

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.

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 species (e.g., *Quercus rubrum*)

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

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 and shall have passed any inspections required under state regulations. Bare root plants, with the exception of vines and groundcovers shall be prohibited.

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 |

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

| | |
|--------------------------------------------------------|------------------|
| Small Tree (under 25 feet in height at maturity) | 6 feet high |
| Medium Tree (25 feet-50 feet in height at maturity) | 1 ¾ inch caliper |
| Large Tree (over 50 feet in height at maturity) | 1 ¾ 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 inch caliper.

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

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 criteria shall be used where existing healthy trees are being preserved and substituted for newly planted trees:

- A. An existing 6 inch-12 inch caliper tree, surrounded by a minimum of 133 square feet of landscape area, may be substituted for two (2) new trees of the required minimum size
- B. An existing 12 inch-24 inch 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
- C. An existing tree greater than 24 inch 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

10.4.4 Spacing

No newly planted trees may be planted closer together than 10 feet for small trees, 25 feet for medium trees, and 30 feet for large trees. 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. Planning Commission staff can authorize a closer spacing of trees in special circumstances.

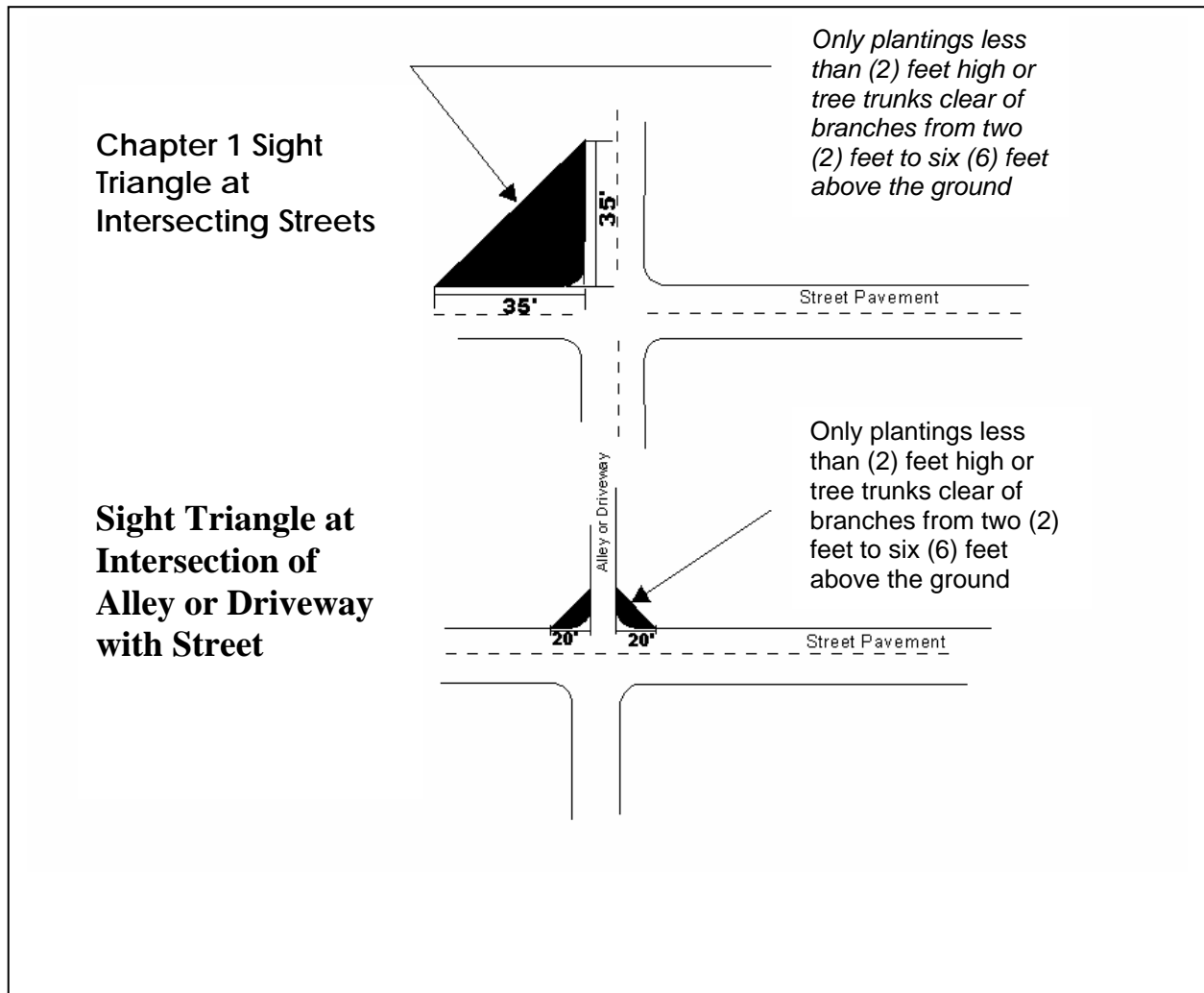
Table 10.4.1

| TREE SPACING GUIDE AGAINST BUILDINGS | |
|--------------------------------------|------------------------------------|
| Tree Height | Minimum Spacing from Building Edge |
| Up to 25 feet (small tree) | 10 feet |
| 25 feet-50 feet (medium tree) | 15 feet |
| 50 feet+ (large tree) | 15 feet |

No tree shall be planted in a space less than 3 feet in width. Only small trees shall be planted in spaces less than 4 feet in width.

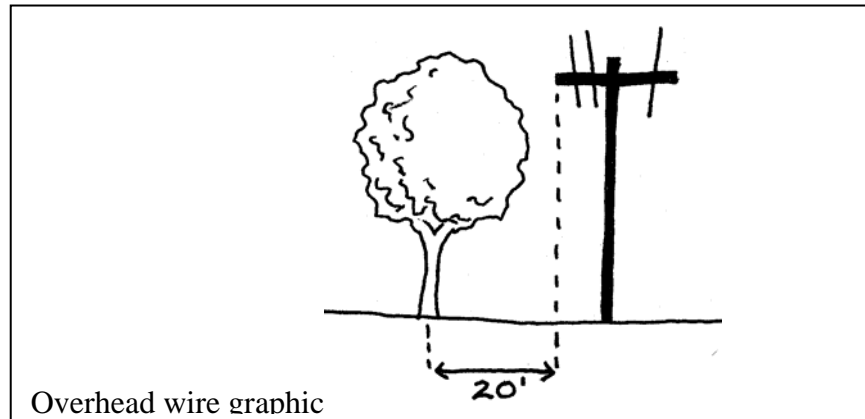
Trees shall be located to provide shade over impervious surfaces to the maximum extent possible.

Figure 10.4.1



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. 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.

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.



Overhead wire graphic

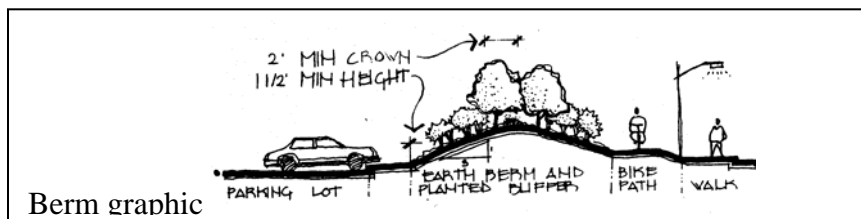
To assure that landscape materials do not constitute a driving hazard, a “sight triangle” will be observed at all street intersections including street intersections and intersections of alleys or driveways as illustrated below. The sight triangle shall be measured from edge of pavement to edge of pavement.

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.

10.4.6 Berms

Any *berm* built to satisfy the requirements contained in this regulation shall be constructed as follows: a minimum height of 1 1/2 feet, and a minimum crown of 2 feet measured on a horizontal plane. Berms with side slopes greater than 3:1 shall be planted with ground cover that does not require mowing. Berms over 3 feet in height planted with woody plant material shall be permitted if the applicant demonstrates to satisfaction of Planning Commission staff that adequate measures will be taken to allow the proposed plants to thrive. Landscape plans shall indicate, by a detail drawing, or by specification in a note on the plan, the type and location of irrigation system to be used. Plans should be specific enough to show that adequate irrigation will be provided to all required plant materials.



Berm graphic

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.

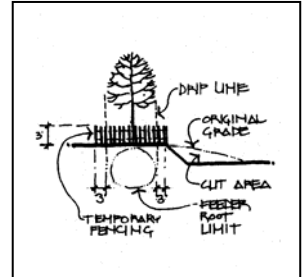
10.4.8 Protection During Construction

All tree preservation, tree canopy protection and woodland protection areas shall be in accordance with Tree Preservation Policies of Louisville Metro Planning and Design Services.

A durable and visible barrier at least 3 feet in height and approved by the Planning Director or designee shall be erected around all Tree Canopy Protection Areas prior to any clearing or land disturbing activities requiring a Land Disturbance Permit. All barriers shall be located at the edge of the area to be preserved, which is at least 3 feet beyond the drip line of the protected tree, and shall remain in place until all construction is completed.

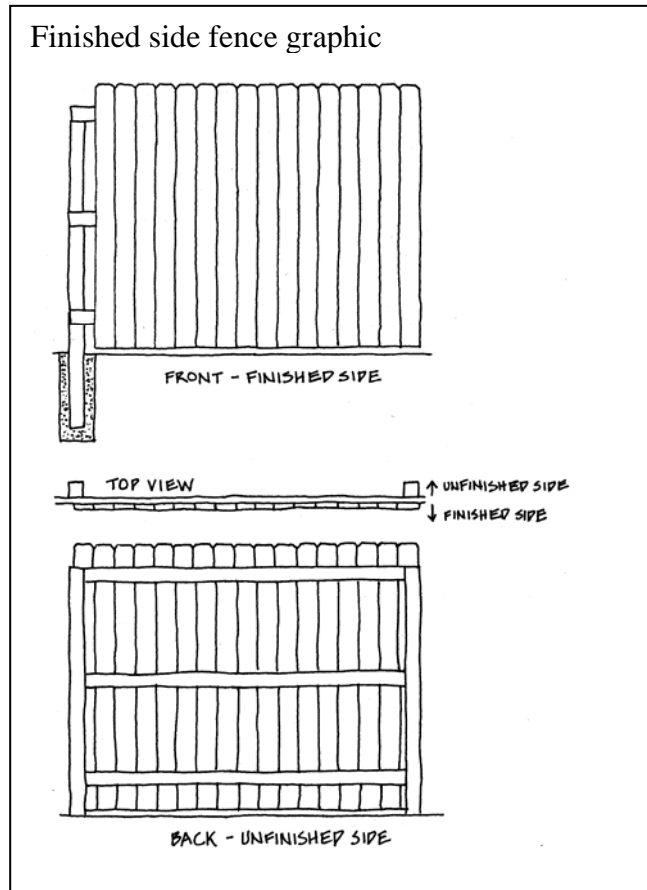
No clearing, grading or other land disturbing activities shall be allowed within the area enclosed by the tree protection barrier. No equipment, materials, or vehicles shall be stored or placed within the area enclosed by the tree protection fence.

To prevent compaction of the soil or root system, no parking, material storage, or construction activities are permitted within the boundaries of the constructed barrier or vegetative buffers, beyond that allowed for preliminary site investigation work,



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. Fences shall be constructed of wood or other weatherproof, durable materials intended for exterior use and approved by the Commission Director or designee. 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.



10.4.10 Lighting

Any lights used to illuminate landscaping must be shown on the landscape plan.

10.4.11 Land Clearing

Selective Clearing - Selective clearing 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 off site 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.

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.

10.4.12 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 or
 - 3. Reported as a public hazard

10.4.13 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.

10.4.14 Tree Service Contractors (*Reserved*)