

Oldham County Comprehensive Zoning Ordinance
DIVISION 300 LANDSCAPING REGULATIONS

DIVISION 300 LANDSCAPING REGULATIONS

Sec. 300-010 Purpose

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

Sec. 300-020 Relationship to the Comprehensive Plan

The landscape design regulations in this Division are intended to implement the goals, objectives, and policies outlined in the Oldham County Comprehensive Plan.

The 2017 update of the Landscape Regulations is in response to Objective E-2-6 of the 2014 Comprehensive Plan, which calls for the improvement of these standards to guide the preservation of on-site woodlands, provide appropriate buffers from adjacent uses, increase the urban and suburban tree canopy, provide a vegetative buffer to riparian corridors, mitigate the effect of flooding and stormwater run-off, and improve the visual appearance of structures, stormwater and parking facilities.

Sec. 300-030 Applicability

1. No site development, building, structure of Vehicular Use Area shall be created unless landscaping is provided as required by the provisions of this Division. No building permit may be issued for any lot or use subject to the requirements of this Division unless all requirements have been met and approved by Planning Staff; or until financial instruments, as may be required by the Administrator, to ensure timely compliance with this Division, have been put in place. Prior to occupancy of the site, the required landscaping shall be installed in conformance with the approved Plan, unless a full cash bond or an irrevocable letter of credit from a banking institution with offices in [Kentucky](#) has been posted.
2. Failure to implement the landscape plan, or maintain the lot or use in conformance with this Division and the approved plan, is cause for fines and penalties as established in Sec. 300-120 this ordinance. In addition, all landscape is subject to periodic inspection.
3. No additional items or replacement of removed items is allowed in the right-of-way

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without an Encroachment Permit.

4. Any building, structure, or Vehicular Use Area (VUA) that in its entirety is removed and reconstructed, or relocated to a new on-site location, shall be required to meet the standards of this Division.
5. Existing development is subject to this Division as defined below:
 - a. Any construction resulting in an increase/expansion in the area of an existing building/structure's square footage by twenty percent (20%) or more.
 - b. Any construction resulting in an increase/expansion of an existing vehicular use area (VUA) square footage by twenty percent (20%) or more.
 - c. On small sites of one-half acre or less (1/4 acre or less within the city of LaGrange), where the area of expansion of existing buildings, structures and /or VUAs is less than 50%, no landscaping shall be required.
 - d. Change in the use of property from a use not required to provide landscaping and buffering to a use that is regulated by this Division shall necessitate the provision of landscaping and buffering as required by this Division.
 - e. If the existing landscaping meets or exceeds the required landscaping, there will be no additional requirement.
6. Single family residential lots are exempt. See Section 300-050 B. Landscaping in Residential Properties for requirements for residential developments.
7. Phased development shall construct landscaping at each phase.

Sec. 300-040 General Standards

A. Plant Materials:

1. All plant materials proposed to meet landscaping requirements shall be living plants. Plants from the same plant category (trees, shrubs or vines) may be substituted for plants as shown on the approved plan, as long as the substituted plant is similar to the approved plant in regard to its size and the opacity it provides. The approval by the Commission staff shall be necessary in order to change plants from one category to another, and this change must be reflected on a revised plan or in a change order submitted to the Commission.
2. Plant materials used in conformance with provisions of this Ordinance shall conform to the standards of the American Standard for Nursery Stock and shall have passed any inspections required under state regulations.
3. When selecting plant materials, refer to the (2016) Metro Louisville Approved/Prohibited Tree Species Planting List (Appendix A) for a list of plants that meet height requirements, in addition to plants that will not be accepted to meet the requirements of Division 300.
4. To encourage variation and ensure that an entire landscape is not susceptible to blight, disease or other disaster, the number of species required as part of the required landscaping is found below in table 300.1:

Table 300.1 Species Mix

Required Number of Trees/Shrubs	Number of Species Required
0-5	1

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6-10	2
11-30	3
31+	4

B. Screening Materials:

1. Plants used to meet screening requirements must be a minimum three (3) feet in height at maturity. Note that in areas requiring site distance for vehicular circulation, shrubs shall not exceed two (2) feet in mature height.
2. Walls or fences used to satisfy screening requirements shall be at least 80% opaque.
3. All wall sides shall be finished and shall be constructed of natural stone, brick, or other weatherproof materials in a linear, serpentine or other alignment and shall be continuously maintained in good condition and proper alignment by the property owner.
4. Chain-link fencing may not under any circumstances be used to meet any screening requirements of this regulation. Chain link fencing may be installed in the required landscaped area only if it is in addition to the required continuous planting, hedge fence, wall, or earth mound.
5. Walls and fences designed to meet the requirements of this Division shall not be used for the erection or display of any sign or other advertising device without a permit.
6. Where possible, plant materials shall be installed between the sidewalk and the wall to provide a softening effect of the wall.

C. Maintenance and Installation:

1. Newly-planted trees are subject to the following standards:

Table 300.2 Tree Installation and Planting Standards

Tree Size Type Based on height at maturity	Min. Buffer Area or Green Verge Width	Min. Spacing between Trees (of same size)
A (Large): 50'+	8 feet	30 feet
B (Medium): 25'-50'	3 feet	15 feet
C (Small): 0-25'	3 feet	10 feet

***Note: See Appendix 300.6 Approved Plant List for Trees that fit size requirements: Class A (large), B (medium) or C (small).**

When planting new trees near existing mature trees, leave a minimum distance of half of the new tree's mature spread between the new tree and the existing trees.

2. Tree species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than fifteen (15) feet to such public works, unless the tree root system is completely contained within an impenetrable root barrier that runs the length of the planting area, and reaches a minimum depth of at least eighteen inches (18"). See the Approved/Prohibited Tree Species Planting List (Sec.

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300-130 Appendix) for trees appropriate for streets and parking lots.

3. No tree shall be planted closer than 5 feet to any fireplug, utility pole or similar utility structure. Plants must be specified, located, and maintained so as to not interfere with public utilities.
4. Light poles, sidewalks, benches, or other site amenities are permitted in landscaped 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 5 feet. Trees shall be located a minimum of 20 feet from light poles. Provision of such facilities does not reduce the number of required trees.
5. Where overhead power lines exist, the type and/or location of street trees shall be adjusted to avoid conflict as trees mature.
6. Utilities easements (e.g., drainage, sewer, gas/electric) are allowed to encroach into as much as 50% of the required landscape areas, with the written approval of the utility agency, provided the required screening can still be achieved and the design of such facilities is compatible with the Intent of Division 300.
7. All required plant material shall meet the following minimum size criteria at time of installation:

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

8. Ground covers, other than grass, used shall be in a finished appearance and complete coverage within three (3) year of planting.
9. Grass areas may be sodded, plugged, sprigged or seeded and shall present a uniform healthy stand of the specified grasses following the first full growing season after installation.
10. 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.
11. Earth mounds/berms shall be physical barriers that block or screen the view, similar to a hedge, fence or wall. Any berm built to satisfy these requirements shall be constructed at a minimum height of 1 ½ feet and a minimum crown of 2 feet measured on a horizontal plane. All berms shall be landscaped.
12. To prevent erosion, mounds with side slopes greater than 2.5:1 shall be planted with a groundcover that does not require mowing.
13. Earth mounds/berms, that do not hold back water, over 3 feet in height landscaped with woody plant material shall be permitted if the applicant demonstrates to the satisfaction of the Commission Staff that adequate measures will be taken to allow the proposed plants to thrive.
14. A sight triangle will be observed at all street intersections including intersections of alleys or driveways.
15. All landscape materials shall be installed in a sound, professional manner. All unhealthy or dead plant material required to be planted or preserved shall be replaced within one year, or by the next planting period, whichever comes first.

Deleted: Ultimate determination of said potential interference and identification of any remedial specification of plantings vests in Planning Staff.

Deleted: as illustrated to the right. The sight triangle shall be measured from the edge of pavement to edge of pavement.¶

Sec. 300-050 Landscape Buffer Areas (LBA) and Plantings

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Objective E-2-3 of the Comprehensive Plan encourages the use of innovative landscaping and buffer techniques to increase the urban and suburban tree canopy, green infrastructure practices and preservation of scenic resources including on-site woodlands, wetlands, riparian and other natural buffers. Landscape Buffer Areas standards have been updated to minimize the potential for nuisances created when zoning districts or land uses of varying intensities abut, and regulate the adverse impacts of residential, commercial, or industrial development. Landscape Buffer Area requirements shall be applied along property or right-of-way lines and at the perimeter of Vehicular Use Areas.

A. General Standards

1. Where a vacant parcel is proposed to be developed adjacent to an existing developed or non-developed parcel, the developer or property owner of the proposed development shall provide all the perimeter landscaping requirements.
2. When more than one landscape buffer area applies, the more restrictive standards shall be used.
3. LBAs may contain walks, trails, or other similar elements, provided that the required plant material is not eliminated. LBAs shall be free from all other development including buildings, parking, driveways or other structures except those required for public utility service within a dedicated easement. Outdoor storage or stockpiling of materials is not permitted within an LBA.
4. LBA screening requirements can be met using fences or walls, evergreen shrubs, evergreen trees, or berms, individually or in combination. Continuous screens may be broken or staggered for visual interest provided the result is a visually continuous screen.
5. All landscaped islands shall be designed to apply sustainable techniques.

Deleted: allowing the flow and access of stormwater. Landscaped areas with curbs shall be protected by tire stops or curbing with gaps that allows runoff to flow through.

B. Landscaping in Residential Properties

1. In an effort to meet the objectives of Goal E-2 of the 2014 Comprehensive Plan, all projects are subject to the requirements of Sec. 300-080 Tree Preservation and Sec. 300-100 Tree Protection during Construction and Maintenance.
2. Single-family Developments: are encouraged, but not required, to comply with all remaining sections of this division. When the Planning Commission assigns Binding Elements related to landscaping, a landscape plan must be submitted in accordance with the requirements of this Division.
3. Multi-family Developments: shall follow all applicable Sections of this Division if it adjoins a property of lower zoning classification, or adjoins a public or private right-of-way.
4. Landscape Buffer Areas as required by this Division or a Development or Preliminary Subdivision Plan approved by the Planning Commission must be maintained by the property owner. Any unauthorized removal of trees in an approved landscape plan shall be subject to Sec. 300-160 Code Enforcement and Fines.

C. Perimeter Landscape Buffer Areas (PLBA) shall be applied along all property boundaries of sites affected by this Division except for those boundaries adjacent to streets. PLB Area requirements vary according to the zoning district/land use of both the proposed site to be developed, and the property or properties adjacent to it. Plants used to meet screening requirements must be a minimum three (3) feet in height at maturity.

Planting Requirements for Perimeter Landscape Buffers PLBAs

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A landscaped strip shall be provided where a property abuts a property of a lesser density or zoning district, except between commercial areas abutting commercial areas, and industrial areas abutting industrial areas.

Table 300.3 PLBA Planting Requirements

Land Use	Min. Width of LBA	Min. Screen Height	Min. Number of Trees
Industrial adjacent to Residential, Agricultural or Conservation	50 feet	7 foot high continuous screen	1 large tree per 40 linear feet
Industrial adjacent to Commercial or Office	30 feet	5 foot high continuous screen	1 large or medium tree per 50 linear feet
Commercial or Office adjacent to Residential, Agricultural or Conservation	15 feet	6 foot high continuous screen	1 large tree per 40 linear feet
Multi-family Residential adjacent to Single-family Residential, Agricultural, or Conservation	15 feet	3 foot high continuous screen	1 large or medium tree per 40 linear feet

***Note: See Appendix 300.6 Approved Plant List for Trees that fit size requirements: Class A (large), B (medium) or C (small).**

D. Vehicular Use Area Landscape Buffer Areas (VULBA) have been established to reduce the visual impact of Vehicular Use Areas including, but not limited to, parking lots, loading docks, and service areas. Staff may determine that both PLBAs and VULBAs may be necessary to produce appropriate screening.

General Requirements

1.2. Areas shall be a minimum of ten (10) feet in width. Within the city of LaGrange, areas shall be a minimum of five (5) feet in width. These minimums do not include curbs or vehicle stops.

2.3. VULBAs shall not be required between a VUA and the adjoining property in the instance of a property line that divides a driveway used for common access by the adjoining properties or when both of the following conditions exist:

a) the VUAs fulfill the parking requirements for both properties, or are for the common use of both properties (as substantiated by a reciprocal parking and access agreement);

b) the Commission has approved a final development plan for the properties.

Deleted: 1. Areas shall be placed at the edge of pavement (or back of curb if present).¶

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Planting Requirements

A landscaped VULBA shall be provided in the following circumstances:

Table 300.4 VULBA Planting Requirements

Land Use	Distance of VUA from property line is less than or equal to 30 feet	Distance of VUA from property line is greater than 30 feet and less than 50 feet	Distance of VUA from property line is greater than or equal to 50 feet	Min. Number of Trees
VUA adjacent to any residential use	7 foot high continuous screen	6 foot high continuous screen	5 foot high continuous screen	1 large tree every 40 linear feet or 1 medium tree every 30 feet
Any loading area adjacent to any use of lower intensity	7 foot high continuous screen	6 foot high continuous screen	6 foot high continuous screen only if adjacent to residentially zoned parcel	1 large tree every 40 linear feet or 1 small or medium tree every 30 feet
VUA adjacent to rights-of-way	3 foot high continuous screen	3 foot high continuous screen	N/A	1 large tree every 40 linear feet or 1 small or medium tree every 30 linear feet

Sec. 300-060 Interior Landscaping Areas (ILA) for Vehicular Use Areas

Interior Landscaping Area (ILA) regulations have been updated to accomplish Objective E-2-3 of the Comprehensive Plan, which encourages the use of innovative landscaping techniques increase the urban and suburban tree canopy, green infrastructure practices and preservation of scenic resources. Interior Landscaped Areas (ILA) requirements shall be provided within all Vehicular Use Areas to fragment large impervious areas and allow for a greater distribution of tree canopy coverage. Dimensional requirements have been established to insure that Interior Landscape Areas serve the intended goals and provide enough ground area to support required plant material.

A. General Standards

1. VUAs exempt from ILA requirements are loading, unloading, large vehicle parking, and outdoor storage areas in industrial zones I-1, I-2, IPD and the same areas in commercial zones C-N, C-1, C-2, C-3, C-4 when improvements create an area not accessible or visible to the general public. Note that these areas shall be subject to both VUA and property perimeter landscape buffering
2. The standard curbed area may be included in the 150 square foot minimum ILA. Smaller Interior Landscape Areas are not prohibited but will not count toward ILA requirements.
3. ILAs larger than the maximums stated in Table 300.4 are permitted provided that any ILA exceeding the maximum shall not count toward fulfilling the requirements of this Division.

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4. VUAs less than 12,000 sq. ft. in size or less than 20 parking spaces shall not have a maximum distance between Interior Landscape Areas.
5. In VUAs of 12,000 sq. ft. or more, or 20 or more parking spaces, there shall be a minimum of one (1) island for every ten (10) spaces.
6. Note that parked vehicles may hang over the ILA no more than two and one-half (2 ½) feet. Wheel stops shall be provided in order to limit vehicle overhang or penetration of the landscaped area.
7. Deciduous trees shall have a clear trunk to at least six (6) feet above the ground at time of planting.
8. The ground plane of the ILA shall be landscaped with shrubs, turf, mulch, or groundcover.
9. All end islands of parking rows and all other areas not used for ingress, egress, aisles or parking must be landscaped, except in cases where landscaping would create a hazard.

B. Planting Requirements

1. In an effort to improve water quality, reduce stormwater runoff and associated impacts, and lessen the heat island effect; green infrastructure such as bioswales, rain gardens, vegetated swales, or infiltration planters, may be substituted for ILA requirements with the approval of the MS4 Coordinator and the County Engineer. The size of these systems must meet the minimum square footage of the ILA required by this Division. These improvements may also serve as the VULBA listed in Section 300-500 Item C., provided screening is adequate.
2. If Green Infrastructure systems are not chosen, ILAs must strictly adhere to the planting requirements in Table 300.5:

Table 300.5 Planting Requirements for Interior Landscaping Areas (ILAs)

VUA Size (no. of spaces)	Min. ILA Size (square feet)	Max ILA Size (square feet)	ILA Calculation	Trees Required
5-10	150	350	5 square feet for every 100 square feet of VUA Note: For VUAs that have an ILA calculation less than 150 square feet, no ILAs are required.	1 tree 150 square feet
11-50	150	350	5 square feet for every 100 square feet of VUA	1 tree per 250 square feet

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51-100	150	500	10 square feet for every 100 square feet of VUA	1 tree 250 square feet
100+	150	1,500	10 square feet of every 100 square feet of VUA	1 tree 500 square feet

Sec. 300-070 Tree Preservation

Retention of existing vegetation to meet the landscaping requirements is strongly encouraged. Single-family residential developments should preserve as many trees as possible that do not adversely affect site grading, infrastructure installation and house construction.

As required in Sec. 300-140.2.e & f, regarding Landscaping Plan Submission and Approval, existing trees and areas of vegetation that are to be retained as part of required landscaping, as well as existing significant trees (diameter breast height of 24" or greater) that are proposed to be removed, shall be shown on the Landscape Plan.

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

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

1. An existing 6"-12" caliper tree surrounded by a minimum of 150 square feet of landscape area may be substituted for two (2) new trees of the required minimum size.
2. An existing 12"-24" caliper tree surrounded by a minimum of 250 square feet of landscape area may be substituted for three (3) new trees of the required minimum size.
3. An existing tree greater than 24" caliper surrounded by a minimum of 300 square feet of landscape area may be substituted for four (4) new trees of the required minimum size.
4. For all trees to be preserved, tree protection fencing has to be shown on the tree preservation plan.
5. When the preserved trees do not survive the first three years since construction begins, replacements for these trees have to be made at the property owner's expense at the same rate they were credited.

Sec. 300-080 Tree Protection during Construction and Maintenance

In an effort to meet the objectives of Goal E-2 of the 2014 Comprehensive Plan, all projects are subject to the requirements of this section.

1. Prior to any clearing and land disturbing activities that require a Soil Erosion and Sediment Control Permit, a durable and visible tree protection fence at least 3 feet in height and approved by the Administrator or designee shall be erected around all tree

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preservation areas and around any other areas of vegetation being preserved to meet the requirements of these regulations. All barriers shall be located at the edge of the area to be preserved, which is a minimum of 3 feet outside the drip line of the protected tree, and shall remain in place until construction is completed.

2. No clearing, grading, or other land-disturbing activities shall be allowed within the area enclosed by the tree protection barrier.
3. Root pruning shall be kept to an absolute minimum.
4. To prevent compaction of the soil or root system, no vehicles, material or equipment shall be stored or placed, or construction activities permitted, within the boundaries of the constructed barrier or vegetative buffers, beyond that allowed for preliminary site investigation work.
5. Attachment of rope, wire, nails, advertising posters, or other means, and deposition, placement, or storage of stone, brick, sand, concrete, or other materials which may impede the free passage of water, air, or fertilizer to the root system is prohibited for any tree as referenced in paragraph 1 that are shown to be protected as a requirement of an approved landscape or tree preservation plan.
6. The property owner shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance free from refuse and debris at all times.
7. Topping trees, or the severe cutting of limbs to stems larger than three (3) inches in diameter, within the tree crown, and to such a degree as to remove the normal canopy, shall not be considered proper or permitted for the maintenance of trees as required by this Division.

Sec. 300-090 Screening Requirement for Service Structures

For the purposes of this Division, service structures shall include propane tanks, dumpsters, and other waste containers.

A continuous fence or wall with opaque gate shall enclose any service structure on all sides. The height of the fence or wall shall be one (1) foot greater than the height of the enclosed structure, but shall not be required to exceed eight (8) feet in height. Whenever a service structure is located next to a building wall, the wall may fulfill the screening requirement for that side of the service structure provided that the wall or screening material is of a height sufficient to meet the height requirement set out in this section.

Sec. 300-100 Landscaping Plan Submission and Approval

The property owner or developer shall submit a Landscape Plan to the Commission whenever any property is affected by these landscape requirements. The requirements of this Division shall be followed in approving or disapproving any Landscape Plan required by this Division or by the Planning Commission.

1. For any property where a Vehicular Use Area (VUA) is proposed that accommodates 40 or more vehicles or is of a size over 12,000 square feet, the Landscape Plan shall be prepared and signed by a landscape designer certified as a Kentucky Certified Nurseryman, or prepared, sealed and signed by a landscape architect licensed to practice in the Commonwealth of Kentucky.
2. The content of the plan shall include the following:
 - a. A vicinity map clearly identifying the subject site.
 - b. Title block with developer name and address, project name and full site address, parcel number, property owner, design firm preparing the drawings, scale, total area of site, land use/zoning district, date of preparation, and north

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- point arrow.
- c. Final grading contours at two (2) foot intervals unless waived by the Commission staff.
 - d. A scaled development plan or plans, not less than 50 scale (1" = 50') or other scale agreeable to the Commission staff, showing and labeling, by name and dimensions, all existing and proposed property lines including metes and bounds, easements, buildings, walks, structures, ILAs, and all above ground and underground utility lines. Show and label VUAs, including parking stalls, driveways, service areas, and drainage outlets. The plan must indicate the number of parking stalls and the square footage of both the VUAs and ILAs. Show and label the adjacent property owners, the adjacent land use/zoning district, and the rights-of-way.
 - e. If existing landscape material is to be used to meet the requirements of Division 300, a Tree Preservation and Protection Plan that complies with Sections 300-070 and 300-080 shall be made a part of the Landscape Plan submittal. Show and label the location, species and caliper of existing trees and areas of vegetation that are to be retained as part of the required landscaping. Provide calculations that demonstrate how existing trees and vegetation to be retained, will meet the requirements of Sec. 300-070.
 - f. The location, species and caliper of existing significant trees (having a diameter breast height of 24" or greater) on the site that are proposed to be removed shall also be shown.
 - g. A complete and accurate plant schedule that includes plant key, botanical and common plant name, species of plant, installation size, mature plant size, notation for evergreen plants, on-center spacing dimensions where applicable, quantities and any specific planting notes.
 - h. Calculations that contain the total square footage of Vehicular Use Areas (VUAs) and related Interior Landscape Areas (ILAs), as required under Sec. 300-060. Indicate square footage required for ILAs, and the total square footage provided.
 - i. Irrigation systems may be required for all non-residential developments and residential developments other than single family residential.
 - j. Plants used to comply with this Division shall conform with American Standard for Nursery Stock typical standards, and shall have passed any inspections required under state regulations. This note must be shown on the Plan.
 - k. Screening required under Sec. 300-090 for dumpsters and all other service structures shall be shown and labeled on the Plan.
 - l. Proposed landscape material, keyed in accordance with the plant schedule, and areas for sod, seed, mulch, or groundcover should be located on the plan. Plant material shall be drawn to scale at its mature size.
 - m. Data used to determine compliance with the requirements of Landscape Buffer Area and Planting requirements as per Sections 300-050.

Sec. 300-110 Alternative Compliance, Permits and Waivers

- 1. It is not the intent of this Division to discourage innovative, aesthetically pleasing landscaping design. Thus, the developer may choose to submit a Landscape Plan of Alternative Compliance that conforms to the spirit and intent of this Division, while varying from its specific requirements. The Plan presented must be deemed a

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substantial improvement over the minimum requirements of this Division by the Planning Staff and not violate any of the County Ordinances; or when one of the following conditions are met:

- a. Topography, soil, vegetation, drainage, spatial limitations, or other site conditions are such that full compliance is not practical.
- b. Improved environmental quality would result from the alternative compliance of the provisions of this Article.

Staff may defer any Alternative Compliance request to the Commission for consideration as a waiver of this division.

3. When proposed perimeter screening conflicts with utility installations, the Administrator may waive the requirement for the use of plant materials only if more substantial screening, such as a wall or fence is constructed at an appropriate height to be determined by the Administrator. Brick or stone columns with fencing materials between the columns may be acceptable.
4. Upon application, the Commission may grant a waiver of other requirements of this Division.

Sec. 300-120 Code Enforcement and Fines

1. Once the landscaping updates have been installed, the landscape design professional shall submit a signed statement of completion before staff will do the final inspection to ensure conformance with the approved Landscape Plan.
2. Staff shall have the right to enter onto any property to inspect the health and general condition of plant material that is located either within the rights-of-way, part of an approved development/landscape plan, or reported as a public hazard.
3. Any landscape materials, including grasses, which fail to meet the minimum approved requirements at time of installation, as set forth in this Division, shall be removed and replaced with acceptable materials within ninety days or the property owner will be subject to a Code Enforcement Violation and any fines associated with non-compliance, to be determined by the Code Enforcement Board.
4. Landscaping that has never been installed, been removed, damaged or diseased, either deliberately or inadvertently, must be replaced within ninety days or the property owner will be subject to a Code Enforcement Violation and any fines associated with non-compliance, to be determined by the Code Enforcement Board.

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Appendix 300-130
Metro Louisville Approved/Prohibited Tree Species Planting List
Updated 2016