim King, David Proffitt and Kevin Dunlap

LAND Item #7 was recommended for approval by a vote of: 10 in favor, 2 opposed, 0 abstentions and 3 absent.

LAND ITEM #9 – Add Cross-reference (Approved on 4/8/14)

Add reference to LDC section number related to this statement.

Section 10.1.4

- D. **As required by Section 10.4.13** any tree preserved or planted to meet the minimum requirements of this Part shall be maintained in healthy condition and shall be replaced if it becomes diseased or dies.

LAND ITEM #9 – VOTE

Motion to approve LAND Item #9 made by Deborah Bilitski and seconded by Steve Porter at 4/8/14 meeting.

YES: John Torsky (alternate for James Peden), Tara Brinkmoeller (alternate for Chuck Kavanaugh), Kathy Linares, Matt Meunier, Steve Porter, Deborah Bilitski, Barbara Sinai, Gabe Fritz and Teena Halbig (2 votes; also alternate for Tom FitzGerald)

NO: None

ABSTAIN: None

ABSENT: Jim King, Donnie Blake, David Proffitt, Pat Dominik and Kevin Dunlap

LAND Item #9 was recommended for approval by a vote of: 10 in favor, 0 opposed, 0 abstentions and 5 absent.

LAND ITEM #10 – Add Clarifying Language (Approved on 4/8/14)

A change below is proposed to clarify that the Planning Director is the person being referenced in this section.

Note: Some in the sub-committee thought this section should be removed because it is unnecessary because of language in section D (shown above in Item #9) and creates added burden and expense, but consensus was not reached on this concern and there is no recommended change pertaining to this.

Section 10.1.4

- E. The Planning Director may require that any trees and/or tree stands preserved to meet the requirements of this Part be inspected and found to be healthy and free of disease by a certified arborist or registered landscape architect if, upon inspection of the site, ~~he/she~~ **the Planning Director** or his/her designee sees evidence that indicates that some or all of said trees may be unhealthy and may not be appropriate for preservation.

LAND ITEM #10 – VOTE

Motion to approve LAND Item #10 made by Steve Porter and seconded by Teena Halbig at 4/8/14 meeting.

YES: John Torsky (alternate for James Peden), Tara Brinkmoeller (alternate for Chuck Kavanaugh), Kelli Jones (alternate for Pat Dominik), Kathy Linares, Matt Meunier, Steve Porter, Deborah Bilitski, Barbara Sinai, Gabe Fritz and Teena Halbig (2 votes; also alternate for Tom FitzGerald)

NO: None

ABSTAIN: None

ABSENT: Jim King, Donnie Blake, David Proffitt, and Kevin Dunlap

LAND Item #10 was recommended for approval by a vote of: 11 in favor, 0 opposed, 0 abstentions and 4 absent.

LAND ITEM #11 – Tree Canopy Coverage Ground Checking, New Dripline Option (Approved on 4/8/14)

A new optional method to determine tree canopy coverage area has been added

Section 10.1.5 Calculation

1. Any development site greater than two acres in size shall be permitted to determine the area of existing tree canopy coverage to be preserved by ground checking, aerial analysis, or any other method determined to be accurate by DPDS staff. If ground checking is utilized, **credit for existing trees intended to be retained may be calculated in either of two ways: 1) Measurement of the trunk of each individual tree (i.e. a tree not grouped with other trees or a part of a tree stand) intended to be retained and used to meet the tree canopy requirements herein shall be measured to determine its caliper and the credit given for that tree shall be in accordance with Table 10.1.3, below; or 2) The dripline may be plotted on the site plan and tree canopy credit given for the square footage of the site within the dripline.**

LAND ITEM #11 – VOTE

Motion to approve LAND Item #11 made by Tara Brinkmoeller and seconded by Kelli Jones at 4/8/14 meeting.

YES: John Torsky (alternate for James Peden), Tara Brinkmoeller (alternate for Chuck Kavanaugh), Kelli Jones (alternate for Pat Dominik), Kathy Linares, Matt Meunier, Steve Porter, Deborah Bilitski, Barbara Sinai and Gabe Fritz

NO: Teena Halbig (2 votes; also alternate for Tom FitzGerald)

ABSTAIN: Donnie Blake

ABSENT: Jim King, David Proffitt, and Kevin Dunlap

LAND Item #11 was recommended for approval by a vote of: 9 in favor, 2 opposed, 1 abstention and 3 absent.

LAND ITEM #12 – Tree Canopy Calculation, Change Percentage to Square Footage (Approved on 4/8/14)

Change the reference to percentage below to square footage.

Section 10.1.5 Calculation

1. For any development site two acres or less in size the area of tree canopy coverage for any group of trees to be retained in order to meet the tree canopy requirements of this Part shall be determined by ground checking. Credit for existing trees intended to be retained may be calculated in either of two ways:
 1. Measurement of the trunk to determine its caliper and the credit given for that tree shall be in accordance with Table 10.1.3, below; or
 2. The dripline may be plotted on the site plan and tree canopy credit given for the percentage square footage of the site within the dripline.

LAND ITEM #12 – VOTE

Motion to approve LAND Item #12 made by Deborah Bilitski and seconded by Kelli Jones at 4/8/14 meeting.

YES: John Torsky (alternate for James Peden), Donnie Blake, Tara Brinkmoeller (alternate for Chuck Kavanaugh), Kelli Jones (alternate for Pat Dominik), Kathy Linares, Matt Meunier, Steve Porter, Deborah Bilitski, Barbara Sinai, Gabe Fritz and Teena Halbig (2 votes; also alternate for Tom FitzGerald)

NO: None

ABSTAIN: None

ABSENT: Jim King, David Proffitt, and Kevin Dunlap

LAND Item #12 was recommended for approval by a vote of: 12 in favor, 0 opposed, 0 abstentions and 3 absent.

LAND ITEM #13 – Deciduous & Evergreen Tree Canopy Credit Tables (Approved on 4/8/14)

The following changes are proposed to the section below:

1. A note referencing other reputable tree information sources has been added below Table 10.1.3.
2. A note related to ground checking for mature trees has been added below Table 10.1.3.
3. The sub-committee recommends the elimination of the Evergreen Tree Canopy Credit Table (10.1.4). The group feels the numbers used in this chart are significantly exaggerated and it would be more appropriate to use a reputable tree information source to determine this information. A note has been added below Table 10.1.3 that reflects this change.

Table 10.1.3 Deciduous Tree Canopy Credit

Caliper	Tree Type**	Amount of Credit (per tree)
10 inches or greater	Type A	1,200 sq. ft. (100% mature canopy size)
	Type B	720 sq. ft. (100% mature canopy size)
	Type C	177 sq. ft. (100% mature canopy size)
Greater than or equal to 3 inches and less than 10 inches	Type A	960 sq. ft. (80% mature canopy size)
	Type B	576 sq. ft. (80% mature canopy size)
	Type C	142 sq. ft. (80% mature canopy size)
Greater than or equal to 1 3/4 inches and less than 3 inches	Type A	720 sq. ft. (60% mature canopy size)
	Type B	432 sq. ft. (60% mature canopy size)
	Type C	106 sq. ft. (60% mature canopy size)

Greater than or equal to 1 inch and less than 1 ¾ inches*	Type A	600 sq. ft. (50% mature canopy size)
	Type B	360 sq. ft. (50% mature canopy size)
	Type C	89 sq. ft. (50% mature canopy size)

* See Chapter 10, Part 4 for criteria to plant trees less than 1 ¾ inch caliper.

** Trees are categorized as A, B and C—Large, Medium and Small; refer to Appendix 10A for species that fall within each category.

NOTE: Table 10.1.3 gives credit for 50% of the mature canopy size when a 1 ¾" – 3" caliper tree is planted.

NOTE: Upon approval by the Planning Director, or designee, other reputable tree information sources, such as the Manual of Woody Landscape Plants by Michael Dirr, may be used in lieu of or in addition to Table 10.1.3.

NOTE: For particularly mature trees, ground checking may yield larger credits than those based on this table.

NOTE: Canopy credit for evergreen trees to be determined by the Planning Director, or designee, in working with the applicant, using a reputable tree information source such as the Manual of Woody Landscape Plants by Michael Dirr or other similar publication.

Table 10.1.4 Evergreen Tree Canopy Credit

Height	Tree Type*	Amount of Credit (per tree)
15 feet and greater	Type A	1,200 sq. ft. (100% mature canopy size)
	Type B	720 sq. ft. (100% mature canopy size)
	Type C	177 sq. ft. (100% mature canopy size)
Greater than or equal to 9 feet and less than 15 feet	Type A	960 sq. ft. (80% mature canopy size)
	Type B	576 sq. ft. (80% mature canopy size)
	Type C	142 sq. ft. (80% mature canopy size)
Greater than or equal to 6 feet and less than 9 feet	Type A	720 sq. ft. (60% mature canopy size)
	Type B	432 sq. ft. (60% mature canopy size)
	Type C	106 sq. ft. (60% mature canopy size)

LAND ITEM #13 – VOTE

Motion to approve LAND Item #13 made by Barbara Sinai and seconded by Kelli Jones at 4/8/14 meeting.

YES: John Torsky (alternate for James Peden), Donnie Blake, Tara Brinkmoeller (alternate for Chuck Kavanaugh), Kelli Jones (alternate for Pat Dominik), Kathy Linares, Matt Meunier, Steve Porter, Deborah Bilitski, Barbara Sinai, Gabe Fritz and Teena Halbig (2 votes; also alternate for Tom FitzGerald)

NO: None

ABSTAIN: None

ABSENT: Jim King, David Proffitt, and Kevin Dunlap

LAND Item #13 was recommended for approval by a vote of: 12 in favor, 0 opposed, 0 abstentions and 3 absent.

LAND ITEM #14 – Tree Preservation Plan Requirement Section (Approved on 4/8/14)

The following changes are proposed to the section below:

1. Change Preservation to Protection in title.
2. Rename Tree Canopy Protection Areas (TCPA) as Tree Canopy Credit Areas (TCCA) throughout LDC.
3. Rename Tree Preservation Areas (TPA) as Temporary Tree Protection Areas (TTPA) throughout LDC.
4. Rename Woodland Protection Areas (WPA) as Woodland Preserved Areas (WPA) throughout LDC.
5. Change language in section A below to be consistent with Chapter 10 Part 4.
6. The tree inventory is no longer required.
7. Remove Section A.2.
8. Add new Section A.2.

Section 10.1.6 Tree Preservation Protection Plan Requirement

NOTE: Refer to 10.4.8 for requirements relating to tree protection during construction.

- A. All Temporary Tree Protection, Tree Canopy Credit, and Woodland Preserved areas shall be identified, protected and/or preserved in accordance with Chapter 10 Part 4 and the Tree Preservation Policies of Louisville Metro Planning and Design Services (Appendix 10D). All applicants for development proposals which seek credit for existing tree canopy to attain the minimum canopy coverage specified in this Part shall submit a Tree Canopy Preservation protection plan. ~~All tree preservation, tree canopy protection and woodland protection areas shall be in accordance with the Tree Preservation Policies of Louisville Metro Planning and Design Services.~~
1. The content of such a plan is dependent upon the means by which the existing tree canopy is to be calculated, as follows:
 1. ~~A tree inventory will be required for plans that show Tree Canopy Preservation Areas. The tree inventory shall be submitted as part of the tree preservation plan review process and shall be only for the trees shown in the T CPA. The tree inventory shall include but not be limited to the following information: Date of inventory, person(s) preparing the inventory, location of trunk and drip line, size, CRZ, health, and species of all existing trees on the property for all trees 4" diameter and greater. A completed tree inventory list shall accompany the plan documenting all existing trees located on the inventory.~~
 2. ~~Sites that are preserving more than one acre of continuous T CPA shall inventory a 50' X 50' sample area or 2,500 sf area. The applicant shall work with staff on choosing a sample area representative of the species distribution found in the T CPA. Dead, diseased, or dying trees may not be included as part of the inventory. For enforcement purposes the sample area will be used to determine tree replacement regardless of where the tree removal actually occurred.~~
 2. Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Director, or designee, if the changes are in keeping with the intent of the approved development plan.

LAND ITEM #14 – VOTE

Motion to approve LAND Item #14 made by Kelli Jones and seconded by Deborah Bilitski at 4/8/14 meeting.

YES: John Torsky (alternate for James Peden), Donnie Blake, Tara Brinkmoeller (alternate for Chuck Kavanaugh), Kelli Jones (alternate for Pat Dominik), Kathy Linares, Matt Meunier, Steve Porter, Deborah Bilitski, Barbara Sinai, Gabe Fritz and Teenia Halbig (2 votes; also alternate for Tom FitzGerald)

NO: None

ABSTAIN: None

ABSENT: Jim King, David Proffitt, and Kevin Dunlap

LAND Item #14 was recommended for approval by a vote of: 12 in favor, 0 opposed, 0 abstentions and 3 absent.

LAND ITEM #15 – Standards for Tree Canopy Protection Areas (On 4/8/14 the LDC committee voted to approve the changes shown below to Section 10.1.6.B.1-8; and the committee voted to approve Option #2 for Section 10.1.6.B.9 as shown below)

The following changes are proposed to the section below:

1. Change Tree Canopy Preservation Areas to Tree Canopy Credit Areas
2. Reference added clarifying that underbrush is permitted to be removed within a TCCA.

Section 10.1.6

- B. Standards for Tree Canopy Preservation Credit Areas
1. Tree Canopy Preservation Credit Areas (T CPA) (TCCA) and Woodland Preserved Areas (WPA) are those areas where tree preservation has been provided to meet the tree canopy requirements of this part.
 2. The site shall be developed in accordance with the Tree Canopy Preservation Plan. The location of the ~~T CPA~~ TCCA/WPA boundary delineates the limit of disturbance associated with the ~~T CPA~~ TCCA/WPA. The limit of disturbance shall indicate the location of the tree protection fencing.
 3. No clearing, grading, construction or other land disturbing activity shall take place within the ~~T CPA~~ 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 is permitted to be removed within a TCCA.**

4. Location of Structures and Parking
 - a. no structure (exception: fences, walls, retaining walls) shall be closer than 15 feet to the Limit of Disturbance (Tree Protection Fence).
 - b. No vehicle use area (VUA) shall be closer than 10 feet to the Limit of Disturbance (Tree Protection Fence).
 - c. No retaining walls shall be closer than 10 feet to the Limit of Disturbance (Tree Protection Fence) except for retaining walls approved by PDS staff to be used in the preservation of existing trees.
5. During all construction activity (includes clearing, grading, building construction and VUA construction) a copy of the approved Tree Canopy Preservation Plan shall be on-site.
6. **Modification of Woodland Preserved Areas shown on approved development plans shall require the approval of the Planning Commission or authorized committee after the notification requirements as listed for detailed district development plans in Section 11.4.7.F.1 have been fulfilled.**
7. **Woodland Preserved Areas will generally be protected by easement or other mechanism shown on the approved development plan or described in binding elements/ conditions of approval for a development plan. Subdivision deeds of restriction are used as one tool to inform future property owners of clearing restrictions.**
- ~~6-8.~~ For sites larger than two acres, tree preservation plans shall be stamped **approved** by a KY licensed landscape architect or a certified arborist.
- ~~7-9.~~ Establishment of the Critical Root Zone – The LDC requires that proposed developments demonstrate that trees are preserved to the maximum extent reasonable and feasible. Tree preservation is effectively defined as root system preservation; a Critical Root Zone Area (CRZ) will be assigned to each tree, based on trunk diameter size. In order to be considered as TCPA, a minimum of 50% of the CRZ is required to be left undisturbed around the tree. Trees are to be depicted on tree inventory and tree preservation plan with a CRZ circle centered on the tree base location (i.e. a twenty inch diameter tree is represented by a 40 foot diameter circle). The formula is: Tree in inches X 2, then convert to feet = CRZ diameter. The CRZ circles will be shown on the tree inventory and tree preservation plan so that review staff can discern the extent of disturbance proposed near existing trees.

Two options for changes to paragraph 9 above were discussed by the sub-committee and both options are presented below for the main committee to consider.

~~OPTION 1: Establishment of the Critical Root Zone (CRZ) – The LDC requires that proposed developments demonstrate that trees are preserved to the maximum extent reasonable and feasible. Effective tree preservation is directly linked to the preservation of the tree's CRZ. A circular CRZ will be assigned to each tree, using the radius measured at the outermost portion of the dripline to define the radius of the CRZ. In order to be considered as TCCA, the entire CRZ is required to be left undisturbed. Trees are to be depicted on the tree protection plan with a CRZ circle centered on the tree base location. The CRZ circles will be shown on the tree protection plan so that review staff can discern the extent of disturbance proposed near existing trees.~~

OPTION 2: Only require CRZs to be shown when improvements are planned within the CRZ of a proposed TCPA tree. Leave formula as an option. Both are gross estimations of actual root zone and the intent is to provide a reasonable amount of root mass to provide opportunity for success of the tree. Replace language with: Establishment of the Critical Root Zone – In order to be considered as TCPA, a minimum of **25-75% of the innermost portion of the radius of the** CRZ is required to be left undisturbed around the tree. CRZs ~~Trees~~ are to be depicted on the tree preservation plan wherever planned improvements fall within proposed TCPAs. CRZs shall be determined by survey of the dripline or based on circle twice the diameter of the tree. (i.e. a twenty inch diameter tree is represented by a 40 foot diameter circle). Sufficient dimensions will

be shown on plan so that review staff can discern the extent of disturbance proposed to the CRZ.

Note: It was thought that if there would be a permitted 25% encroachment into the CRZ, that PDS staff could approve more of an encroachment, up to 50%, in exceptional circumstances, on a case by case basis, if the overall intent is preservation.

LAND ITEM #15 – VOTE 1 (Section B.1-8)

Motion to approve LAND Item #15 made by Kelli Jones and seconded by Gabe Fritz at 4/8/14 meeting.

YES: John Torsky (alternate for James Peden), Donnie Blake, Tara Brinkmoeller (alternate for Chuck Kavanaugh), Kelli Jones (alternate for Pat Dominik), Kathy Linares, Matt Meunier, Steve Porter, Deborah Bilitski, Barbara Sinai and Gabe Fritz

NO: None

ABSTAIN: Teena Halbig (2 votes; also alternate for Tom FitzGerald)

ABSENT: Jim King, David Proffitt, and Kevin Dunlap

LAND Item #15 was recommended for approval by a vote of: 10 in favor, 0 opposed, 2 abstentions and 3 absent.

LAND ITEM #15 – VOTE 2 (Section B.9; Option #2)

Motion to approve LAND Item #15 made by Tara Brinkmoeller and seconded by Kelli Jones at 4/8/14 meeting.

YES: John Torsky (alternate for James Peden), Donnie Blake, Tara Brinkmoeller (alternate for Chuck Kavanaugh), Kelli Jones (alternate for Pat Dominik), Matt Meunier, Steve Porter, Deborah Bilitski and Barbara Sinai

NO: Teena Halbig (2 votes; also alternate for Tom FitzGerald)

ABSTAIN: Kathy Linares and Gabe Fritz

ABSENT: Jim King, David Proffitt, and Kevin Dunlap

LAND Item #15 was recommended for approval by a vote of: 8 in favor, 2 opposed, 2 abstentions and 3 absent.

LAND ITEM #16 – Tree Canopy Credit Area Exceptions (Approved on 4/22/14)

The following changes are proposed to the section below:

1. Change Tree Canopy Preservation Areas to Tree Canopy Credit Areas
2. A change is proposed to paragraph C.4 regarding cutting and filling around trees.

Regarding paragraph C.3 below, some sub-committee members wanted the entire paragraph removed, while others want it to remain, but change the reference to grade changes from six inches to two inches. No consensus was reached.

Section 10.1.6

- C. **FCPA TCCA** Exceptions – Sites which present unique development constraints will have opportunities to preserve existing trees as ~~FCPA TCCA~~ **TCCA** as determined by the Planning Director or designee. Such situations are described below.
1. Utilities - A proposed development which requires underground utilities shall avoid the installation of said utilities within the drip line and critical root zone of existing trees whenever possible. In the event that this is unavoidable, all trenching shall be done by directional boring taking extreme caution to avoid damage to the root structure. (*Note: LWC contractors are trained to use directional boring where applicable*)
 2. Trunk Protection (Limited Application) - Tree trunk protection shall be provided in accordance with detail. Tree trunk protection shall consist of any 2 x 4-inch or 2 x 6-inch planking or plastic strapping
 3. Tree Wells for Raised Grades - When existing grades are raised by more than ~~6 inches~~ **25% of the CRZ radius**, the tree root system shall be protected by the installation of tree wells in accordance with detail (to be provided). ~~Building materials (brick, stone, timber, etc.) similar to those utilized on site shall be used for the separator wall of the well and PVC conforming to ASTM D-2729, SDR-35 shall be used for the aeration systems in fill areas.~~ **(Relocated to C.4 below)**
 4. Cutting and Filling Around Trees - ~~When the depth of an excavation or embankment exceeds 6 inches within the drip line or CRZ of any tree with a diameter greater than 4 inches, a tree well shall be constructed to protect the tree as indicated on the tree preservation plan.~~ **A tree will not**

be considered toward meeting tree canopy requirements when existing grades are raised or lowered over more than 50% of the CRZ (25% of the radius) unless a tree well is constructed to protect the tree. Building materials (brick stone timber etc.) similar to those utilized on site shall be used for the separator wall of the well and PVC conforming to ASTM D-2729, SDR-35 shall be used for the aeration systems in fill areas.

5. Paving Around Trees - Where paving within the drip line of any tree greater than a 4 inch diameter is necessary, a permeable pavement and aeration system must be installed as indicated on the tree preservation plan, except for street construction. Permeable segmented pavers in conjunction with PVC pipe aeration system or concrete on gravel base with cored holes shall be used to protect existing tree root zones.
6. Other techniques as described by applicant and approved by the Planning Director or designee.

LAND ITEM #16 – VOTE 1 (Items #1 & 2)

Motion to approve LAND Item #16 made by Pat Dominik and seconded by David Proffitt at 4/22/14 meeting.

YES: John Torsky (alternate for James Peden), Donnie Blake, David Proffitt, Tara Brinkmoeller (2 votes; alternate for Chuck Kavanaugh and Matt Meunier), Pat Dominik, Kent Gootee (alternate for Kathy Linares), Gabe Fritz, Steve Porter, Deborah Bilitski and Barbara Sinai

NO: None

ABSTAIN: None

ABSENT: Jim King, Tom FitzGerald, Teena Halbig and Kevin Dunlap

LAND Item #16 was recommended for approval by a vote of: 11 in favor, 0 opposed, 0 abstentions and 4 absent.

LAND ITEM #16 – VOTE 2 (Section 10.1.6.C.3 changes)

Motion to approve LAND Item #16 made by David Proffitt and seconded by Steve Porter at 4/22/14 meeting.

YES: John Torsky (alternate for James Peden), Donnie Blake, David Proffitt, Tara Brinkmoeller (2 votes; alternate for Chuck Kavanaugh and Matt Meunier), Pat Dominik, Kent Gootee (alternate for Kathy Linares), Gabe Fritz, Steve Porter (2 votes; also alternate for Tom FitzGerald), Deborah Bilitski and Barbara Sinai

NO: None

ABSTAIN: None

ABSENT: Jim King, Teena Halbig and Kevin Dunlap

LAND Item #16 was recommended for approval by a vote of: 12 in favor, 0 opposed, 0 abstentions and 3 absent.

LAND ITEM #17 – Percent Change in TCPA (TCCA) (Option #1 Approved on 4/22/14)

Two proposed changes to this section emerged from the sub-committee. Both options are listed below and may be considered by the main committee. The main difference in the two options is the first option requires a change of less than 20% to be approved by PDS staff, while the second option automatically allows a change of less than 20% without any special approval required. Both options require Planning Commission approval for a greater than 20% change.

Section 10.1.6

- D. Percent change in TCPA - A threshold of change from development plan to construction plan will be considered as there are many unknowns at development plan stage (unforeseen site constraints, rock, utilities etc.). Percentage of change must be in keeping with the original intent of the TCPA shown on the plan. Percent of change from development plan to construction plan shall be no more than 10% of the original TCPA shown on the approved development plan. A change greater than 10% will require Planning Commission or designee approval.

OPTION 1: Change language to: Percent change in TCPA **TCCA** – A threshold of change from development plan to construction plan will be considered as there are many unknowns at development plan stage (unforeseen site constraints, rock, utilities etc.). Percentage of change must be in keeping with the original intent of the TCPA **TCCA** shown on the plan. Percent of change from development plan to construction plan ~~shall be no more than 10%~~ **of up to 20%** of the original TCPA **TCCA** shown on the approved development plan **may be approved by the Planning Director or designee, provided the minimum tree canopy requirements are still being met.** A change greater than ~~10%~~ **20%** will require Planning Commission or designee approval.

~~OPTION 2: Percent change in TCCA — A threshold of change from development plan to construction plan will be considered as there are many unknowns at development plan stage (unforeseen site constraints, rock, utilities etc.). Percentage of change must be in keeping with the original intent of the TCCA shown on the plan. Percent of change from development plan to construction plan shall be no more than 20% of the original TCCA shown on the approved development plan. A change greater than 20% will require Planning Commission or designee approval.~~

LAND ITEM #17 – VOTE

Motion to approve LAND Item #17 made by Steve Porter and seconded by Barbara Sinai at 4/22/14 meeting.

YES: John Torsky (alternate for James Peden), Donnie Blake, Tara Brinkmoeller (2 votes; alternate for Chuck Kavanaugh and Matt Meunier), Pat Dominik, Kent Gootee (alternate for Kathy Linares), Gabe Fritz, Steve Porter (2 votes; also alternate for Tom FitzGerald), Deborah Bilitski and Barbara Sinai

NO: David Proffitt

ABSTAIN: None

ABSENT: Jim King, Teena Halbig and Kevin Dunlap

LAND Item #17 was recommended for approval by a vote of: 11 in favor, 1 opposed, 0 abstentions and 3 absent.

LAND ITEM #18 – Tree Canopy Waivers (Approved on 4/22/14)

The sub-committee members have differing opinions about allowing waiver requests of tree canopy requirements. Some members want this entire section removed, while other members want it to remain with modifications. No consensus was reached on any single change to this section, but the main committee may certainly consider making changes to it if desired. The LDC committee decided to leave this section alone except for the two small modifications shown below.

10.1.8 Waivers

- A. The Planning Commission shall have the authority to grant waivers or modifications of the tree canopy requirements contained in this Part in accordance with Chapter 11 Part 8 of the Land Development Code.
- B. The Planning Commission's designee may waive the requirement for a public hearing and take action on requests for reduction of five (5) or fewer trees or a reduction constituting less than ten (10) percent of the total tree canopy requirement, whichever is **greater less**. Notice shall be sent in accordance with Chapter 11 Part 8 stating that a waiver request has been filed and that the Planning Commission's designee may waive the public hearing requirements and take action on the request.
- C. **Required Findings; In granting a waiver the Planning Commission's designee must find that:**
 1. The waiver is in compliance with the Comprehensive Plan.
 2. The applicant made a good faith effort to provide as many trees as possible on the site, on the adjacent right of way, or ~~on an alternative site~~ **another alternative method of compliance** as specified in 10.1.3; 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.

LAND ITEM #18 – VOTE

Motion to approve LAND Item #18 made by Deborah Bilitski and seconded by Tara Brinkmoeller at 4/22/14 meeting.

YES: John Torsky (alternate for James Peden), Donnie Blake, David Proffitt, Tara Brinkmoeller (2 votes; alternate for Chuck Kavanaugh and Matt Meunier), Pat Dominik, Kent Gootee (alternate for Kathy Linares), Gabe Fritz, Steve Porter (2 votes; also alternate for Tom FitzGerald), Deborah Bilitski and Barbara Sinai

NO: None

ABSTAIN: None

ABSENT: Jim King, Teena Halbig and Kevin Dunlap

LAND Item #18 was recommended for approval by a vote of: 12 in favor, 0 opposed, 0 abstentions and 3 absent.

LAND ITEM #19 – Applicability of Landscaping Regulations Section (Approved on 2/25/14)

The following changes are proposed to the section below:

1. Additional language added to paragraph A clarifying what types of existing development the section applies to.
2. Language of A.1-3 is being amended to be more consistent with tree canopy applicability section (10.1).
3. Remove B.1 & 2 and C.1 & 2. These sections are no longer needed if proposed changes to A.1-3 are accepted.
4. Removal of unnecessary sentence in last paragraph.

Section 10.2.2 Applicability

NEW DEVELOPMENT - No site development, building or structure shall hereafter be constructed nor vehicular use area (VUA) created unless landscaping is provided as required by the provisions of this part. Any building, structure or VUA that in its entirety is removed and reconstructed, or relocated to a new on-site location, shall be considered new development for purposes of this part. Any VUA that in its entirety is changed from gravel, stone or similar material to asphalt or concrete pavement shall be considered new development for purposes of this part.

A. Expansion or reconstruction of an Existing multi-family residential building, nonresidential building, or development is shall be subject to this part as defined below the requirements of this Part as follows:

1. Any increase/expansion of an existing building/structure's square footage by 20% or more Any development site on which there is an increase in building footprint or impervious surface area by more than fifty (50) percent or where a structure has been demolished and a new structure has been built in its place shall fully comply with the landscape requirements set forth in this part.
2. Any expansion of an existing VUA square footage by 20% or more or a change of 20% or more of VUA surface from gravel, stone, or similar material to asphalt or concrete pavement (semi-pervious pavers exempted) Any development site on which there is an increase in building footprint or impervious surface area by more than twenty (20) percent and less than fifty (50) percent- only the area of new improvements shall be subject to the requirements of this part.
3. Any increase in the combined square footage of building/structure and VUA (as described in #2) of 20% or more of the combined square footage. Any development site on which there is an increase in building footprint or impervious surface area by twenty (20) percent or less shall not be required to provide the landscaping required by this Part.

~~B. When such improvements are made, the following landscape provisions shall be required:~~

- ~~1. Expansion by greater than 20% and less than 50% - only the area of new improvements shall be subject to the requirements of this part.~~
- ~~2. Expansion by 50% or greater - the entire site shall be subject to the requirements of this part.~~

~~C. Small Sites (development which in its entirety occupies a site measuring no more than 10,000 square feet):~~

- ~~1. Expansion by greater than 20% and less than 50% - no landscaping required.~~
- ~~2. Expansion by greater than 50% - only the area of new improvements shall be subject to the requirements of this part.~~

CHANGE OF USE - Change in the use of property, from a use not required to provide landscaping and buffering to a use that is regulated by this part, shall necessitate the provision of landscaping and buffering as required by this part.

NON-CONFORMANCE - No changes shall be made to sites that do not conform to this Part of Chapter 10 that would increase the non-conformance with this part. Existing Landscape Buffer Areas, screening, and plant material on non-conforming sites that partially meet the requirements of this part shall be retained.

Planting and Buffering required in this Part can count towards requirements in other parts of this regulation. However, compliance with Chapter 10 Part 2 does not substitute for compliance with other applicable Parts of this regulation.

LAND ITEM #19 – VOTE

Motion to approve LAND Item #19 made by Kelli Jones and seconded by Barbara Sinai at 2/25/14 meeting.

YES: John Torsky (alternate for James Peden), Chuck Kavanaugh (2 votes; also alternate for Donnie Blake), Kathy Linares (2 votes; also alternate for Deborah Bilitski), Kelli Jones (2 votes; alternate for Pat Dominik and Gabe Fritz), Barbara Sinai (3 votes; also alternate for Steve Porter and Kevin Dunlap), Teena Halbig (2 votes; also alternate for Tom FitzGerald) and Matt Meunier

NO: None

ABSTAIN: None

ABSENT: Jim King and David Proffitt

LAND Item #19 was recommended for approval by a vote of: 13 in favor, 0 opposed, 0 abstentions and 2 absent.

LAND ITEM #20 – Landscape Buffer Area Requirements Met on Adjoining Property (Approved on 2/25/14)

Clarifying language is being relocated from another Chapter 10 section to paragraph B below regarding situations where landscaping requirements can be met on adjoining properties. See Item #26.

Section 10.2.3 Landscape Buffer Area Requirements

- A. Landscape Buffer Areas minimize the potential for nuisances created when zoning districts or land uses of varying intensities abut, and shall be required for all new construction subject to these regulations. Landscape Buffer Area requirements shall be applied along property or right-of-way lines and at the perimeter of Vehicular Use Areas. Landscape Buffer Areas shall also be applied adjacent to designated Parkways and Scenic Corridors.
- B. Landscape Buffer Areas shall be provided on the site of the more intense use or zoning district except when the more intense use was present prior to the effective date of this regulation. When more than one Landscape Buffer Area requirement applies, the more restrictive standards shall be used. **If the requirements of this chapter have been fully complied with on an adjoining property, the property owner is not required to duplicate them along the common boundary.**

LAND ITEM #20 – VOTE

Motion to approve LAND Item #20 made by Kathy Linares and seconded by Kelli Jones at 2/25/14 meeting.

YES: John Torsky (alternate for James Peden), Chuck Kavanaugh (2 votes; also alternate for Donnie Blake), Kathy Linares (2 votes; also alternate for Deborah Bilitski), Kelli Jones (2 votes; alternate for Pat Dominik and Gabe Fritz), Barbara Sinai (3 votes; also alternate for Steve Porter and Kevin Dunlap) and Matt Meunier

NO: Teena Halbig (2 votes; also alternate for Tom FitzGerald)

ABSTAIN: None

ABSENT: Jim King and David Proffitt

LAND Item #20 was recommended for approval by a vote of: 11 in favor, 2 opposed, 0 abstentions and 2 absent.

LAND ITEM #21 – Property Perimeter LBA's Apply to Zoning Boundaries (Approved on 4/22/14)

Correction to section below to indicate that property perimeter landscape buffer areas apply to differing zoning boundary lines rather than all property lines.

Section 10.2.4 Property Perimeter Landscape Buffer Areas

- A. **General Requirements:** Property Perimeter Landscape Buffer Areas shall be applied along all **property applicable zoning** boundaries, **as required by the Land Development Code**, of sites affected by this ordinance except for those boundaries adjacent to streets.

Zoning Districts and their associated land uses have been grouped into the following five intensity classes for the purpose of applying property perimeter Landscape Buffer Area requirements; refer to Table 10.2.1.

LAND ITEM #21 – VOTE

Motion to approve LAND Item #21 made by Tara Brinkmoeller and seconded by Kent Gootee at 4/22/14 meeting.
YES: John Torsky (alternate for James Peden), Donnie Blake, David Proffitt, Tara Brinkmoeller (2 votes; alternate for Chuck Kavanaugh and Matt Meunier), Pat Dominik, Kent Gootee (alternate for Kathy Linares), Steve Porter (2 votes; also alternate for Tom FitzGerald), Gabe Fritz, Deborah Bilitski and Barbara Sinai

NO: None

ABSTAIN: None

ABSENT: Jim King, Teena Halbig and Kevin Dunlap

LAND Item #21 was recommended for approval by a vote of: 12 in favor, 0 opposed, 0 abstentions and 3 absent.

LAND ITEM #22 – Landscape Buffer Intensity Class Chart (Approved on 2/25/14)

The following changes are proposed to the section below:

1. The W-3 Waterfront Zoning District has been added to Intensity Class 5 in Table 10.2.1 shown below.
2. Cell towers has been added to Intensity Class 5 in Table 10.2.1.
3. A note regarding the C-3 zoning district has been added below Table 10.2.1
4. CUP reference being relocated.

Table 10.2.1 Intensity Classes and Zoning Districts

INTENSITY CLASS	ZONING DISTRICTS
1	R-R, R-E, R-1, R-2, R-3, R-4, R-5, PRD, R-5B, PVD, PD (single family residential use)
2	R-5A, R-6, R-7, U-N, TNZD, Institutional Uses, PD (multi-family residential use)
3	R-8A, OR, OR-1, OR-2, OR-3, OTF, C-R, W-1 residential use ; W-2 (residential use), PD (office use)
4	C-N, C-1, C-2, M-1, C-M, PTD, W-1 (commercial use), W-2 (commercial use), PD (commercial use), PEC PEC (commercial use) ¹ , PRO ¹
5	M-2, M-3, EZ-1, PD (industrial use), PEC (industrial uses), W-1 (industrial use), W-2 (industrial use), W-3 , utility substations, landfills, treatment plants or similar uses, cell towers

STEP 1

Determine intensity class for the proposed use and adjacent sites.

¹-These Zoning Districts have additional landscape and buffering requirements.

Landscape buffer areas between C-3 zones (outside of Downtown Form District Louisville) could be added per the Planning Director as appropriate based on compatibility with surrounding uses.

~~CUP sites located in a residential zoning district shall provide buffering as per the requirements for uses permitted in the C-1 Zoning District, or alternative buffering and landscaping as approved by the Board of Zoning Adjustment. (This section being relocated to exceptions section (10.2.5))~~

Exceptions to the buffering requirements can be found in Section 10.2.5.

All development subject to this Part, as defined in Section 10.2.2, shall provide Landscape Buffer Areas and plantings as defined in Tables 10.2.2, 10.2.3 and 10.2.4. Associated with each Landscape Buffer Area requirement is a planting density requirement. The planting density requirement indicates the minimum amount of landscape material to be provided within each Landscape Buffer Area to ensure an appropriate screen.

These requirements may be modified as long as the area within the property perimeter landscape buffer contains an MSD approved Green Management Practice (GMP). In such a case, refer to Chapter 13: Native Revegetation in the MSD Design Manual (a link to document

found in Appendix 10A) for planting requirements. These modifications shall be approved by Planning Commission staff Landscape Architect.

LAND ITEM #22 – VOTE

Motion to approve LAND Item #22 made by Kelli Jones and seconded by Barbara Sinai at 2/25/14 meeting.

YES: John Torsky (alternate for James Peden), Chuck Kavanaugh (2 votes; also alternate for Donnie Blake), Kathy Linares (2 votes; also alternate for Deborah Bilitski), Kelli Jones (2 votes; alternate for Pat Dominik and Gabe Fritz), Barbara Sinai (3 votes; also alternate for Steve Porter and Kevin Dunlap), Teena Halbig (2 votes; also alternate for Tom FitzGerald) and Matt Meunier

NO: None

ABSTAIN: None

ABSENT: Jim King and David Proffitt

LAND Item #22 was recommended for approval by a vote of: 13 in favor, 0 opposed, 0 abstentions and 2 absent.

LAND ITEM #23 – Add Town Center Form District to Traditional Form Exception (Approved on 2/25/14)

Since Town Center is a traditional form district it is being added to the buffer width reduction afforded to the other traditional form districts under footnote number one.

Table 10.2.3 Property Perimeter Landscape Buffer Areas

Landscape Buffer Area Type	Width Options (in feet)	Planting Density Multiplier ²
A	5 ¹	2
	10	1.5
	15	1
B	10 ¹	1.5
	15	1.5
	20	1
C	15 ¹	1.5
	25	1.5
	35	1
D	25 ¹	1.5
	35	1.5
	50	1

STEP 3

Select Buffer Yard width option and associated planting multiplier.

¹ This option is only available in the Traditional Neighborhood, Traditional Workplace and Traditional Marketplace Corridor **and Town Center** Form Districts.

² The Planting Density Multiplier allows for a reduction in the size of Landscape Buffer Areas with a provision of an increased number of trees to offset the reduction in buffer width. (A "2" multiplier requires twice the number of trees to be planted as required in Table 10.2.4.)

LAND ITEM #23 – VOTE

Motion to approve LAND Item #23 made by Kathy Linares and seconded by Barbara Sinai at 2/25/14 meeting.

YES: John Torsky (alternate for James Peden), Chuck Kavanaugh (2 votes; also alternate for Donnie Blake), Kathy Linares (2 votes; also alternate for Deborah Bilitski), Kelli Jones (2 votes; alternate for Pat Dominik and Gabe Fritz), Barbara Sinai (3 votes; also alternate for Steve Porter and Kevin Dunlap), Teena Halbig (2 votes; also alternate for Tom FitzGerald) and Matt Meunier

NO: None

ABSTAIN: None

ABSENT: Jim King and David Proffitt

LAND Item #23 was recommended for approval by a vote of: 13 in favor, 0 opposed, 0 abstentions and 2 absent.

LAND ITEM #24 – Sidewalks Encroaching into LBA's (Approved on 4/22/14)

The changes below are proposed to the section that allows sidewalks to encroach into landscape buffer areas, and there is a clarification added to the retaining wall note below.

Section 10.2.4.B Explanatory Text and Exceptions

- i. Property perimeter Landscape Buffer Areas may contain walks, trails, or other similar elements, provided that the required plant material (as defined in the part to follow) is not eliminated, and the Landscape Buffer Area is at least **25 15 feet wide, and that there is a continuous 10 foot buffer.** Property perimeter Landscape Buffer Areas shall be free from all other development including buildings, parking, driveways or other structures except those attendant to public utility service within a dedicated *easement*. Outdoor storage or stockpiling of materials is not permitted within property perimeter Landscape Buffer Areas.

NOTE: Retaining walls are not permitted within a required landscape buffer area unless the retaining wall is 4' or under and the LBA is at least 25 feet wide.

LAND ITEM #24 – VOTE

Motion to approve LAND Item #24 made by Deborah Bilitski and seconded by Steve Porter at 4/22/14 meeting.

YES: John Torsky (alternate for James Peden), Donnie Blake, David Proffitt, Tara Brinkmoeller (2 votes; alternate for Chuck Kavanaugh and Matt Meunier), Pat Dominik, Kent Gootee (alternate for Kathy Linares), Steve Porter (2 votes; also alternate for Tom FitzGerald), Gabe Fritz, Deborah Bilitski and Barbara Sinai

NO: None

ABSTAIN: None

ABSENT: Jim King, Teena Halbig and Kevin Dunlap

LAND Item #24 was recommended for approval by a vote of: 12 in favor, 0 opposed, 0 abstentions and 3 absent.

LAND ITEM #25 – Utility Easement/ LBA Overlap Section (Approved on 4/22/14)

Changes to the section that allows utility easements and landscape buffer areas to overlap are shown below.

Section 10.2.4.B Explanatory Text and Exceptions

- iii. Utility easements (e.g., drainage, sewer, gas/electric) are allowed to encroach into as much as 50% of the required width of property perimeter Landscape Buffer Areas provided the required screening can still be achieved and the design of such facilities is compatible with the purpose of the Landscape Buffer Area. If work is required within the easements causing removal or damage of landscape materials (including any required fences, walls or berms), the property owner shall be responsible for replacement of materials according to the approved landscape plan. **Above ground utilities and easements such as overhead utility lines, access easements, and drainage easements for ditch and detention basins etc. may overlap more than 50% as long as the buffer width and the screening and planting requirements are met.** Type 'C' trees may be planted under overhead utility lines at a minimum spacing of 1 tree per 30 feet of lineal boundary with approval of utility company to meet perimeter tree planting requirement. **Plantings that may interfere with overhead electric transmission lines may not be planted directly underneath or adjacent to said transmission lines.**

LAND ITEM #25 – VOTE

Motion to approve LAND Item #25 made by Deborah Bilitski and seconded by Barbara Sinai at 4/22/14 meeting.

YES: John Torsky (alternate for James Peden), Donnie Blake, David Proffitt, Tara Brinkmoeller (2 votes; alternate for Chuck Kavanaugh and Matt Meunier), Pat Dominik, Kent Gootee (alternate for Kathy Linares), Steve Porter (2 votes; also alternate for Tom FitzGerald), Gabe Fritz, Deborah Bilitski and Barbara Sinai

NO: None

ABSTAIN: None

ABSENT: Jim King, Teena Halbig and Kevin Dunlap

LAND Item #25 was recommended for approval by a vote of: 12 in favor, 0 opposed, 0 abstentions and 3 absent.

LAND ITEM #26 – Relocation/Elimination of Section (Approved on 3/11/14)

Bold/underlined section below is being relocated to Section 10.2.4.B under Item #20. Remaining portion below is being eliminated from LDC. Additional language added below and also under Item #20.

Section 10.2.4.B Explanatory Text and Exceptions

- iv. ~~The landscape material and buffer area required generally shall be provided by the property owner of the higher intensity activity. If the higher intensity use is already developed and the landscape material and buffer area, required in Chapter 10 has not been provided, the lower intensity use shall provide the required landscaping. If the requirements of this chapter have been fully complied with on an adjoining property, the property owner is not required to duplicate them along the common boundary as long as the adjacent property owner commits in writing to preserving the screening/planting devices on their property.~~

LAND ITEM #26 – VOTE

Motion to approve LAND Item #26 made by Kelli Jones and seconded by Chuck Kavanaugh at 3/11/14 meeting.

YES: John Torsky (alternate for James Peden), Chuck Kavanaugh (2 votes; also alternate for Donnie Blake), David Proffitt, Kathy Linares (2 votes; also alternate for Matt Meunier), Cliff Ashburner (alternate for Deborah Bilitski), Kelli Jones (alternate for Pat Dominik) Gabe Fritz, Barbara Sinai, Steve Porter and Kevin Dunlap

NO: Teena Halbig (2 votes; also alternate for Tom FitzGerald)

ABSTAIN: None

ABSENT: Jim King

LAND Item #26 was recommended for approval by a vote of: 12 in favor, 2 opposed, 0 abstentions and 1 absent.

LAND ITEM #27 – Elimination of Section (Approved on 3/11/14)

The section below is being eliminated from the LDC.

Section 10.2.4.B Explanatory Text and Exceptions

- v. ~~Property perimeter Landscape Buffer Area requirements for schools, fire stations, and other similar community facilities structures shall be determined, as part of a Community Facility Review, and will be based on the form district, size (square feet), height, and location relative to adjacent land uses.~~

LAND ITEM #27 – VOTE

Motion to approve LAND Item #27 made by Chuck Kavanaugh and seconded by Gabe Fritz at 3/11/14 meeting.

YES: John Torsky (alternate for James Peden), Chuck Kavanaugh (2 votes; also alternate for Donnie Blake), David Proffitt, Kathy Linares (2 votes; also alternate for Matt Meunier), Cliff Ashburner (alternate for Deborah Bilitski), Kelli Jones (alternate for Pat Dominik) Gabe Fritz, Barbara Sinai, Steve Porter and Kevin Dunlap

NO: Teena Halbig (2 votes; also alternate for Tom FitzGerald)

ABSTAIN: None

ABSENT: Jim King

LAND Item #27 was recommended for approval by a vote of: 12 in favor, 2 opposed, 0 abstentions and 1 absent.

LAND ITEM #28 – Miscellaneous Changes to Exceptions Section (Approved on 3/11/14)

The following changes are proposed to the remainder of Section 10.2.4.B:

1. Renumbering of sections due to previous deletions.
2. Corrected reference to Chapter 10 in item vi.
3. Remove unnecessary sentence in item vii.
4. Cell tower item relocated to Intensity Class Table under Item #22.

Section 10.2.4.B Explanatory Text and Exceptions

- vi-iv. Private schools and churches are to be considered the same as Intensity Class 3 for the purposes of screening in accordance with this part.
- vii-v. 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.
- viii-vi. Screens specified in Table 10.2.4 shall consist of shrubs, fences, berms or walls, individually or in combination, that meet the requirements outlined in **Chapter 10** Part 4, Implementation Standards. Evergreen tree plantings can be substituted for landscape material specified in Table 10.2.4, placement and species to be approved by Planning Commission staff to ensure an effective screen. The planting density multiplier (Table 10.2.3) does not apply to the minimum screen height established in Table 10.2.4.
- ix-vii. In the PEC and PRO Zoning Districts (except for C-1 uses in the City of Jeffersontown): Unless a larger Landscape Buffer Area is required, a 15-ft wide Landscape Buffer Area shall be maintained at all side and rear property lines. The landscape strip shall be planted with a number of Large (Type A) or Medium (Type B) trees equal to 1 tree/75 Lineal feet of boundary. Trees do not have to be evenly spaced. ~~Instead, tree placement should be based on site characteristics and compatibility with other landscaping.~~
- x-viii. Property perimeter Landscape Buffer Areas, unless specifically prohibited, may also count toward other yard, or setback requirements found elsewhere in these regulations. Property perimeter Landscape Buffer Areas may count towards open space requirements in accordance with Chapter 10 Part 5.
- xi. ~~Cellular towers are considered the same as utility substations for the purposes of screening in accordance with this part.~~

LAND ITEM #28 – VOTE

Motion to approve LAND Item #28 made by Steve Porter and seconded by Kevin Dunlap at 3/11/14 meeting.

YES: John Torsky (alternate for James Peden), Chuck Kavanaugh (2 votes; also alternate for Donnie Blake), David Proffitt, Kathy Linares (2 votes; also alternate for Matt Meunier), Teena Halbig (2 votes; also alternate for Tom FitzGerald), Kelli Jones (alternate for Pat Dominik) Gabe Fritz, Barbara Sinai, Steve Porter and Kevin Dunlap

NO: None

ABSTAIN: None

ABSENT: Jim King and Deborah Bilitski

LAND Item #28 was recommended for approval by a vote of: 13 in favor, 0 opposed, 0 abstentions and 2 absent.

LAND ITEM #29 – Miscellaneous Changes to Exceptions Section (Approved on 3/11/14)

The following changes are proposed to the remainder of Section 10.2.4.B:

1. Renumbering of sections due to previous deletions.
2. Additional clarification added to number three below.
3. Amended number of units in number four and relocated ADI sentence to new number nine under this item.
4. New number seven created.
5. Number eight relocated from Item #22.
6. New number 10 added allowing variable width landscape buffers.

Section 10.2.4.B Explanatory Text and Exceptions

- xii-ix. Exceptions to Landscape Buffer Area requirements are as follows:
 1. Property perimeter Landscape Buffer Areas are not required in the Downtown Form District.
 2. Property perimeter Landscape Buffer Areas separating differing land uses within a Planned Development Zoning District shall not be required to meet the standards set forth in this Part but shall adhere to the Approved Master Plan for each development.

3. Landscape Buffer Area requirements are waived when a property boundary separates shared parking (as defined in Chapter 9) and may be reduced to a Type A buffer as indicated in Table 10.2.3 between parking when adjoining zoning districts are no more than 1 intensity category apart.
NOTE: "Type A" in part 3 refers to landscape buffer area in Table 10.2.3
4. If property in intensity class 2 is developed as patio or town homes with a maximum of ~~6~~ 4 units per building and no more than 2 stories, six foot high screening of adjacent single-family property is not required. (~~Landscaping for attached housing using the ADI regulations can be found in Chapter 4 Part 5.~~)
NOTE: Paragraph 4 exemption applies only to screening; trees specified in Table 10.2.4 are required.
5. When offsite buffering and plantings exist on adjoining property, they may be applied toward the sites landscape buffer planting requirements if the adjacent property owner agrees in writing to preserve the planting materials.
6. Perimeter property landscape buffers are not required between a multi-family residential zone and a single-family residential zone when the multi-family residential property is developed as a single-family residential use.
7. When non-residential uses are adjacent to each other, the screening is not required. The buffer width and tree requirements are still required per Tables 10.2.3 and 10.2.4.
8. CUP sites located in a residential zoning district shall provide buffering as per the requirements for uses permitted in the C-1 Zoning District, or alternative buffering and landscaping as approved by the Board of Zoning Adjustment.
9. Landscaping for attached housing using the ADI regulations can be found in Chapter 4 Part 5.
10. Landscape Buffer Areas can be variable as long as they were not reduced to a width less than 5', that there was no net loss of greenspace, and that the width was not varied more than 25% of the required width.

LAND ITEM #29 – VOTE

Motion to approve LAND Item #29 made by Steve Porter and seconded by Kevin Dunlap at 3/11/14 meeting.

YES: John Torsky (alternate for James Peden), Chuck Kavanaugh (2 votes; also alternate for Donnie Blake), David Proffitt, Kathy Linares (2 votes; also alternate for Matt Meunier), Cliff Ashburner (alternate for Deborah Billitski), Teena Halbig (2 votes; also alternate for Tom FitzGerald), Kelli Jones (alternate for Pat Dominik), Gabe Fritz, Barbara Sinai, Steve Porter and Kevin Dunlap

NO: None

ABSTAIN: None

ABSENT: Jim King

LAND Item #29 was recommended for approval by a vote of: 14 in favor, 0 opposed, 0 abstentions and 1 absent.

LAND ITEM #30 – Property Perimeter Planting, Minor Adjustments (Approved on 3/11/14)

The following changes are proposed to the section below:

1. Rephrasing in paragraph B.
2. Removed unnecessary portion of paragraph C.

Section 10.2.5 Property Perimeter Planting

- A. Planting within property perimeter Landscape Buffer Areas will serve a number of functions including screening, naturalizing, softening edges, and unifying architectural elements. Planting density requirements, as outlined in Table 10.2.4, have been established to allow for flexible design solutions while reinforcing the site design standards of each form district.
- B. In situations where a property perimeter Landscape Buffer Area slopes has an elevation change, the required plantings screening shall be located where the Planning Director or designated staff staff of the Planning Commission determines they will most effectively screen the more intensive uses.

- C. Existing landscape material which is proposed to be used to fulfill landscape requirements shall be shown on the required plan, and any plant material in satisfactory condition may be used to satisfy these requirements in whole or in part when, as determined by the Planning Director or designated staff ~~staff of the Planning Commission or the agency to whom it delegates authority such materials meet the requirements and achieves the objectives of this article.~~ Existing healthy trees may be substituted for trees required for property or Vehicular Use Area perimeter landscaping, or for interior landscaping by using Table 10.4.1 Credit for Existing Trees being Preserved.

LAND ITEM #30 – VOTE

Motion to approve LAND Item #30 made by Kelli Jones and seconded by Barbara Sinai at 3/11/14 meeting.

YES: John Torsky (alternate for James Peden), Chuck Kavanaugh (2 votes; also alternate for Donnie Blake), Kathy Linares (2 votes; also alternate for Matt Meunier), Teena Halbig (2 votes; also alternate for Tom FitzGerald), Kelli Jones (alternate for Pat Dominik), Gabe Fritz, Barbara Sinai, Steve Porter and Kevin Dunlap

NO: None

ABSTAIN: Cliff Ashburner (alternate for Deborah Bilitski)

ABSENT: Jim King and David Proffitt

LAND Item #30 was recommended for approval by a vote of: 12 in favor, 0 opposed, 1 abstention and 2 absent.

LAND ITEM #31 – Reorganizing of Section (Approved on 3/11/14)

The following changes proposed involve reorganizing of this section. Also, the second sentence in Paragraph C was relocated from Section 10.2.10 (Item #34).

Section 10.2.6 Other Uses And Structures Requiring Screening

- A. Screening shall be provided around all service structures (e.g., propane tanks, refuse disposal containers or dumpsters, heating/air conditioning units, electrical transformers, telecommunications boxes) that exceed 42 inches in height and 42 inches in width or are visible from adjoining property when located on roofs. ~~Loading docks and outdoor storage or maintenance yards shall also be screened when adjacent to any right-of-way or residential use or zone.~~
- B. No landscape material shall be planted closer than 5 feet from the sides of any electric transformer box and all landscape material shall be planted a minimum of 10 feet from the door of such boxes.
- C. **Loading docks and outdoor storage or maintenance yards shall also be screened when adjacent to any right-of-way or residential use or zone. Loading areas/docks are not required to be screened from adjacent industrial uses.**
- D. Screening shall consist of a continuous fence, wall, berm, evergreen planting, or combination thereof designed to blend in with the architecture (when roof mounted) or character of the area. (Evergreen plantings are not permitted for dumpster screening.) Planting beds, when provided for screening material, shall be at least 6 feet wide. The mature height of the screening material shall be one foot greater than the height of the enclosed service structure, but shall not be required to exceed eight feet in height.
- E. See Section 4.4.9 for refuse disposal container location and screening requirements.

LAND ITEM #31 – VOTE

Motion to approve LAND Item #31 made by Kelli Jones and seconded by Kathy Linares at 3/11/14 meeting.

YES: John Torsky (alternate for James Peden), Chuck Kavanaugh (2 votes; also alternate for Donnie Blake), Kathy Linares (2 votes; also alternate for Matt Meunier), Cliff Ashburner (alternate for Deborah Bilitski), Teena Halbig (2 votes; also alternate for Tom FitzGerald), Kelli Jones (alternate for Pat Dominik), Gabe Fritz, Barbara Sinai, Steve Porter and Kevin Dunlap

NO: None

ABSTAIN: None

ABSENT: Jim King and David Proffitt

LAND Item #31 was recommended for approval by a vote of: 13 in favor, 0 opposed, 0 abstention and 2 absent.

LAND ITEM #32 – Street Trees (Approved on 3/11/14)

The following changes are proposed to the section below:

1. Paragraph A is amended to remove an unnecessary part of the first sentence and to add a reference to street tree requirements in the Downtown Form District.
2. Language added in Paragraph A to allow Large and Medium trees along parkways and scenic corridors along Floyd's Fork.
3. A new paragraph D is added to recognize Section 10.6 Streetscape Master Plans.

Section 10.2.8 Street Trees

- A. **Mandatory:** Street trees are required for residentially zoned property along collector and arterial level roadways, ~~as specified in the applicable form district.~~ 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.** 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 regularly spaced and planted at a ratio of no less than 1 Large (Type A) tree per 50 lineal feet of right-of-way, or 1 Medium (Type B) tree per 40 lineal feet, or 1 Small (Type C) tree per 30 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).
- B. **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.
- D. **Please refer to Chapter 10 Part 6 for Streetscape Master Plans.**

LAND ITEM #32 – VOTE

Motion to approve LAND Item #32 made by Teena Halbig and seconded by Kevin Dunlap at 3/11/14 meeting.

YES: John Torsky (alternate for James Peden), Chuck Kavanaugh (2 votes; also alternate for Donnie Blake), Kathy Linares (2 votes; also alternate for Matt Meunier), Cliff Ashburner (alternate for Deborah Bilitski), Teena Halbig (2 votes; also alternate for Tom FitzGerald), Kelli Jones (alternate for Pat Dominik), Gabe Fritz, Barbara Sinai, Steve Porter and Kevin Dunlap

NO: None

ABSTAIN: None

ABSENT: Jim King and David Proffitt

LAND Item #32 was recommended for approval by a vote of: 13 in favor, 0 opposed, 0 abstention and 2 absent.

LAND ITEM #33 – Riparian Trees (Approved on 3/11/14)

Change one reference below from staff landscape architect to Planning Commission staff.

Section 10.2.9 Riparian Trees

- A. Suburban Form Districts. A tree canopy bonus shall be given for tree plantings meeting the minimum requirements of chapter 10 of the LDC. These bonuses shall be given for plantings within the middle and outer areas of the waterway buffer required for solid blue-line streams as outlined within Chapter 4, Part 8 of the LDC for buffers with little or no existing vegetation. The tree canopy bonuses are outlined below:

1. Middle Buffer – 10%
 2. Outer Buffer – 5%
- B. Traditional Form Districts. A tree canopy bonus of 10% may be obtained for additional tree plantings meeting the minimum requirements of chapter 10 of the LDC and approved by MSD to occur within the 25 foot buffer required adjacent to blue line streams. This bonus is applicable to new plantings within buffer areas with little or no existing vegetation. New tree plantings within 100 feet of the top of bank of the blue line stream and within an open space area may be approved at the discretion of the Planning Director or designated staff landscape architect for a 5% bonus for tree canopy calculations.

LAND ITEM #33 – VOTE

Motion to approve LAND Item #33 made by Kelli Jones and seconded by Barbara Sinai at 3/11/14 meeting.

YES: John Torsky (alternate for James Peden), Chuck Kavanaugh (2 votes; also alternate for Donnie Blake), Kathy Linares (2 votes; also alternate for Matt Meunier), Cliff Ashburner (alternate for Deborah Bilitski), Teena Halbig (2 votes; also alternate for Tom FitzGerald), Kelli Jones (alternate for Pat Dominik), Gabe Fritz, Barbara Sinai, Steve Porter and Kevin Dunlap

NO: None

ABSTAIN: None

ABSENT: Jim King and David Proffitt

LAND Item #33 was recommended for approval by a vote of: 13 in favor, 0 opposed, 0 abstention and 2 absent.

LAND ITEM #34 – Vehicle Use Area LBA's (Approved on 3/11/14)

The following changes are proposed to the section below:

1. Relocate last sentence in first paragraph to new paragraph A.
2. Label paragraphs after the Table (A & B).
3. Loading Docks reference after Table moved to Section 10.2.6 (Item #31).
4. Move Town Center from the suburban column to the traditional column in Table 10.2.6.
5. Divide Village into Village Center and Village Outlying in Table 10.2.6.

Section 10.2.10 Vehicular Use Area Landscape Buffer Areas

Landscape Buffer Areas have been established to reduce the visual impact of Vehicular Use Areas including parking lots, loading docks and service areas. VUA Landscape Buffer Area requirements have been established for each form district based on intensity. These Landscape Buffer Areas shall be provided between any lot containing a VUA and a roadway; and between any lot containing a VUA and any lot zoned for residential use. A five foot LBA shall be provided (containing a 6 foot continuous screen and 1 type A tree per 50 feet of lineal distance) between any lot containing a VUA and a non-residentially zoned lot with a first floor residential use.

Table 10.2.6 VUA Landscape Buffer Area Requirements

Area of VUA (sf)	Form District	Form District
	Downtown, <u>Village Center</u> , Traditional Neighborhood, Traditional Marketplace Corridor, Traditional Workplace, <u>Town Center</u>	Regional Center, Town Center , Suburban Marketplace Corridor, Neighborhood, Suburban Workplace, Campus, <u>Village Outlying</u>
up to 10,000	5-FT	5-FT
10,001-30,000	5-FT	10-FT
>30,000	10-FT	15-FT

- A. A five foot LBA shall be provided (containing a 6 foot continuous screen and 1 type A tree per 50 feet of lineal distance) between any lot containing a VUA and a non-residentially zoned lot with a first floor residential use.

~~Loading areas/docks are not required to be screened from adjacent industrial uses.~~

- B. Landscape Buffer Areas shall be placed at the edge of pavement (or back of curb if present) when the elevation of the VUA is equal to or higher than the adjacent property. When the VUA is constructed at a lower elevation than the adjacent property, the buffer shall be placed at the common property line.

LAND ITEM #34 – VOTE

Motion to approve LAND Item #34 made by Kathy Linares and seconded by Kelli Jones at 3/11/14 meeting.

YES: John Torsky (alternate for James Peden), Chuck Kavanaugh (2 votes; also alternate for Donnie Blake), Kathy Linares (2 votes; also alternate for Matt Meunier), Cliff Ashburner (alternate for Deborah Bilitski), Teena Halbig (2 votes; also alternate for Tom FitzGerald), Kelli Jones (alternate for Pat Dominik), Gabe Fritz, Barbara Sinai, Steve Porter and Kevin Dunlap

NO: None

ABSTAIN: None

ABSENT: Jim King and David Proffitt

LAND Item #34 was recommended for approval by a vote of: 13 in favor, 0 opposed, 0 abstention and 2 absent.

LAND ITEM #36 – Vehicular Use Area Interior Landscape Areas (VUA ILA's) **(Approved on 3/11/14; At 4/22/14 meeting three motions to revise recent 20 spaces decision failed)**

The following changes are proposed to the section below:

1. Correct a number error in the VUA table.
2. Increase minimum ILA size from 133 SF to 290 SF.
3. Eliminate 120 foot spacing rule. Replace with 20 spaces.

Section 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 & EZ-1 or in loading dock & truck maneuvering areas in Commercial and Office zones.

ILA shall be provided that in total area equals or exceeds the applicable minimum percentage of the vehicular use area, as specified in the following table:

<u>VUA Size</u>	<u>ILA Area</u>
--under 6,000 sq. ft. or containing < 10 parking spaces	0%
--6,000 - 12,000 sq. ft. or up to 20 parking spaces	5%
--if in a Traditional or Downtown Form District	(2.5%)
--12,000 1 - 30,000 sq. ft. or up to 100 parking spaces	7.5%
-- if in a Traditional or Downtown Form District	(5%)
--over 30,000 sq. ft. or 100 parking spaces	7.5%

Any landscape area surrounded by or projecting into a Vehicular Use Area can be used to meet interior landscape area requirements provided they are no less than ~~133~~ **290** sq. ft. in area and no less than 8 feet in either dimension. Smaller interior landscape areas are not prohibited, but will not count toward interior landscape area requirements.

The maximum distance between interior landscape areas shall apply as follows:

- A. VUAs under 12,000 sq. ft. or less than 20 parking spaces - no maximum
- B. VUAs of 12,000 sq. ft. or over or 20 or more parking spaces - ~~120 feet~~ **20 spaces**

The maximum distance shall be determined by measuring both:

- A. radially from the closest perimeter landscaping area curb edge, and
- B. lineally in each row of parking spaces from the closest curb edge of each ILA.

LAND ITEM #36 – VOTE

Motion to approve LAND Item #36 made by Chuck Kavanaugh and seconded by Kevin Dunlap at 3/11/14 meeting.

YES: John Torsky (alternate for James Peden), Chuck Kavanaugh (2 votes; also alternate for Donnie Blake), Kathy Linares (2 votes; also alternate for Matt Meunier), Cliff Ashburner (alternate for Deborah Bilitski), Kelli Jones (alternate for Pat Dominik), Gabe Fritz, Barbara Sinai, and Kevin Dunlap

NO: Steve Porter and Teena Halbig (2 votes; also alternate for Tom FitzGerald)

ABSTAIN: None

ABSENT: Jim King and David Proffitt

LAND Item #36 was recommended for approval by a vote of: 10 in favor, 3 opposed, 0 abstention and 2 absent.

LAND ITEM #37 – VUA ILA Planting Requirements (GMP additions) (Approved on 4/22/14)

Two paragraphs related to the green management practices proposal have been added below. The parking reduction will also be listed in Chapter 9 with other parking reduction opportunities.

Section 10.2.13 VUA Interior Landscape Area Planting Requirements

When interior landscape areas are required, one Medium or Large deciduous tree shall be provided for every 4,000 square feet of vehicular use area. The ground plane of all interior landscape areas shall be planted using either shrubs, ground cover, or turf. All plant material used to satisfy these requirements shall conform to the standards found in Chapter 10, Part 4, Implementation Standards.

Light poles, sidewalks, benches or other landscape design elements are permitted in the interior landscape areas provided they do not occupy more than 25% of any one interior landscape area or reduce the width of any planted area to less than 4 feet. Provision of such facilities does not reduce the number of required trees.

For sites utilizing bio-retention areas as ILA's, the required ILA trees may be relocated adjacent to an impervious surface on the site. However, the number of relocated ILA trees shall not exceed 25% (1 A/B type tree per every 4,000 sf) from what is required in this part. Plantings shall be per the MSD Green Management Practice Manual.

A 10% reduction in required parking is allowable if the VUA exceeds 6,000 Sq. Ft. and 25% of the required ILA is depressed bio-retention areas and is utilized for stormwater management. Depressed bio-retention areas can be used to meet the MSD Design Standards stormwater pretreatment requirements.

NOTE: the following requirement of Chapter 9, Part 1 may require additional interior landscape area:

~~Developments that provide more than fifty (50) off-street parking spaces and exceed the minimum number of parking spaces required by this Part shall either:~~

- ~~a. Surface a portion of its total parking area proportional to the extent to which the minimum number of parking spaces is exceeded using concrete; or~~
- ~~b. Surface the parking spaces in excess of the minimum using semi-pervious paving systems, or locate those parking spaces in excess of the minimum within parking structures or elevator parking systems; or~~
- ~~c. Provide 25% more trees within the required Interior Landscape Area (ILA) than is otherwise required by Chapter 10 of the Land Development Code for the site's entire parking area. The trees provided shall be Type A trees that maximize the amount of shade that is provided within the parking area. Additionally, the ILA's shall be designed to maximize their ability to absorb the site's stormwater runoff in an effort to improve the water quality of the stormwater runoff and to provide an adequate water supply to ensure the long term health of the canopy trees.~~

Developments that provide more than fifty (50) off-street parking spaces and exceed the minimum number of parking spaces required by this Part shall either:

- a. ~~Surface a portion of its total parking area proportional to the extent to which the minimum number of parking spaces is exceeded using concrete; or~~
- b. ~~Surface the parking spaces in excess of the minimum using semi-pervious paving systems, or locate these parking spaces in excess of the minimum within parking structures or elevator parking systems; or~~

Provide 25% more trees within the required Interior Landscape Area (ILA) than is otherwise required by Chapter 10 of the Land Development Code for the site's entire parking area. **An additional tree shall be provided for every four (4) parking spaces above the minimum number of parking spaces required by this Part, up to 25% more trees than would otherwise be required.** The trees provided shall be Type A trees that maximize the amount of shade that is provided within the parking area. Additionally, the ILA's shall be designed to maximize their ability to absorb the site's stormwater runoff in an effort to improve the water quality of the stormwater runoff and to provide an adequate water supply to ensure the long term health of the canopy trees. The Planning Commission may modify this requirement if the applicant demonstrates that an alternative site design, surfacing material or facility type offers greater environmental benefits than those associated with the requirements in this Part.

The Planning Commission may modify this requirement if the applicant demonstrates that an alternative site design, surfacing material or facility type offers greater environmental benefits.

LAND ITEM #37 – VOTE

Motion to approve LAND Item #37 made by Steve Porter and seconded by Barbara Sinai at 4/22/14 meeting.

YES: John Torsky (alternate for James Peden), Donnie Blake, David Proffitt, Tara Brinkmoeller (3 votes; alternate for Chuck Kavanaugh, Matt Meunier and Deborah Bilitski), Pat Dominik, Kent Gootee (alternate for Kathy Linares), Steve Porter (2 votes; also alternate for Tom FitzGerald), Gabe Fritz, and Barbara Sinai

NO: None

ABSTAIN: None

ABSENT: Jim King, Teena Halbig and Kevin Dunlap

LAND Item #37 was recommended for approval by a vote of: 12 in favor, 0 opposed, 0 abstentions and 3 absent.

LAND ITEM #38 – Screening Options in Suburban Workplace Form District (Approved on 3/25/14)

A change is proposed below to allow compliance with paragraph 2 to occur using a fence, hedge or wall in addition to a berm.

Section 10.2.16 Form District Specific Landscape Requirements

The following form district specific landscape requirements apply regardless of the applicability of general chapter 10 requirements.

1. See Section 7.1.84 for new single family residential subdivisions within a Suburban Workplace Form District.
2. Per Chapter 5 Part 5 regardless of the applicability of Chapter 10 requirements the following shall apply. When a property is located in the Suburban Workplace Form District. Industrial uses, including structures, loading and truck parking areas, and outdoor storage located within 200 feet of and having a common lot line with residentially used or zoned parcels shall include a 50 foot landscape buffer area with a 6 foot **screen (e.g. fence, hedge, berm, wall, etc.)** and canopy trees as required by planting density 1. ~~In cases where trees are to be preserved within the 50 foot landscape buffer, staff landscape architect may waive the need for the six foot berm and replace it with another acceptable continuous screening landscape element (e.g. fence, hedge, etc.). (NOTE: Same addition will be added to Section 5.5.4 B.1.)~~
3. See Section 5.4.2.B.1.b for additional landscape buffer requirement in Suburban Form Districts.
4. In the Town Center Form District perimeter masonry walls or a combination of masonry wall and landscaping between residential uses may be substituted for the required property perimeter buffer yard to promote a more compact pattern of development.

LAND ITEM #38 – VOTE

Motion to approve LAND Item #38 made by Steve Porter and seconded by Teena Halbig at 3/25/14 meeting.

YES: Donnie Blake (2 votes; also alternate for David Proffitt), Tara Brinkmoeller (alternate for Chuck Kavanaugh), Kathy Linares (2 votes; also alternate for Matt Meunier), Teena Halbig, Steve Porter (2 votes; also alternate for Tom FitzGerald), Kelli Jones (alternate for Pat Dominik), Barbara Sinai, and Kevin Dunlap

NO: None

ABSTAIN: None

ABSENT: Jim King, James Peden, Deborah Bilitski and Gabe Fritz

LAND Item #38 was recommended for approval by a vote of: 11 in favor, 0 opposed, 0 abstention and 4 absent.

LAND ITEM #39 – Applicability Section (Approved on 2/25/14)

Impervious surface area is replacing vehicle use area in the section below.

Section 10.3.2 Applicability

The requirements of this Part shall apply to all new development, the demolition and reconstruction of an existing building, and the expansion of an existing building or ~~vehicle use~~ **impervious surface** area by more than fifty (50) percent that is adjacent to the *Gene Snyder Freeway* or any corridor designated as a *Parkway*, ~~*Olmsted Parkway*~~ or *Scenic Corridor*.

LAND ITEM #39 – VOTE

Motion to approve LAND Item #39 made by Kelli Jones and seconded by Teena Halbig at 2/25/14 meeting.

YES: John Torsky (alternate for James Peden), Chuck Kavanaugh (2 votes; also alternate for Donnie Blake), Kathy Linares (2 votes; also alternate for Deborah Bilitski), Kelli Jones (2 votes; alternate for Pat Dominik and Gabe Fritz), Barbara Sinai (3 votes; also alternate for Steve Porter and Kevin Dunlap), Teena Halbig (2 votes; also alternate for Tom FitzGerald) and Matt Meunier

NO: None

ABSTAIN: None

ABSENT: Jim King and David Proffitt

LAND Item #39 was recommended for approval by a vote of: 13 in favor, 0 opposed, 0 abstentions and 2 absent.

LAND ITEM #40 – Parkway Development Standards (Items 1, 2, 3 & 5 approved & Item 4 rejected on 2/25/14)

The following changes are proposed to the section below:

1. Add mixed-use to nonresidential row in Table 10.3.1.
2. Changes throughout to allow berming as a screening option, rather than a requirement.
3. Remove Olmsted Parkway from A.3 below. Metro Parks is not requesting additional buffering in this situation. (See LAND Item #43)
4. ~~In A.6 below amend the percentage of trees required to be evergreen.~~
5. In A.7 remove distance to right-of-way and replace with within required setback.

The group discussed increasing the percentage of frontage that must be planted, as shown in Table 10.3.1, but no consensus was reached and no change is proposed at this time. Table 10.3.1 currently requires 1/3 (or 33%) of the frontage to be planted, but the group discussed increasing that to 60-80%, but as mentioned no agreement was reached.

Section 10.3.5 Parkway Development Standards

All new development and expansion of existing developments as prescribed in Section 10.3.2, above, shall meet the following requirements.

A. Parkway Setbacks, Buffering and Landscaping Requirements

1. Parkway setbacks, buffering and landscaping shall be required in accordance with Table 10.3.1, below.

Table 10.3.1

Type of Development	Required Setback	Required Buffer	Required Landscaping
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Area			
Single Family Residential	75 feet	50 feet	1 Type A tree for each 40 feet of road frontage.
Multi-family Residential	75 feet	50 feet	1 Type A tree for each 40 feet of road frontage and a visually continuous berm as needed to screen <u>adjacent to</u> the vehicle use area with an average height of at least 3 feet and shrub massings on or fronting the berm <u>screening device</u> with at least 1/3 of the frontage length planted.
Nonresidential & <u>Mixed-Use</u>	30 feet	30 feet	1 Type A tree for each 40 feet of road frontage and a visually continuous berm as needed to screen <u>adjacent to</u> the vehicle use area with an average height of at least 3 feet and shrub massings on or fronting the berm <u>screening device</u> with at least 1/3 of the frontage length planted.

NOTE: The Required Buffer Area is located within and is part of the Required Setback.

2. When the requirements of this Part specify the use of Type A trees in areas where existing overhead utility lines make the use of Type A trees impractical, Type B trees may be substituted at a rate of one tree for each thirty (30) linear feet of road frontage and Type C trees at a rate of one tree for each fifteen (15) feet of road frontage.
3. A fifteen (15) foot parkway buffer area and its corresponding required landscaping shall be required for the first one hundred (100) linear feet of any street intersecting a Parkway unless that street is a designated ~~Olmsted Parkway~~, Scenic Corridor or the Gene Snyder Freeway, in which case the specific buffering and landscaping requirements for those corridors shall be applicable.
4. ~~The average height of the required berm may be increased by up to three additional feet (up to six feet in total height) upon a finding by the Planning Director that a taller berm is necessary to effectively screen the vehicle use area due to the site's topography in relation to the roadway. The required berm may be replaced by a continuous fence, wall or hedge when the Planning Director finds that the proposed modification is in character with nearby developments or allows for tree preservation that would not be possible if a berm was provided.~~
5. All parkway setbacks and buffer areas shall be measured from the property line adjacent to the right-of-way of the Parkway.
6. Required plantings shall consist of a mix of deciduous and evergreen trees so as to provide for the corridor's visual interests on a year round basis. ~~For non-residential development a~~ minimum 10% of the required trees shall be evergreen. ~~For residential development a minimum 30% of the required trees shall be evergreen. (Changes shown in this part were rejected.)~~
7. No tree clearing, construction, or re-grading shall take place within ~~one hundred (100) feet of the right-of-way~~ required setback prior to landscape plan approval, except that utility maintenance and landscape maintenance required for public health and activities ordinarily associated with surveying and similar preliminary site analysis shall be permitted.
8. Parkway buffer areas shall be set aside to accommodate the required landscape and buffering materials. No vehicle use areas, except for necessary driveway crossings, or buildings or structures, except for fences, walls and structures attendant to public utility services, shall be permitted within a required parkway buffer area. Freestanding signs shall be permitted within a required parkway buffer area. Retention or detention basins may occupy no more than 50% of the required width of any parkway buffer area.

9. Required parkway setbacks shall apply to buildings, excluding accessory structures less than one hundred (100) square feet in area. They shall not apply to vehicle use areas.
10. Parkway plantings must be installed within 6 months or next available planting season per PDS staff, from the issuance of the site disturbance/clearing and grading permit.

LAND ITEM #40 – VOTE

Motion to approve LAND Item #40 made by Kelli Jones and seconded by Kathy Linares at 2/25/14 meeting.

YES: John Torsky (alternate for James Peden), Chuck Kavanaugh (2 votes; also alternate for Donnie Blake), Kathy Linares (2 votes; also alternate for Deborah Bilitski), Kelli Jones (2 votes; alternate for Pat Dominik and Gabe Fritz), Barbara Sinai (3 votes; also alternate for Steve Porter and Kevin Dunlap), Teena Halbig (2 votes; also alternate for Tom FitzGerald) and Matt Meunier

NO: None

ABSTAIN: None

ABSENT: Jim King and David Proffitt

LAND Item #40 was recommended for approval by a vote of: 13 in favor, 0 opposed, 0 abstentions and 2 absent.

LAND ITEM #41 – Scenic Corridor Development Standards (Items 1, 2, 3, 5 & 6 approved & Item 4 rejected on 2/25/14)

The following changes are proposed to the section below:

1. Add a reference to Floyd's Fork DRO section in A.1 below.
2. Changes throughout to allow berming as a screening option, rather than a requirement.
3. Remove Olmsted Parkway from A.4 below. Metro Parks is not requesting additional buffering in this situation. (See Item #43)
4. ~~In A.7 below amend the percentage of trees required to be evergreen.~~
5. In A.8 remove distance to right-of-way and replace with within required setback.
6. In A.9 remove scenic corridor reference and replace with within required setback.

Section 10.3.6 Scenic Corridor Development Standards

All new development and expansion of existing developments as prescribed in Section 10.3.2, above, shall meet the following requirements.

A. Scenic Corridor Setbacks, Buffering and Landscaping Requirements

1. Scenic corridor setbacks, buffering and landscaping shall be required in accordance with Table 10.3.2, below, except that any scenic corridor located within a Special District that has scenic corridor development standards created specifically for that Special District shall adhere to the standards applicable to that Special District **(e.g. See Chapter 3 Floyds Fork DRO).**

Table 10.3.2

Type of Development		Required Setback	Required Buffer Area	Required Landscaping
Residential	Major Subdivisions and Multi-Family <i>(a developer shall have the option of choosing between the 50 or 200 foot buffer areas and their corresponding planting areas and landscaping.)</i>	50 feet	30 feet*	Any combination of preserved vegetation, newly installed trees and shrubs and berms that will create a continuous visual barrier to a height of 6 feet upon maturity. At least one Type A tree must be provided for every 40 feet of buffer length. *The 30 foot required buffer area may be reduced to 20 feet if a privacy fence, at least 6 feet in height, is provided at the rear of the buffer area (the side not adjacent to the right-of-way) and some combination of preserved vegetation and newly installed trees and shrubs is provided so that at least 75% of the surface area of the fence is screened upon maturity as seen from the scenic corridor. At least one Type A tree must be provided for every 40 feet of buffer length.
		200 feet	None	1 Type B or C tree for each 25 feet of building façade visible from the scenic corridor (to be located between the scenic corridor and the structure) and 1 Type A tree for each 50 feet of scenic corridor road frontage (street trees) to be located within 15 feet of the right-of-way.
	Single Family Residences on Preexisting or Minor Platted Lots	50 feet	None	1 Type B or C tree for each 25 feet of building façade visible from the scenic corridor (to be located between the scenic corridor and the structure) and 1 Type A tree for each 50 feet of scenic corridor road frontage (street trees) to be located within 15 feet of the right-of-way.
Nonresidential		40 feet	25 feet	1 Type A tree for each 40 feet of scenic corridor road frontage and a visually continuous berm as needed to screen the adjacent to the vehicle use area with an average height of at least 3 feet and shrub massings on or fronting the berm <u>screening device</u> with at least 1/3 of the frontage length planted.

2. When the requirements of this Part specify the use of Type A trees in areas where existing overhead utility lines make the use of Type A trees impractical, Type B trees may be substituted at a rate of one tree for each thirty (30) linear feet of road frontage and Type C trees at a rate of one tree for each fifteen (15) feet of road frontage.
3. All scenic corridor setbacks and buffer areas shall be measured from the property line adjacent to the right-of-way of the scenic corridor.
4. All scenic corridor buffer areas and landscaping requirements shall be applicable to the first fifty (50) linear feet of any intersecting street unless that street is a designated Parkway, ~~Olmsted Parkway~~ or the Gene Snyder Freeway, in which case the specific buffering and landscaping requirements for those corridors shall be applicable.
5. All required landscaping shall be located within the required buffer area except where explicitly stated otherwise.
6. ~~The berm required to screen the vehicle use area of non-residential developments may be replaced by a continuous fence, wall or hedge when the Planning Director finds that the proposed modification is in character with nearby developments or allows for tree preservation that would not be possible if a berm was provided.~~
7. Plantings shall consist of a mix of deciduous and evergreen trees so as to provide for the corridor's visual interests, whether it be screening or creating a filtered view from the roadway, on a year round basis. ~~For non-residential development a minimum 10% of the required~~

~~trees shall be evergreen. For residential development a minimum 30% of the required trees shall be evergreen. (Changes shown in this part were rejected.)~~

8. No tree clearing, construction, or re-grading shall take place within ~~forty (40) feet of the right-of-way~~ the required setback prior to landscape plan approval, except that utility maintenance and landscape maintenance required for public health and activities ordinarily associated with surveying and similar preliminary site analysis shall be permitted.
9. Scenic corridor buffer areas shall be set aside to accommodate the required landscape and buffering materials. No vehicle use areas, except for necessary driveway crossings, or buildings or structures, except for fences permitted by this Section and structures attendant to public utility services, shall be permitted within a ~~required scenic corridor buffer area~~ required setback. Freestanding signs shall be permitted within a required scenic corridor buffer area. Retention or detention basins may occupy no more than 50% of the required width of any scenic corridor buffer area.
10. Required scenic corridor setbacks shall apply to buildings, excluding accessory structures less than one hundred (100) square feet in area. They shall not apply to vehicle use areas.
11. Scenic corridor plantings must be installed within 6 months or next available planting season per PDS staff, from the issuance of the site disturbance/clearing and grading permit.

B. Signage

All signage shall be in accordance with Chapter 8 "Sign Regulations" and with all other applicable provisions of the Land Development Code.

C. Fences

1. Chain-link fences shall not be permitted within the scenic corridor buffer area.
2. Privacy fences shall only be permitted within the scenic corridor buffer area as explicitly permitted in Table 10.3.2.
3. Three and four board wood fences, sometimes called "horse fences", wire fences traditionally used to secure livestock, and stone or masonry fences less than four feet in height shall be permitted within the scenic corridor buffer area.

Note: For the purposes of this Part "privacy fence" shall mean any fence made of wood or other material whose primary purpose is to block or substantially reduce or obstruct visibility. This definition includes stone and masonry walls, except as provided in C.3. of this Section.

D. Road Improvements

As development occurs adjacent to the community's scenic corridors, road improvements may be required to provide for the safety of those facilities. As these improvements occur, special consideration shall be given to preserving / maintaining the existing character of the corridor. The following aspects shall be considered when making such improvements.

1. Limiting land disturbance to only those areas necessary for road improvements to occur. This may require the use of construction fencing to protect existing trees located in the right-of-way and on private property.
2. Maintaining the existing streetscape of the corridor. This may require applying for an encroachment permit to establish vegetation in the right-of-way and locating pedestrian facilities so as to maximize tree preservation. Meandering sidewalks are specifically permitted and encouraged.

LAND ITEM #41 – VOTE 1

Motion to approve LAND Item #41 made by Kelli Jones and seconded by Kathy Linares at 2/25/14 meeting.

YES: John Torsky (alternate for James Peden), Chuck Kavanaugh (2 votes; also alternate for Donnie Blake), Kathy Linares (2 votes; also alternate for Deborah Bilitski), Kelli Jones (2 votes; alternate for Pat Dominik and Gabe Fritz), Barbara Sinai (3 votes; also alternate for Steve Porter and Kevin Dunlap), Teena Halbig (2 votes; also alternate for Tom FitzGerald) and Matt Meunier

NO: None

ABSTAIN: None

ABSENT: Jim King and David Proffitt

LAND Item #41 was recommended for approval by a vote of: 13 in favor, 0 opposed, 0 abstentions and 2 absent.

LAND ITEM #41 – VOTE 2 (Leave #4 as is)

Motion to approve LAND Item #41 made by Kelli Jones and seconded by Kathy Linares at 2/25/14 meeting.

YES: John Torsky (alternate for James Peden), Chuck Kavanaugh (2 votes; also alternate for Donnie Blake), Kathy Linares (2 votes; also alternate for Deborah Bilitski), Kelli Jones (2 votes; alternate for Pat Dominik and Gabe Fritz), Barbara Sinai (3 votes; also alternate for Steve Porter and Kevin Dunlap), and Matt Meunier

NO: Teena Halbig (2 votes; also alternate for Tom FitzGerald)

ABSTAIN: None

ABSENT: Jim King and David Proffitt

LAND Item #41 was recommended for approval by a vote of: 11 in favor, 2 opposed, 0 abstentions and 2 absent.

LAND ITEM #42 – Gene Snyder Freeway Development Standards (Approved on 2/25/14)

The following change is proposed to the section below:

1. Removed a reference to berm in A.8.

Section 10.3.7 Gene Snyder Freeway Development Standards

All new development and expansion of existing developments as prescribed in Section 10.3.2, above, shall meet the following requirements.

A. Gene Snyder Freeway Setbacks, Buffering and Landscaping Requirements

1. Gene Snyder Freeway setbacks, buffering and landscaping shall be required in accordance with Table 10.3.3, below.

Table 10.3.3

Type of Development	Required Setback	Required Buffer Area	Required Landscaping
All Development	See Chapter 5 Part 1 (Form District Regulations) for residential Setback requirements.	50 feet	1 Type A or B tree for each 30 feet of road frontage and 1 large shrub for each 20 feet of road frontage

2. All Gene Snyder Freeway setbacks and buffer areas shall be measured from the property line adjacent to the right-of-way of the Freeway.
3. At least seventy-five (75) percent of the trees and shrubs being planted to meet the requirements of this Part shall be native to this area. DPDS staff shall provide applicants/developers with guidance as to which vegetative species are appropriate to be used to meet this requirement.
4. Plantings may be grouped together so as to be natural in style and are intended to partially screen the buildings from the Freeway in an effort to provide for the visual interest of the corridor.
5. At least twenty-five (25) percent of the trees required by this Part shall be evergreen trees so as to partially screen development from the Freeway on a year round basis.
6. No tree clearing, construction, or re-grading shall take place within fifty (50) feet of the right-of-way prior to landscape plan approval, except that utility maintenance and landscape maintenance required for public health and activities ordinarily associated with surveying and similar preliminary site analysis shall be permitted.
7. Preservation of existing vegetation is the preferred means of meeting the screening objective. When preservation occurs, the applicant shall provide as part of the tree preservation plan an existing tree survey that depicts the general location, species mix, and typical size of existing

stands of trees that are proposed to be retained. Photographs showing the general quality of the buffer area's existing vegetation shall also be provided.

8. In those instances that because of a site's topography in relation to the freeway vegetation alone will not provide for effective screening between a development and the Freeway, the Planning Commission or its designee may require ~~a berm~~ or other screening measures in addition to the plantings required by this Section.
 9. All required setbacks, buffer areas and vegetation applicable to the Gene Snyder Freeway shall also be applicable to all Gene Snyder Freeway access ramps.
 10. Gene Snyder Freeway buffer areas shall be set aside to accommodate the required landscape and buffering materials. No vehicle use areas, buildings or structures, except for fences or walls permitted by this Section and structures attendant to public utility services, shall be permitted within a required Gene Snyder Freeway buffer area. Retention or detention basins may occupy no more than 50% of the required width of the Freeway buffer area.
 11. Gene Snyder plantings must be installed within 6 months or next available planting season per PDS staff, from the issuance of the site disturbance/clearing and grading permit.
 12. In the event that the GMP is utilized within the Gene Snyder Freeway Buffer, the trees may be selected from Chapter 13: Native Revegetation from the MSD Design Manual (a link to document found in Appendix 10A).
- B. **Signage**
All signage shall be in accordance with Chapter 8 "Sign Regulations" and with all other applicable provisions of the Land Development Code.
- C. **Fences**
1. All privacy fences shall be setback at least thirty (30) feet from the right-of-way line of the Freeway and all of the required plantings shall be located between the Freeway and the fence.
 2. Where conditions permit, any fences or walls constructed to mitigate noise levels on adjacent or nearby properties shall provide the required trees and shrubs between the Freeway right-of-way and the fence or wall.

LAND ITEM #42 – VOTE

Motion to approve LAND Item #42 made by Kathy Linares and seconded by Chuck Kavanaugh at 2/25/14 meeting.

YES: John Torsky (alternate for James Peden), Chuck Kavanaugh (2 votes; also alternate for Donnie Blake), Kathy Linares (2 votes; also alternate for Deborah Bilitski), Kelli Jones (2 votes; alternate for Pat Dominik and Gabe Fritz), Barbara Sinai (3 votes; also alternate for Steve Porter and Kevin Dunlap), Teena Halbig (2 votes; also alternate for Tom FitzGerald) and Matt Meunier

NO: None

ABSTAIN: None

ABSENT: Jim King and David Proffitt

LAND Item #42 was recommended for approval by a vote of: 13 in favor, 0 opposed, 0 abstentions and 2 absent.

LAND ITEM #43 – Olmsted Parkways – Remove from Ch. 10 (Approved on 2/25/14)

After reviewing the development standards desired by Metro Parks with regard to the Olmsted Parkways it became apparent that the standards are not directly related to landscaping and do not belong in Chapter 10. For that reason, the sub-committee proposes to eliminate Section 10.3.8, which exists as a title only. It may be appropriate to form a group of PDS staff, Metro Parks staff, and any other interested party to take a more focused look at potential Olmsted Parkways development standards, their appropriate location within the LDC, and any impacts they might have on the other sections of the LDC and the community in general.

Section 10.3.8 Olmsted Parkway Development Standards (RESERVED)

LAND ITEM #43 – VOTE

Motion to approve LAND Item #43 made by Kelli Jones and seconded by Barbara Sinai at 2/25/14 meeting.

YES: John Torsky (alternate for James Peden), Chuck Kavanaugh (2 votes; also alternate for Donnie Blake), Kathy Linares (2 votes; also alternate for Deborah Bilitski), Kelli Jones (2 votes; alternate for Pat Dominik and Gabe Fritz),

Barbara Sinai (3 votes; also alternate for Steve Porter and Kevin Dunlap), Teena Halbig (2 votes; also alternate for Tom FitzGerald) and Matt Meunier

NO: None

ABSTAIN: None

ABSENT: Jim King and David Proffitt

LAND Item #43 was recommended for approval by a vote of: 13 in favor, 0 opposed, 0 abstentions and 2 absent.

LAND ITEM #44 – Alternative Landscape Designs (Approved on 2/25/14)

The following adjustments to the Alternative Landscape Design section are proposed.

Section 10.3.9 Alternative Landscape Designs

It is not the intent of this Part to discourage innovative, aesthetically pleasing landscape ~~buffer area~~ designs. Thus, the developer may, at his/her option, ~~choose to~~ submit a landscape plan depicting ~~buffering materials/plantings that~~ which conforms to the spirit and intent of this Part, while varying from ~~the its~~ specific planting requirements. ~~The alternative buffering materials/plantings may be permitted if the Planning Director finds that said deviations are~~ plan presented must be deemed a substantial improvement over the minimum requirements of this Part by the Planning Commission or the agency responsible for plan review.

LAND ITEM #44 – VOTE

Motion to approve LAND Item #44 made by Teena Halbig and seconded by Barbara Sinai at 2/25/14 meeting.

YES: John Torsky (alternate for James Peden), Chuck Kavanaugh (2 votes; also alternate for Donnie Blake), Kathy Linares (2 votes; also alternate for Deborah Bilitski), Kelli Jones (2 votes; alternate for Pat Dominik and Gabe Fritz), Barbara Sinai (3 votes; also alternate for Steve Porter and Kevin Dunlap), Teena Halbig (2 votes; also alternate for Tom FitzGerald) and Matt Meunier

NO: None

ABSTAIN: None

ABSENT: Jim King and David Proffitt

LAND Item #44 was recommended for approval by a vote of: 13 in favor, 0 opposed, 0 abstentions and 2 absent.

LAND ITEM #45 – Single Plant Species Percentage Reduction (Approved on 1/21/14)

The following changes are proposed to the section below:

1. Reduce maximum percentage of any single species allowed from 50% to 25%. This change makes current 25% maximum percentage allowed for a single species within bio-retention, wetlands or GMP obsolete and should be removed.
2. At the 1/21/14 meeting the LDC Main Committee decided to add a requirement related to a maximum of 50% of overall required plantings on the site being from a single genus.

Section 10.4.1 Plant Species

Any proposed new plant material used to satisfy the requirements of this development code shall be of a species other than those listed in the current version of the Louisville and Jefferson County Prohibited Plant List adopted by the Planning Commission. To the greatest extent possible, new plant material should be selected from species included in the current version of the Louisville and Jefferson County Preferred Plant List adopted by the Planning Commission. This list consists of species that are either native to Jefferson County or that perform particularly well in the area, or both. For areas where bio-retention or constructed wetlands are proposed, plants must be chosen from Chapter 13: Native Revegetation from the MSD Design Manual (a link to document found in Appendix 10A) except as indicated in Part 3 of this Chapter.

Over-dependence on a single genus may result in extensive loss due to disease, insects or other pests. To ensure a diversity of species within Louisville and Jefferson County's forests the mix of required trees and shrubs for all development proposals shall conform to the following diversification formula:

50% maximum of any single genus (e.g., Quercus, meaning Oak)

~~5025% maximum of any single species (e.g., Quercus rubrum, meaning Red Oak)
25% maximum of any single species within bio-retention, wetlands or other GMP planting areas
provided the area is over 200 s.f.~~

Exceptions to the diversification formula shall be allowed for:

- A. Sites of less than two acres, if required plantings are chosen from the Preferred Plant List
- B. Sites located within a Neighborhood Study or Corridor Study approved by the Planning Commission with street tree or landscape guidelines or sites containing a streetscape master plan approved by the Planning Commission;
- C. A Planned Development or General Development Plan containing a planting plan approved prior to the effective date of this code

LAND ITEM #45 – VOTE

Motion to approve LAND Item #45 made by Steve Porter and seconded by Teena Halbig at 1/21/14 meeting.

YES: John Torsky (alternate for James Peden), Chuck Kavanaugh (2 votes; also alternate for Donnie Blake), Deborah Bilitski (2 votes; also alternate for David Proffitt), Kelli Jones (alternate for Pat Dominik), Kathy Linares (2 votes; also alternate for Matt Meunier), Cathy Hinko (alternate for Barbara Sinai), Steve Porter, Cassandra Culin (alternate for Tom FitzGerald), Teena Halbig, Kevin Dunlap and Gabe Fritz

NO: None

ABSTAIN: None

ABSENT: Jim King

LAND Item #45 was recommended for approval by a vote of: 14 in favor, 0 opposed, 0 abstentions and 1 absent.

LAND ITEM #46 – Plant Quality, Update Reference (Approved on 1/21/14)

This change is simply updating terminology.

Section 10.4.2 Plant Quality

All plant materials shall be living plants (artificial plants are prohibited.) Plant materials shall conform to the standards of the ~~American Association of Nurserymen~~ **American Standard for Nursery Stock** and shall have passed any inspections required under state regulations. Bare root plants, with the exception of vines and groundcovers and bio-retention plants shall be prohibited.

LAND ITEM #46 – VOTE

Motion to approve LAND Item #46 made by Deborah Bilitski and seconded by Kelli Jones at 1/21/14 meeting.

YES: John Torsky (alternate for James Peden), Chuck Kavanaugh (2 votes; also alternate for Donnie Blake), Deborah Bilitski (2 votes; also alternate for David Proffitt), Kelli Jones (alternate for Pat Dominik), Kathy Linares (2 votes; also alternate for Matt Meunier), Cathy Hinko (alternate for Barbara Sinai), Steve Porter, Cassandra Culin (alternate for Tom FitzGerald), Teena Halbig, Kevin Dunlap and Gabe Fritz

NO: None

ABSTAIN: None

ABSENT: Jim King

LAND Item #46 was recommended for approval by a vote of: 14 in favor, 0 opposed, 0 abstentions and 1 absent.

LAND ITEM #47 – Plant Sizes (Approved on 1/21/14)

The following changes are proposed to the section below:

1. Trees required to be planted on small sites and single family residential sites are now required to be planted at 1 3/4" caliper rather than 1".
2. Grammatical correction.
3. Amended title of Table 10.4.1.

Note: Some sub-committee members wanted "Small Trees" to be planted at 1 1/2" caliper, while other members of the group wanted the 6' high requirement to remain. No consensus reached on this issue. The LDC Main Committee also failed to make a recommendation on this particular issue.

Section 10.4.3 Plant Sizes

All required plant material shall meet the following size criteria at time of installation:	
Evergreen Trees	6 feet high
Shrubs (when required for 6-8 feet screening)	36 inches high
Shrubs (when required for 3 feet screening)	18 inches high
Grasses or Ground Cover	N/A
Shrubs within GMP planting area	18 inches high

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 ¼ inch caliper
Large Tree (over 50 feet in height at maturity)	1 ¾ inch caliper
Bio-retention area tree found in Ch. 13 of MSD Design Manual but not in Appendix 10A preferred plant list	1 inch caliper

When planting Medium or Large Trees, Small Sites (as defined in 10.2.2(C) and Single Family Residential sites shall be required to install such trees at a minimum size of 1 ¼" inch caliper.

All minimum size requirements shall conform to the characteristics set forth in the American Standard for Nursery Stock, latest ~~edition~~ edition.

Any existing trees on a site or street trees planted on an adjacent right-of-way that are used to meet the Tree Canopy Regulations (Chapter 10 Part 1) may be credited towards fulfillment of any landscaping, screening, or buffering provisions of this Chapter. The following chart indicates the credit applied for each existing preserved tree. The credit for the existing tree can be used toward landscape buffer area planting requirements.

Table 10.4.1 Credit for Existing Trees being Preserved for Buffer Requirements

Diameter Size of Existing Tree	Minimum Square Footage of Greenspace	New Tree Equivalent
6" or less	150	1 medium tree (Type B)
>6" – 9"	150	2 medium tree (Type B)
>9"	250	Each additional 3" diameter increment above 9" counts as an additional medium tree (Type B)

LAND ITEM #47 – VOTE

Motion to approve LAND Item #47 made by Kelli Jones and seconded by Chuck Kavanaugh at 1/21/14 meeting.

YES: John Torsky (alternate for James Peden), Chuck Kavanaugh (2 votes; also alternate for Donnie Blake), Deborah Bilitski (2 votes; also alternate for David Proffitt), Kelli Jones (alternate for Pat Dominik), Kathy Linares (2 votes; also alternate for Matt Meunier), Cathy Hinko (alternate for Barbara Sinai), Steve Porter, Cassandra Culin (alternate for Tom FitzGerald), Kevin Dunlap and Gabe Fritz

NO: Teena Halbig

ABSTAIN: None

ABSENT: Jim King

LAND Item #47 was recommended for approval by a vote of: 13 in favor, 1 opposed, 0 abstentions and 1 absent.

LAND ITEM #48 – Tree Spacing (Approved on 2/11/14; Fireplug change approved on 4/22/14)

Portion of Section 10.4.4 Spacing

~~No tree shall be planted closer than 5 feet to any fireplug, utility pole, or similar utility structure. Large or medium trees shall not be located beneath overhead wires, and shall be planted at least 20 feet from any easement or right-of-way in which overhead wires are located~~ **overhead wires (see graphic).** ~~With approval from the appropriate utility company~~

Type C trees planted 30 feet on center may be planted beneath overhead utility lines to meet perimeter tree planting requirement. Landscaping near a fireplug must comply with the most recent edition of the applicable fire ordinance.

LAND ITEM #48 – VOTE 1

Motion to approve LAND Item #48 made by Gabe Fritz and seconded by Kelli Jones at 2/11/14 meeting.

YES: John Torsky (alternate for James Peden), Donnie Blake, Chuck Kavanaugh, Kathy Linares (2 votes; also alternate for Deborah Bilitski), Kelli Jones (alternate for Pat Dominik), Barbara Sinai, Teena Halbig (2 votes; also alternate for Tom FitzGerald), Matt Meunier and Gabe Fritz

NO: None

ABSTAIN: None

ABSENT: Jim King, David Proffitt, Steve Porter and Kevin Dunlap

LAND Item #48 was recommended for approval by a vote of: 11 in favor, 0 opposed, 0 abstentions and 4 absent.

LAND ITEM #48 – VOTE 2 (fireplug issue)

Motion to approve LAND Item #48 made by Tara Brinkmoeller and seconded by Steve Porter at 4/22/14 meeting.

YES: John Torsky (alternate for James Peden), Donnie Blake, David Proffitt, Tara Brinkmoeller (3 votes; alternate for Chuck Kavanaugh, Deborah Bilitski and Matt Meunier), Pat Dominik, Kathy Linares, Barbara Sinai, Steve Porter (2 votes; also alternate for Tom FitzGerald) and Gabe Fritz

NO: None

ABSTAIN: None

ABSENT: Jim King, Teena Halbig and Kevin Dunlap

LAND Item #48 was recommended for approval by a vote of: 12 in favor, 0 opposed, 0 abstentions and 3 absent.

LAND ITEM #49 – Added Reference to ANSI A300 (Approved on 2/11/14)

A reference to the general industry accepted document on tree care practices (ANSI A300) has been added to the sections below.

Section 10.4.5 Planting Details

Any plant material introduced to meet the requirements of this Development Code shall be installed in accordance with sound planting guidelines adequate to sustain vigorous and healthy growth. For more information refer to the latest edition of ANSI A300 which are the generally accepted industry standards for tree care practices developed by the American National Standards Institute.

Section 10.4.7 Transplanting

Any tree that is not nursery stock and is to be moved in order to meet requirements of this regulation shall be transplanted in accordance with sound planting guidelines adequate to sustain vigorous and healthy growth. For more information refer to the latest edition of ANSI A300 which are the generally accepted industry standards for tree care practices developed by the American National Standards Institute.

LAND ITEM #49 – VOTE

Motion to approve LAND Item #49 made by Teena Halbig and seconded by Donnie Blake at 2/11/14 meeting.

YES: John Torsky (alternate for James Peden), Donnie Blake, Chuck Kavanaugh, Kathy Linares (2 votes; also alternate for Deborah Bilitski), Kelli Jones (alternate for Pat Dominik), Barbara Sinai, Teena Halbig (2 votes; also alternate for Tom FitzGerald), Matt Meunier and Gabe Fritz

NO: None

ABSTAIN: None

ABSENT: Jim King, David Proffitt, Steve Porter and Kevin Dunlap

LAND Item #49 was recommended for approval by a vote of: 11 in favor, 0 opposed, 0 abstentions and 4 absent.

LAND ITEM #50 – Protection During Construction (Approved on 2/11/14)

The following changes are proposed to the section below:

1. Numbered the following paragraphs.
2. Updated terminology.

3. In paragraph B added the last sentence related to keeping tree preservation measures in place until occupancy.

Section 10.4.8 Protection During Construction

- A.** All ~~tree preservation~~ **Temporary Tree Protection**, ~~tree canopy protection~~ **Tree Canopy Credit**, and ~~woodland protection~~ **Woodland Preserved** areas shall be identified, protected and preserved in accordance with Tree Preservation Policies of Louisville Metro Planning and Design Services **Appendix 40D**.
- B.** Tree Protection Fencing – Protection fencing is designated as the materials used to protect the critical root zone of trees as illustrated below. Three basic types of protective fencing materials are allowed by the LDC. Type A and Type B are typical applications to be installed on sites two acres or less. Type C shall be installed on sites greater than two acres. Where type C is used signs shall be posted every 50 linear feet. The specific type of protective fencing shall be indicated on the tree preservation plan. Type C fencing shall be replaced by Type A or Type B fencing if it is deemed necessary by PDS staff upon site inspection and tree preservation plan review. **All tree preservation and protection measures for tree canopy credit and woodland preserved areas shall not be removed before issuance of Certificate of Occupancy or as indicated in the Tree Preservation Policies of Louisville Metro Planning and Design Services.**
1. Type A: Chain link fence (Typical Application – sites two acres or less). Type A protective fencing shall be installed in accordance with the approved construction detail and shall consist of a minimum five foot high chain link fencing with tubular steel support poles or "T" posts.
 2. Type B: Wood Fence (Typical Application – sites two acres or less). Type B protective fencing shall be installed in accordance with approved construction detail and shall consist of any vertical planking attached to 2x4 inch horizontal stringers which are supported by 2x4 inch intermediate vertical supports and a 4x4 inch at every fourth vertical support.
 3. Type C Other Materials (Typical Application – sites over two acres). Type C protective fencing shall be installed in accordance with approved construction detail. Signs shall be posted every 50 lineal feet. The material of the fencing may include high visibility plastic construction fencing or other approved equivalent restraining material. The fencing materials identified above shall be supported by steel pipe, tee posts, U posts or 2" x 4" timber posts that are a minimum of 5 ½ feet in height and spaced no more than eight feet (2.44 meters) on center.

LAND ITEM #50 – VOTE

Motion to approve LAND Item #50 made by Kelli Jones and seconded by Donnie Blake at 2/11/14 meeting.

YES: John Torsky (alternate for James Peden), Donnie Blake, Chuck Kavanaugh, Kathy Linares (2 votes; also alternate for Deborah Billitski), Kelli Jones (alternate for Pat Dominik), Barbara Sinai, Teena Halbig (2 votes; also alternate for Tom FitzGerald), Matt Meunier and Gabe Fritz

NO: None

ABSTAIN: None

ABSENT: Jim King, David Proffitt, Steve Porter and Kevin Dunlap

LAND Item #50 was recommended for approval by a vote of: 11 in favor, 0 opposed, 0 abstentions and 4 absent.

LAND ITEM #51 – Walls and Fences (Approved on 2/11/14)

References to Planning Commission in the section below have been changed to Planning and Design Services staff.

Section 10.4.9 Walls And Fences

Walls and fences built to satisfy the requirements of the Land Development Code shall meet the following standards. Walls shall be constructed of natural stone, brick, or other weatherproof materials approved by the ~~Commission Director or designee~~ **Planning and Design Services director or designated staff**. Fences shall be constructed of wood or other weatherproof, durable materials intended for exterior use and approved by the ~~Commission Director or designee~~ **Planning and Design Services director or designated staff**. Walls or fences used to satisfy screening requirements shall be at least 80% opaque. Fences shall provide a finished side facing the lower intensity use. Chain link fencing may not, under any circumstances be used to meet any screening requirements of this regulation, nor shall slats installed as part of a chain link

fence be allowed to satisfy screening requirements. However, chain link fencing may be installed for other purposes within the required buffer area if it is used in addition to plants, berms or other allowable screening material and is not otherwise restricted by the form district regulation or other applicable parts of this Code. Walls and fences allowed to meet the requirements of this regulation shall not be used to display or support any sign or other advertising device.

LAND ITEM #51 – VOTE

Motion to approve LAND Item #51 made by Kelli Jones and seconded by Teena Halbig at 2/11/14 meeting.

YES: John Torsky (alternate for James Peden), Donnie Blake, Chuck Kavanaugh, Kathy Linares (2 votes; also alternate for Deborah Bilitski), Kelli Jones (alternate for Pat Dominik); Barbara Sinai, Teena Halbig (2 votes; also alternate for Tom FitzGerald), Matt Meunier and Gabe Fritz

NO: None

ABSTAIN: None

ABSENT: Jim King, David Proffitt, Steve Porter and Kevin Dunlap

LAND Item #51 was recommended for approval by a vote of: 11 in favor, 0 opposed, 0 abstentions and 4 absent.

LAND ITEM #52 – Landscape Lighting (Approved on 2/11/4)

Minor changes to landscape lighting section shown below.

Section 10.4.10 Landscape Lighting

~~Any lights used to illuminate landscaping must be shown on the landscape plan.~~ **All lighting shall meet Chapter 4 lighting requirements.**

LAND ITEM #52 – VOTE

Motion to approve LAND Item #52 made by Chuck Kavanaugh and seconded by Barbara Sinai at 2/11/14 meeting.

YES: John Torsky (alternate for James Peden), Donnie Blake, Chuck Kavanaugh, Kathy Linares (2 votes; also alternate for Deborah Bilitski), Kelli Jones (alternate for Pat Dominik), Barbara Sinai, Teena Halbig (2 votes; also alternate for Tom FitzGerald), Matt Meunier and Gabe Fritz

NO: None

ABSTAIN: None

ABSENT: Jim King, David Proffitt, Steve Porter and Kevin Dunlap

LAND Item #52 was recommended for approval by a vote of: 11 in favor, 0 opposed, 0 abstentions and 4 absent.

LAND ITEM #53 – Clearing (Approved on 2/11/4)

The following changes are proposed to the section below:

1. Retitled section.
2. Restructured the section below. Portions with strikethrough will be relocated to Appendix 10D PDS Tree Preservation Policy

Section 10.4.11 Land Selective Clearing

~~Selective Clearing— Selective clearing removal of trees, shrubs and underbrush may be necessary or desirable in certain instances. Trees along the edge of a preservation area may be susceptible to offsite impact and non-construction impacts (such as when a newly created woodland edge is formed increasing exposure to higher winds and temperatures). Selective clearing may be an appropriate management technique within Woodland Preservation Areas after development to encourage new growth or longevity. Selective clearing may also be necessary for individual trees that may be in danger of falling on structures, roadways or other vehicular use areas, or into open sections of yard where outdoor activities are likely to take place. Planning and Design Services director or designated staff may approve the selective removal of trees, shrubs, and underbrush as necessary.~~

~~Selective clearing will be limited to areas identified to allow such clearing on an approved Development Plan, Tree Canopy Plan or Landscape Plan and may only take place after the development is complete.~~

LAND ITEM #53 – VOTE

Motion to approve LAND Item #53 made by Teena Halbig and seconded by Barbara Sinai at 2/11/14 meeting.

YES: John Torsky (alternate for James Peden), Donnie Blake, Chuck Kavanaugh, Kathy Linares (2 votes; also alternate for Deborah Bilitski), Kelli Jones (alternate for Pat Dominik), Barbara Sinai, Teena Halbig (2 votes; also alternate for Tom FitzGerald), Matt Meunier and Gabe Fritz

NO: None

ABSTAIN: None

ABSENT: Jim King, David Proffitt, Steve Porter and Kevin Dunlap

LAND Item #53 was recommended for approval by a vote of: 11 in favor, 0 opposed, 0 abstentions and 4 absent.

LAND ITEM #54 – Maintenance (Approved on 2/11/4)

Added a reference to tree protection plan in D.2 below.

Section 10.4.13 Maintenance

- A. For any tree located on public or private property as a requirement of an approved Landscape or Tree Preservation Plan, the following activities are prohibited:
 1. Attachment of rope, wire, nails, advertising posters, or other contrivances.
 2. Deposition, placement, or storage of stone, brick, sand, concrete, or other materials which may impede the free passage of water, air, fertilizer to the root system.
- B. It will be the responsibility of the property owner to perpetually maintain all landscape areas and associated plant material required under these regulations. The property owner shall also be responsible for maintaining the verge and associated trees within the verge unless the agency having jurisdiction over that verge assumes that responsibility.
- C. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first, while other defective plant material shall be replaced or repaired within three (3) months.
- D. An authorized inspector shall have the right to enter onto any property to inspect the health and general condition of plant material that is:
 1. Located within the ROW
 2. Part of an approved development/landscape plan, tree protection plan or
 3. Reported as a public hazard
- E. In addition to these maintenance requirements, area designated as bio-retention or other MSD approved GMP planting areas shall be per MSD requirements.
- F. Replacement requirements and standards of plant material in areas defined as bio-retention or other MSD approved GMP plant areas shall be per MSD maintenance standards.

LAND ITEM #54 – VOTE

Motion to approve LAND Item #54 made by Teena Halbig and seconded by Kelli Jones at 2/11/14 meeting.

YES: John Torsky (alternate for James Peden), Donnie Blake, Chuck Kavanaugh, Kathy Linares (2 votes; also alternate for Deborah Bilitski), Kelli Jones (alternate for Pat Dominik), Barbara Sinai, Teena Halbig (2 votes; also alternate for Tom FitzGerald), Matt Meunier and Gabe Fritz

NO: None

ABSTAIN: None

ABSENT: Jim King, David Proffitt, Steve Porter and Kevin Dunlap

LAND Item #54 was recommended for approval by a vote of: 11 in favor, 0 opposed, 0 abstentions and 4 absent.

LAND ITEM #55 – Protection of Public Property (Approved on 2/11/4)

The sub-committee feels that the last sentence of this section is not needed and should be eliminated

Section 10.4.14 Protection of Public Property

No person shall plant or intentionally damage, transplant, or remove any tree within any street right-of-way or on any municipal-owned property without approval by the agency having jurisdiction for that right-of-way. Any person or property owner acting without prior approval can be subject to the cost associated with any remedial measures necessary to correct an improper action. (~~Rationale: Ensure landscaping is installed on-site, survives on-site and that it is replaced when needed on-site.~~)

LAND ITEM #55 – VOTE

Motion to approve LAND Item #55 made by Gabe Fritz and seconded by Chuck Kavanaugh at 2/11/14 meeting.

YES: John Torsky (alternate for James Peden), Donnie Blake, Chuck Kavanaugh, Kathy Linares (2 votes; also alternate for Deborah Bilitski), Kelli Jones (alternate for Pat Dominik), Barbara Sinai, Teena Halbig (2 votes; also alternate for Tom FitzGerald), Matt Meunier and Gabe Fritz

NO: None

ABSTAIN: None

ABSENT: Jim King, David Proffitt, Steve Porter and Kevin Dunlap

LAND Item #55 was recommended for approval by a vote of: 11 in favor, 0 opposed, 0 abstentions and 4 absent.

LAND ITEM #56 – Remove Section on Tree Service Contractors (Approved on 2/11/4)

The section below on Tree Service Contractors has never been drafted and exists in the LDC as a title only. As far as anyone can tell there are no intentions to draft this section at this time or in the future. Because of this fact the sub-committee proposes eliminating the section from the LDC.

Section 10.4.15 Tree Service Contractors (Reserved)

LAND ITEM #56 – VOTE

Motion to approve LAND Item #56 made by Kelli Jones and seconded by Teena Halbig at 2/11/14 meeting.

YES: John Torsky (alternate for James Peden), Donnie Blake, Chuck Kavanaugh, Kathy Linares (2 votes; also alternate for Deborah Bilitski), Kelli Jones (alternate for Pat Dominik), Barbara Sinai, Teena Halbig (2 votes; also alternate for Tom FitzGerald), Matt Meunier and Gabe Fritz

NO: None

ABSTAIN: None

ABSENT: Jim King, David Proffitt, Steve Porter and Kevin Dunlap

LAND Item #56 was recommended for approval by a vote of: 11 in favor, 0 opposed, 0 abstentions and 4 absent.

LAND ITEM #57 – Enforcement (Approved on 2/11/4)

The following changes are proposed to the section below:

1. Additional language added to paragraph A.
2. The editor's note in this section is being removed.
3. Reference to tree inventory removed.

Section 10.4.16 Enforcement

- A. If a site is found in violation of the tree preservation policies and applicable Code requirements related to required landscaping, mitigation measures will be enforced by the appropriate code enforcement agency. (Additional penalties for violations shall be determined by the Planning Commission or its designee.)
- B. Removal of trees shown to be preserved shall constitute a violation of binding elements and/or conditions of approval as applicable. Penalties and mitigation measures for removal of existing trees shown to be otherwise permanently preserved and removal of landscaping required by the LDC shall be determined by the Planning Commission or its designee.
- C. The replacement requirement is inches per inch. 3" caliper minimum trees from the preferred tree list may be used to add up to the number of inches removed. For example, if a 9" caliper tree is removed, 9" must be replaced. This can be accomplished by using three (3) 3" caliper replacement trees. Trees that are larger than 3" caliper also may be used.

- D. The Tree Replacement Chart below will apply when Tree Canopy Preservation Areas have been removed, which were intended to remain. ~~The tree inventory shall be used to determine the number and sizes of replacement trees required.~~
- E. Replacement trees shall be planted within six (6) months or next planting season after action taken by Planning Commission or designee.

NOTE: ~~Inventory of outer edge of T CPA: The first 10 feet will serve as the inventory of area of disturbance.~~

LAND ITEM #57 – VOTE

Motion to approve LAND Item #57 made by Chuck Kavanaugh and seconded by Teena Halbig at 2/11/14 meeting.

YES: John Torsky (alternate for James Peden), Donnie Blake, Chuck Kavanaugh, Kathy Linares (2 votes; also alternate for Deborah Bilitski), Kelli Jones (alternate for Pat Dominik), Barbara Sinai, Teena Halbig (2 votes; also alternate for Tom FitzGerald), Matt Meunier and Gabe Fritz

NO: None

ABSTAIN: None

ABSENT: Jim King, David Proffitt, Steve Porter and Kevin Dunlap

LAND Item #57 was recommended for approval by a vote of: 11 in favor, 0 opposed, 0 abstentions and 4 absent.

LAND ITEM #58 – Appendix 10D – PDS Tree Preservation Policy (Approved on 4/22/14)

The PDS Tree Preservation Policy Section found in Appendix 10D of the LDC has been updated to include terminology changes such as Tree Canopy Protection Area (TCPA) is now Tree Canopy Credit Area (TCCA), etc. Also, a few portions of Chapter 10 were relocated to this appendix.

LAND ITEM #58 – VOTE

Motion to approve LAND Item #58 made by Tara Brinkmoeller and seconded by Steve Porter at 4/22/14 meeting.

YES: John Torsky (alternate for James Peden), Donnie Blake, David Proffitt, Tara Brinkmoeller (3 votes; alternate for Chuck Kavanaugh, Matt Meunier and Deborah Bilitski), Pat Dominik, Kent Gootee (alternate for Kathy Linares), Steve Porter (2 votes; also alternate for Tom FitzGerald), Gabe Fritz, and Barbara Sinai

NO: None

ABSTAIN: None

ABSENT: Jim King, Teena Halbig and Kevin Dunlap

LAND Item #58 was recommended for approval by a vote of: 12 in favor, 0 opposed, 0 abstentions and 3 absent.

LAND ITEM #59 –Relocation of Chapter 10 Part 5 Open Space Standards (Approved on 1/21/14)

The sub-committee proposes moving the current text found in Section 10.5 Open Space Standards to Section 5.11 Form District Open Space Standards. This change would also require Section 10.6 Streetscape Master Plan to be renumbered as Section 10.5.

LAND ITEM #59 – VOTE

Motion to approve LAND Item #59 made by Steve Porter and seconded by Kevin Dunlap at 1/21/14 meeting.

YES: John Torsky (alternate for James Peden), Chuck Kavanaugh (2 votes; also alternate for Donnie Blake), Deborah Bilitski (2 votes; also alternate for David Proffitt), Kelli Jones (alternate for Pat Dominik), Kathy Linares (2 votes; also alternate for Matt Meunier), Cathy Hinko (alternate for Barbara Sinai), Steve Porter, Cassandra Culin (alternate for Tom FitzGerald), Teena Halbig, Kevin Dunlap and Gabe Fritz

NO: None

ABSTAIN: None

ABSENT: Jim King

LAND Item #59 was recommended for approval by a vote of: 14 in favor, 0 opposed, 0 abstentions and 1 absent.

NON-RECOMMENDATIONS

Items below were discussed, but proposed changes were either rejected or not voted on and did not achieve official recommendation status.

LAND ITEM #2 – Tree Canopy Applicability, Less Than 20% Increase (At 3/25/14 meeting neither option carried required eight votes to become official recommendation; both options will be forwarded to Planning Commission as non-recommendations)

The sub-committee debated making changes to the section below related to the applicability of the tree canopy regulations on sites that propose building or impervious surface area increases less than 20%, but ultimately did not reach a consensus. Two options are listed below to be considered by the LDC Main Committee.

(OPTION 1) Section 10.1.2 Applicability and Basis of Calculation

- B. Expansion or reconstruction of an existing nonresidential building or development shall be subject to the requirements of this Part as follows:
 - 3. Any development site on which there is an increase in building area or impervious surface area by twenty (20) percent or less shall ~~not be required to provide the tree canopy required by this Part.~~ **provide tree canopy equivalent to the increased impervious surface area.**
 - 4. **An increase of impervious surface area of 200 square feet or less is exempt from this requirement.**

(OPTION 2) Section 10.1.2 Applicability and Basis of Calculation

- B. Expansion or reconstruction of an existing nonresidential building or development shall be subject to the requirements of this Part as follows:
 - 3. Any development site on which there is an increase in building area **footprint** or impervious surface area by twenty (20) percent or less shall not be required to provide the tree canopy required by this Part.

LAND ITEM #2 – VOTE 1 (To approve Option #2)

Motion to approve LAND Item #2 made by Kathy Linares and seconded by Donnie Blake at 3/25/14 meeting.

YES: Donnie Blake (2 votes; also alternate for David Proffitt), Tara Brinkmoeller (alternate for Chuck Kavanaugh), Kathy Linares (2 votes; also alternate for Matt Meunier), Deborah Bilitski and Kelli Jones (alternate for Pat Dominik)

NO: Barbara Sinai, Gabe Fritz and Teena Halbig

ABSTAIN: Steve Porter (2 votes; also alternate for Tom FitzGerald) and Kevin Dunlap

ABSENT: Jim King and James Peden

LAND Item #2 failed to become an official recommendation by a vote of: 7 in favor, 3 opposed, 3 abstentions and 2 absent.

LAND ITEM #2 – VOTE 2 (To approve Option #1)

Motion to approve LAND Item #2 made by Teena Halbig and seconded by Steve Porter at 3/25/14 meeting.

YES: Barbara Sinai, Steve Porter (2 votes; also alternate for Tom FitzGerald), Teena Halbig and Kevin Dunlap

NO: Donnie Blake (2 votes; also alternate for David Proffitt), Tara Brinkmoeller (alternate for Chuck Kavanaugh), Kathy Linares (2 votes; also alternate for Matt Meunier), Deborah Bilitski, Kelli Jones (alternate for Pat Dominik) and Gabe Fritz

ABSTAIN: None

ABSENT: Jim King and James Peden

LAND Item #2 failed to become an official recommendation by a vote of: 5 in favor, 8 opposed, 0 abstentions and 2 absent.

LAND ITEM #5 – Tree Canopy Category Table (On 4/8/14 these three changes failed to receive minimum number of votes to become official recommendations: 1) Move TMC, TW & TC form districts from suburban to traditional column, 2) Change industrial from Class C to B in suburban column, and 3) Move TC form district only from suburban to traditional column)

The following change is proposed to Table 10.1.1:

1. Move Town Center Form District from suburban to traditional column.

The following ideas were discussed, but did not reach a consensus in the sub-committee and are not official recommendations, but the main committee certainly may discuss them:

1. Move Traditional Marketplace Corridor, Traditional Workplace, and Town Center to Traditional Neighborhood column.
2. Change class A for commercial and industrial to B in Traditional Neighborhood column.
3. Change suburban industrial from class C back to a class B in column 3

Table 10.1.1 Tree Canopy Categories by Form District

Land Use	Form District			
	Downtown, Traditional Marketplace Corridor, Traditional Workplace, Town Center	Traditional Neighborhood	Regional Center, Town Center, Suburban Marketplace Corridor, Neighborhood, Suburban Workplace, Campus	Village
Single-Family Residential	Class A	Class B	Class C*	Class D
Multi-Family and Office	Class A	Class B	Class C	Class D
Institutional	Class A	Class B	Class C	Class D
Commercial	Class A	Class A	Class C	Class C
Industrial	Class A	Class A	Class C	Class C

LAND ITEM #5 – VOTE 1 (Move TMC, TW, TC Form Districts to traditional column)

Motion to approve LAND Item #5 made by Steve Porter and seconded by Barbara Sinai at 4/8/14 meeting.

YES: John Torsky (alternate for James Peden), Donnie Blake, Teena Halbig (2 votes; also alternate for Tom FitzGerald), Steve Porter, Barbara Sinai and Gabe Fritz

NO: Kathy Linares, Deborah Bilitski and Matt Meunier

ABSTAIN: Tara Brinkmoeller (alternate for Chuck Kavanaugh) and Kelli Jones (alternate for Pat Dominik)

ABSENT: Jim King, David Proffitt, and Kevin Dunlap

LAND Item #5 failed to become an official recommendation by a vote of: 7 In favor, 3 opposed, 2 abstentions and 3 absent.

LAND ITEM #5 – VOTE 2 (Change Industrial from Class C to Class B In suburban column)

Motion to approve LAND Item #5 made by Tara Brinkmoeller and seconded by Kelli Jones at 4/8/14 meeting.

YES: Donnie Blake, Tara Brinkmoeller (alternate for Chuck Kavanaugh), Kelli Jones (alternate for Pat Dominik), Kathy Linares, Deborah Bilitski, and Matt Meunier

NO: John Torsky (alternate for James Peden), Teena Halbig (2 votes; also alternate for Tom FitzGerald), Steve Porter, Barbara Sinai and Gabe Fritz

ABSTAIN: None

ABSENT: Jim King, David Proffitt, and Kevin Dunlap

LAND Item #5 failed to become an official recommendation by a vote of: 6 in favor, 6 opposed, 0 abstentions and 3 absent.

LAND ITEM #5 – VOTE 3 (Move TC Form District to traditional column)

Motion to approve LAND Item #5 made by Deborah Bilitski and seconded by Tara Brinkmoeller at 4/8/14 meeting.

YES: Donnie Blake, Tara Brinkmoeller (alternate for Chuck Kavanaugh), Kelli Jones (alternate for Pat Dominik), Barbara Sinai, Kathy Linares, Deborah Bilitski and Matt Meunier

NO: John Torsky (alternate for James Peden), Teena Halbig (2 votes; also alternate for Tom FitzGerald), Steve Porter, and Gabe Fritz

ABSTAIN: None

ABSENT: Jim King, David Proffitt, and Kevin Dunlap

LAND Item #5 failed to become an official recommendation by a vote of: 7 in favor, 5 opposed, 0 abstentions and 3 absent.

LAND ITEM #6 – Minimum Tree Canopy Coverage Table (On 4/8/14 committee decided to revisit possible changes to the tree canopy coverage table (Table 10.1.2) after the City’s current tree assessment project is completed in late 2014)

Some of the group wanted the class C breakdown in Table 10.1.2 to be removed but the percentages increased while others wanted incentives (i.e., height or density) provided for each class when you exceed % requirements through preservation of existing tree canopy. Consensus was not reached on these ideas so there is no official recommendation regarding any changes to Table 10.1.2, however, the main committee may discuss ideas for changes to the table if they decide to.

Table 10.1.2 Minimum Tree Canopy Coverage

Class Canopy Requirement per Table 10.1.1	Preserved Tree Canopy Coverage Area	New Tree Canopy Coverage Area	Total Tree Canopy Coverage Area Required
Class A	5%	0%	5%
	4%	2%	6%
	3%	4%	7%
	2%	6%	8%
	1%	8%	9%
	0%	10%	10%
Class B	10%	0%	10%
	8%	3%	11%
	6%	6%	12%
	4%	9%	13%
	2%	12%	14%
	0%	15%	15%
Class C If site is 76%-100% covered in existing tree canopy	15%	0%	15%
	12%	6%	18%
	9%	12%	21%
	6%	18%	24%
	3%	24%	27%
	0%	30%	30%
Class C If site is 41%-75% covered in existing tree canopy	15%	0%	15%
	12%	5%	17%
	9%	10%	19%
	6%	15%	21%
	3%	20%	23%
	0%	25%	25%
Class C If site is 0%-40%	15%	0%	15%
	12%	4%	16%
	9%	8%	17%

covered in	6%	12%	18%
existing tree	3%	16%	19%
canopy	0%	20%	20%
Class D	20%	0%	20%
	15%	6%	21%
	10%	12%	22%
	5%	18%	23%
	0%	24%	24%

LAND ITEM #6 – VOTE

Motion to approve LAND Item #6 made by Teena Halbig and seconded by Deborah Bilitski at 4/8/14 meeting.

YES: John Torsky (alternate for James Peden), Donnie Blake, Tara Brinkmoeller (alternate for Chuck Kavanaugh), Kathy Linares, Matt Meunier, Teena Halbig (2 votes; also alternate for Tom FitzGerald), Steve Porter, Kelli Jones (alternate for Pat Dominik), Deborah Bilitski, Barbara Sinai and Gabe Fritz

NO: None

ABSTAIN: None

ABSENT: Jim King, David Proffitt and Kevin Dunlap

LAND Item #6 was recommended for approval by a vote of: 12 in favor, 0 opposed, 0 abstentions and 3 absent.

LAND ITEM #8 – Remove Unnecessary Statement (On 4/8/14 the committee decided to leave this section alone)

Some of the group felt that the text stated the obvious and is unnecessary unless provisions are included that incentivize preserving a greater percentage than required, but consensus was not reached and there is no official recommendation from the sub-committee on this issue. The main committee may discuss this idea if they choose to do so.

Section 10.1.4

- C. Preservation of existing tree canopy in excess of the cover specified in Tables 10.1.1 and 10.1.2 and retention of trees in sensitive natural areas are encouraged. However, removal of existing tree canopy that covers a greater percentage of the site than stipulated in the minimum standards set forth above is permissible unless restricted by an approved development or subdivision plan or by other applicable provisions of this Land Development Code.

LAND ITEM #8 – VOTE

Motion to reject LAND Item #8 made by Teena Halbig and seconded by Steve Porter at 4/8/14 meeting.

YES: John Torsky (alternate for James Peden), Donnie Blake, Tara Brinkmoeller (alternate for Chuck Kavanaugh), Kathy Linares, Matt Meunier, Steve Porter, Deborah Bilitski, Barbara Sinai and Teena Halbig (2 votes; also alternate for Tom FitzGerald)

NO: Gabe Fritz

ABSTAIN: Kelli Jones (alternate for Pat Dominik),

ABSENT: Jim King, David Proffitt and Kevin Dunlap

LAND Item #8 was rejected by a vote of: 10 in favor, 1 opposed, 1 abstention and 3 absent.

LAND ITEM #35 – Vehicle Use Area Perimeter Planting (At the 4/22/14 meeting the committee decided not to take any action on the “roadway” change)

The following changes are proposed to the section below:

1. Add reference to medium and small type trees in beginning paragraph.
2. Replace “roadway” in Table 10.2.7 with “public right-of-way or named private way”.

Section 10.2.11 Vehicular Use Area Perimeter Planting

The equivalent of 1 Large (Type A) tree per 50 linear feet, **1 medium (Type B) tree per 40 linear feet, or 1 small (Type C) tree per 30 linear feet (Type C trees only for overhead electric situations)** of boundary (or fraction thereof) shall be provided in all VUA perimeter Landscape Buffer Areas. Tree requirements may

be deferred, if an equivalent number of street trees are present in the right-of-way, until such time that the street trees are removed to allow for roadway widening or other improvements. Additional landscape requirements shall vary relative to adjacent land uses and proximity to common property lines as follows:

Table 10.2.7 VUA Perimeter Screening Requirements

Land Use	Distance From Property Line		
	Less than or equal to 30 feet	Greater than 30 feet and less than 50 feet	Greater than or equal to 50 feet
VUA (except loading area) adjacent to any residential use	6 foot continuous screen	3 foot continuous screen	3 foot screen for at least 50% of VUA
VUA is a loading area adjacent to any residential use	8 foot continuous screen	6 foot continuous screen	6 foot continuous screen if adjacent to residential
VUA adjacent to a Roadway Public right-of-way or named private way	3 foot continuous screen	3 foot continuous screen	NA

The 3-foot or 6-foot screen requirement can be met using shrubs, evergreen trees, berms, or fencing individually or in combination. Continuous screens may be broken and staggered for visual interest provided the result is a visually continuous screen. The 3-foot screen requirement may be reduced to 18 inches when adjacent to financial institutions, nursing homes, or other uses where security is determined to be a factor.

All screening material including plants, fencing, walls, and berms used to satisfy these requirements shall conform to the standards found in Chapter 10, Part 4, Implementation Standards.

Landscape material in buffer areas shall be protected by the use of curbs, wheel stops, fencing, or planted at least 4 feet from the edge of pavement when sufficient buffer area exists.

Note: If VUA LBA area contains a GMP, then plant materials found in Chapter 13: Native Revegetation of the MSD Design Manual (a link to document found in Appendix 10A) are to be used and at least a 3 foot minimum continuous screen is required.

LAND ITEM #35 – VOTE

The committee decided to leave this item alone, without taking a vote.

STAFF RECOMMENDATIONS

LAND STAFF ITEM A – Olmsted Parkways Development Guidelines

This item is related to the placement of Olmsted Parkways Development Guidelines within the Land Development Code. In LAND ITEM #43, the LDC Main Committee recommends the removal of references to the Olmsted Parkway Standards from Chapter 10. The intention is to find an appropriate location within the LDC for these requirements. PDS Staff is currently working with Metro Parks staff to determine which current guidelines should be inserted into the LDC as regulations. This material will be presented at the 9/4/14 Planning Commission public hearing.