

**Article 1, Definition Changes:**

**Add Definitions in Article 1-11:**

**DRIVEWAY, FOR RESIDENTIAL TYPE 1 AND TYPE 2 PARKING** – A private paved vehicular access extending on the shortest reasonable path through the front yard or side street side yard to the off-street parking area.

**OFF-STREET PARKING AREA, FOR RESIDENTIAL TYPE 1 AND TYPE 2 PARKING** – an improved surface located on private property where motor vehicles are operated, parked, stored, or allowed to stand.

**ROUTE, ACCESSIBLE** – As defined by the Americans with Disabilities Act and other federal, state, and local regulations and guidance.

**SURFACE PARKING LOT** – Surface parking lots are open or unenclosed vehicular use areas used for the temporary storage of vehicles.

**VEHICULAR USE AREA** – A vehicular use area (V.U.A.) is any paved or other durable material intended to be driven on by any type of vehicle; whether moving or at rest, including, but not limited to, surface parking lots; loading and unloading areas; and vehicular sales, service, repair, and refueling areas.

**VISUALLY ACTIVE FRONTAGE** – The length of ground-floor building frontage abutting public walkways that is visually penetrable. Visually penetrable frontage comprises partially or completely transparent windows and materials along the length of frontage at any point between ground level and 12 feet above ground. Accessible open spaces such as playgrounds, parks, porches, and patios are included, but landscaping not designed to be routinely used by people is not. Garage entrances and other vehicle-only access points are not included as visually active frontage and count as blank walls.

**WALKABLE ROUTE** - The route that a pedestrian may travel between origins and destinations without obstruction and with clear protection from motor vehicles. The walking route shall consist of a continuous network of sidewalks, all weather-surface footpaths, crosswalks, or equivalent pedestrian facilities which are accessible to people of all ages and abilities, as defined by the Americans with Disabilities Act and other Federal, State, and local regulations and guidance. The walking route must be drawn from an accessible building entrance to the pedestrian facility in the public right of way. Walking distance is specified as the length of the walkable route.

## **Article 7, Board of Adjustment Changes:**

**Remove** from 7-6(b) *Variances*. The Board shall have the power to hear and decide on applications for variances that are defined as departures from dimensional terms of this Zoning Ordinance pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departures meet with the requirements of this section. The Board may grant a variance to vary the lot coverage or floor area ratio in the Single-Family Residential (R-1A, R-1B, R-1C, R-1D and R-1E) zones or in the Two-Family Residential (R-2) zone, as these factors do not increase the permitted number of dwelling units. The Board may grant a variance for dimensional requirements only and may not vary the number of permitted signs, ~~minimum number of required parking spaces outside of the Infill and Redevelopment Area,~~ or other numeric requirements or limits of the zone. ~~However, the Board may grant a variance to the maximum number of parking spaces allowed in a zone, or reduce the minimum number of parking spaces by fifty percent (50%) of the otherwise required number in accordance with Section 16-10 for projects within the defined Infill and Redevelopment Area. Any reduction granted by the Board shall account for and include all other allowable parking reductions.~~ The Board may impose any reasonable conditions or restrictions on any variance it decides to grant, and may revoke a variance for noncompliance with the conditions thereof. The Board shall not have the authority to vary lot coverage, floor area ratio (except in the R-1A, R-1B, R-1C, R-1D, R-1E and R-2 zones, as permitted above), nor lot size; nor to vary the maximum height of a building containing residential units in the Neighborhood Business (B-1) zone, as these are methods of controlling population density used in this Zoning Ordinance.

## **Articles 8, Schedule of Zones, Changes:**

**Replace** all parking requirements from all individual zones, as per this example:

8-1(n) – Agricultural Rural A-R Zone: Vehicular use areas shall be developed in accordance with Articles 16 and 18.

~~Off-Street Parking. (See Article 16 for additional parking regulations.)~~

~~Bed and Breakfast Facilities: One (1) space per room rented other than the first room.~~

~~Places of Religious Assembly: One (1) space for each five (5) seats in the main auditorium, with a minimum of five (5) spaces.~~

~~Commercial Greenhouses: Provided there are sales to the public on the premises, one (1) space per employee, and ten (10) additional spaces, plus one (1) additional space per four hundred (400) square feet of total floor area, up to five thousand (5,000) square feet of total floor area. Parking spaces not required to be paved, but must be durable and dustless.~~

~~Non-commercial Outdoor Athletic Facilities, including Baseball Fields; Soccer Fields; Outdoor Rodeos: One (1) space for every five (5) spectator seats, or one (1) for every three (3) active participants in the sport, whichever is greater.~~

~~Commercial and Non-commercial Riding Stables, Fishing Lakes, Sportsmen's Farms, Zoological Gardens, and Other Recreational Facilities, Ecotourism and Agritourism activities not otherwise stated herein: Five (5) spaces, plus one (1) space for each employee for each separate use.~~

~~Dormitories: Five (5) spaces, plus one (1) space for every five (5) beds.~~

~~Dwelling Units: One (1) parking space per dwelling unit.~~

~~Elementary and Junior High Schools: One (1) space for every fifteen (15) seats in the main auditorium; or one (1) space for every classroom, plus one (1) space for each employee, whichever is greater.~~

~~All Other Schools for Academic Instruction: One (1) space for each five (5) classroom seats, or one (1) space for each five (5) seats in the main auditorium, whichever is greater.~~

~~Equine Hospitals or Large Animal Hospitals: One (1) space per four hundred (400) square feet of floor area, with a minimum of five (5) spaces, but not including any barns.~~

~~Golf Courses: Three (3) spaces for every hole on the main course.~~

~~Golf Driving Ranges: One (1) space per driving tee; plus one (1) space per employee, with a minimum of five (5) spaces.~~

~~Horse Race Tracks: One (1) space per five (5) seats, plus one (1) space for every three (3) employees.~~

~~Rehabilitation Homes: One (1) space for each three (3) beds; plus one (1) space for each employee on the maximum shift, with a minimum of five (5) spaces.~~

~~Kindergartens, Nursery Schools, Childcare Centers and Family Childcare for seven (7) or more children: Three (3) spaces for the first twelve (12) children, plus one (1) space for every ten (10) (or fraction thereof) additional children.~~

~~Private Clubs: One (1) space for every four (4) members.~~

~~Small Farm Winery Restaurant/Bistro: One (1) space for every six (6) seats in the restaurant or bistro.~~

~~Conditional Uses: Parking requirements stated herein for conditional uses are minimum requirements; the Board of Adjustment may establish additional requirements, as needed. For any conditional use not otherwise stated herein: One (1) space per employee, with a minimum of five (5) spaces.~~

~~Combinations: Combined uses shall provide parking equal to the sum of the individual requirements.~~

**Add “Shared Parking Courts” for townhouses to Articles 8 and 23:**

**8-10(b) Principal Uses**

6. Shared Parking Courts serving subdivided single family attached residences in accordance with Article 16-3.

**8-12(b) Principal Uses**

8. Shared Parking Courts serving subdivided single family attached residences in accordance with Article 16-3.

**23A-5(b) Principal Uses**

5. Shared Parking Courts serving subdivided single family attached residences in accordance with Article 16-3.

**Article 9, Group Residential Project Change:**

**Replace** 9-6(f) Vehicular use areas shall be developed in accordance with Articles 16 and 18. ~~Parking Area. One and one-half (1½) off-street parking spaces shall be provided per dwelling unit or 0.9 spaces per bedroom in a multifamily dwelling, whichever is greater. Parking minimums may be reduced for the provision of bicycle and transit facilities as specified in Section 16-10 of this Zoning Ordinance.~~

**Article 10, M-1P zone Change:**

**Replace** 10-9(c) Vehicular use areas shall be developed in accordance with Articles 16 and 18. ~~Required Parking. There shall be provided on the same space with the mobile home, or on a lot contiguous thereto, or on an access road, at least two (2) parking spaces per mobile home lot. The required parking spaces may be located within the access road or driveway, provided that the portion thereof to be used exclusively for such parking is improved in accordance with the requirements of the Division of Engineering. The minimum width of an access road or driveway on which parking is permitted shall be twenty-nine (29) feet for one-side parking and thirty-eight (38) feet for both-side parking.~~

## **Article 11, B-5P zone Change:**

**Replace** 11-7(c) Vehicular use areas shall be developed in accordance with Articles 16 and 18. ~~Parking. Off-street parking areas for each permitted principal use shall be provided at least equal to those required for each such use in the B-3 zone.~~

## **Article 12, B-6P zone Changes:**

**Remove** 12-5(f) ~~Drive-through facilities for the sale of goods or products or provision of services otherwise permitted herein, except as accessory uses herein.~~

**Replace** 12-8 (e) Vehicular use areas shall be developed in accordance with Articles 16 and 18. ~~Maximum Required Parking. Notwithstanding any other requirements of this Zoning Ordinance: (1) For any commercial center that is located on a transit route, there shall be a maximum of four (4) surface parking spaces per one thousand (1,000) commercial square feet. (2) For any commercial center that is not located on a transit route, there shall be a maximum of five (5) surface parking spaces per one thousand (1,000) commercial square feet. (3) For any commercial center containing residential use(s), the residential use(s) there shall be a maximum of one (1) surface parking space per dwelling unit. (4) Structure parking shall not count toward any maximum parking requirement.~~

**Replace** 12-8 (f) Reserved for future use. ~~Loading Areas. Notwithstanding any other requirements of this Zoning Ordinance, there shall be provided one (1) off-street loading space for each twenty thousand (20,000) square feet, or fraction thereof, of aggregate floor space of all buildings in the center. At least one-third (1/3) of the space required shall be sufficient in area and vertical clearance to accommodate trucks of the tractor-trailer type. Such loading facilities shall be permanently and fully screened. The exact type and nature of such screening shall be determined by Article 18.~~

**Add to** 12-8 (h) Multi-Modal Accommodation. In addition to the requirements of Articles 16 and 18, ~~T~~the applicant shall, on the submitted development plan or on a separate exhibit, provide a proposed multi-modal improvement plan designed to accommodate all users for the entirety of the property, as well as connecting to any planned and/or existing public facilities. For redeveloping or infill sites, the multi-modal improvement plan shall also be a guide for future improvements as redevelopment occurs.

**Add to** 12-8 (i) Transit Facilities. In addition to the requirements of Articles 16 and 18 the applicant shall:

(1) For all commercial centers located along a transit route, a transit shelter and seating shall be required and indicated clearly on the development plan to the approval of the local transit authority. Adequate pedestrian facilities to serve the

required transit infrastructure, both along the right-of-way and internal to the site, shall be to the approval of the Metropolitan Planning Organization (MPO). It will be strongly encouraged that the development plan afford appropriate facilities and accommodations for additional ridesharing services.

(2) No zoning compliance permits shall be issued for the commercial center until all approved transit infrastructure is constructed in accordance with the approved final development plan.

**Article 18, Landscaping, Changes: NOTE TO REVIEWERS, See Full 18-3 for contextual changes**

**Article 22, PUD Zones, Changes:**

**Replace 22A-6(h) Vehicular use areas shall be developed in accordance with Articles 16 and 18.**

~~Off-Street parking shall be provided as follows:~~

~~(1) Single-family, two-family and townhouse dwellings: One (1) space per dwelling unit.~~

~~(2) Multifamily dwellings: One and one-half (1½) spaces per dwelling.~~

~~(3) Nursery schools, day nurseries and childcare centers: Three spaces for the first twelve (12) children plus one (1) space for every ten (10) (or fraction thereof) additional children.~~

~~(4) One (1) space for every five (5) seats in the main auditorium.~~

~~(5) Places of Religious Assembly. One (1) space for every five (5) seats in the main auditorium.~~

~~(6) Nursing homes and personal care facilities: One (1) space for every four (4) beds plus one (1) space for each employee on the maximum working shift with a minimum of five (5) spaces.~~

**Article 23, Expansion Area Zones, Changes:**

NOTE: See “Shared Parking Courts for townhouses” previously in this document for a change to Article 23A-5(b)

**Add to 23A-2(i) *Front Yard Driveways.* In addition to the requirements of Articles 16 and 18, Any driveway within a front yard of a residential dwelling:**

1. On any detached dwelling unit, where no enclosed garage is provided, the driveway must extend beyond the front wall of the residence into the side or rear yard for a distance of at least twenty (20) feet. For attached housing, the developer and the Commission are encouraged to find alternative parking schemes within street rights-of-way as an alternative to front yard parking.
2. Where the dwelling is set back from the right-of-way less than twenty-five (25) feet, the driveway may not access a garage which fronts the street, but may extend to a side or rear facing garage, or a front facing garage located more than twenty-five (25) feet from the right-of-way.
3. Where the residence is set back twenty-five (25) feet or greater, the driveway may access a front facing garage located no closer than twenty-five (25) feet from the right-of-way.
4. In any case, the width of a front yard driveway shall not exceed fifty percent (50%) of the width of any lot at the building line as established on the final development plan or final subdivision plan, as appropriate.

**Replace 23A-4(g): Vehicular use areas shall be developed in accordance with Articles 16 and 18.**

~~*Parking Requirements:*~~

~~Outdoor Athletic Facilities: One space for every five (5) spectator seats.~~

~~Riding Stables, Sportsmen's Farms, and Zoological Gardens: Five spaces plus one (1) space for each employee.~~

~~Golf Courses: Three spaces for each hole on the main course.~~

~~Driving Ranges: One space per driving tee, plus one (1) space per employee, with a minimum of five (5) spaces.~~

~~Other Recreational Facilities or Ecotourism activities not otherwise stated herein: Five (5) spaces, plus, one (1) space for each employee for each separate use.~~

**Replace 23A-5 (i): Vehicular use areas shall be developed in accordance with Articles 16 and 18.**

~~*Off-Street Parking Requirements:*~~

1. ~~There shall be a minimum of one (1) space per dwelling unit for single-family detached, duplex and townhouse residential units. Multifamily units shall have a minimum of 1.5 spaces per unit; except for elderly housing, which shall provide three (3) spaces for every four (4) units. One additional space shall be provided for any accessory dwelling unit.~~

~~2. Golf courses. As per CD.~~

~~3. Community residences. One space per every four (4) beds, plus one (1) space for each employee on the maximum working shift, with a minimum of five (5) spaces.~~

~~4. Accessory and conditional uses. Parking shall be as provided elsewhere in the Zoning Ordinance within the zone where the use is first permitted.~~

**Replace 23A-6(j): Vehicular use areas shall be developed in accordance with Articles 16 and 18.**

~~*Off-Street Parking Requirements.*~~

~~There shall be a minimum of one (1) space per dwelling unit for single-family detached, duplex and townhouse residential units. Multifamily units shall have a minimum of 1.5 spaces per unit, except for elderly housing, which shall provide three (3) spaces for every four (4) units. One additional space shall be provided for any accessory dwelling unit.~~

**Replace 23A-7(j): Vehicular use areas shall be developed in accordance with Articles 16 and 18.**

~~*Off-Street Parking Requirements.* There shall be a minimum of one (1) space per dwelling unit for single-family detached, duplex and townhouse residential units. Multifamily units shall have a minimum of 1.5 spaces per unit, except for elderly housing which shall provide three (3) spaces for every four (4) units. One additional space shall be provided for any accessory dwelling unit.~~

**Replace 23A-8(j): Vehicular use areas shall be developed in accordance with Articles 16 and 18.**

~~*Off-Street Parking Requirements.*~~

~~1. Residential Uses. As per the underlying EAR category.~~

~~2. Other Permitted Uses. Parking shall be as provided elsewhere in the Zoning Ordinance within the zone where the use is first permitted.~~

**Replace 23A-9(j): Vehicular use areas shall be developed in accordance with Articles 16 and 18.**

~~*Off-Street Parking Requirements.*~~

~~1. Residential Uses. As per EAR-3.~~

~~2. All other uses. Parking shall be as provided elsewhere in the Zoning Ordinance within the zone where the use is first permitted.~~



**Replace 23A-10(i): Vehicular use areas shall be developed in accordance with Articles 16 and 18.**

~~*Off-Street Parking Requirements.* Parking shall be as provided elsewhere in the Zoning Ordinance within the zone where the use is first permitted.~~

~~Hospices. One (1) space for every two (2) beds; plus one (1) space for each employee on the maximum working shift, with a minimum of five (5) spaces.~~

**Article 28, Mixed Use Zones, Changes:**

**Replace 28-3(g): Vehicular use areas shall be developed in accordance with Articles 16 and 18.**

~~*Parking Requirements.* Parking shall be required at the rate of 0.5 space per dwelling unit for residential uses, zero (0) space per mixed-income housing unit, and one (1) space per four hundred (400) square feet for nonresidential uses; except for restaurants, which shall provide the greater of one (1) space per two hundred (200) square feet or one (1) space per every four (4) indoor seats. Parking provided shall not exceed the minimum required number of spaces, plus fifty percent (50%) of the minimum.~~

**Replace 28-4(g): Vehicular use areas shall be developed in accordance with Articles 16 and 18.**

~~*Parking Requirements.* Off-street parking shall be required at the rate of three (3) spaces for every two (2) dwelling units, or 0.9 spaces per bedroom (whichever is greater) for residential uses, zero (0) spaces per mixed-income housing unit; one (1) space per three hundred (300) square feet. Fifty percent (50%) of the parking provided for nonresidential uses may be counted to satisfy residential parking requirements. Parking provided shall not exceed the minimum required number of spaces, plus fifty percent (50%) of the minimum.~~

**Replace 28-5(g): Vehicular use areas shall be developed in accordance with Articles 16 and 18.**

~~*Parking Requirements.* Off-street parking shall be required at the rate of three (3) spaces for every two (2) dwellings, or 0.9 spaces per bedroom (whichever is greater) for residential uses; zero (0) parking spaces per mixed-income housing unit; one (1) space per three hundred (300) square feet for other nonresidential uses. Fifty percent (50%) of the parking provided for nonresidential uses may be counted to satisfy residential parking requirements. Parking provided shall not exceed the minimum required number of spaces, plus fifty percent (50%) of the minimum.~~

~~Remove 23-5(h)(6)(e)(4): Off-Street Parking shall be provided for the uses listed below:~~

~~Cocktail Lounges, Night Clubs, Conference Facilities, Banquet Facilities, Convention Facilities or Restaurants with live entertainment or dancing: One (1) space for every one hundred fifty (150) square feet of floor area.~~

~~Conditional Uses: The Board of Adjustment may establish additional requirements as needed.~~

~~Drive-in Restaurants, with or without fixed seats: One (1) space for every three hundred (300) square feet of floor area, or one (1) space for every four (4) fixed seats, whichever is greater.~~

~~Extended-Stay Hotels: One (1) space for every dwelling unit.~~

~~Grandstands for Horse Race Tracks: One (1) space per five (5) seats.~~

~~Hotels and Motels: One (1) space per guest suite.~~

Replace 28-6 (d): **Vehicular use areas shall be developed in accordance with Articles 16 and 18.**

~~Location and Assignment of Required Off-Street Parking. At least fifty percent (50%) of parking spaces shall be located so as to not project between any front building face and any adjoining street, except an alley. The Planning Commission may require designation of certain spaces for use of residents only on the development plan.~~

Replace 28-6(f): **Bicycle parking shall be developed in accordance with Articles 16 and 18.**

~~Parking for Bicycles. For projects with three (3) or more dwelling units, four (4) bicycle rack spaces shall be provided per every three (3) units, with a maximum requirement of twelve (12) spaces.~~

Add to 28-6(g): **Site Lighting. In addition to the requirements of Article 18, S**ite lighting shall be restricted as follows:

1. Wall mounted lamps that use the equivalent of one thousand, two hundred (1,200) lumens per bulb or greater shall be shielded or equipped with cutoffs so that the light sources are not visible from a public street. Spotlights without shielding devices are prohibited.
2. Wall mounted light fixtures shall not extend above the height of the wall to which they are mounted.

3. Lighting that is positioned to highlight a building shall be aimed at the object to be illuminated and not directly aimed into the sky.

4. Any light fixture intended to illuminate walkways or other outdoor areas shall not exceed fifteen (15) feet in height, unless specifically used to light an outdoor recreation facility, such as a tennis court, ball field, or similar use.

5. Any light fixture intended to illuminate a parking area shall not exceed twenty-five (25) feet in height, and shall be shielded or equipped with cutoffs so as to prevent undue light spill onto adjoining properties.

**Remove** 28-6(i): ~~*On-Street Parking.* The number of on-street parking spaces, calculated at one (1) space for every twenty-two (22) feet of curb length or the number of marked spaces, may reduce the number of off-street parking spaces required, as long as the reduction otherwise complies with Section 16-10 of this Zoning Ordinance.~~

**Article 16 – Complete Replacement of existing ordinances with the following:**

**RESPONSIVE PARKING AND GENERAL REGULATIONS FOR VEHICULAR USE AREAS, MULTI-MODAL TRANSPORTATION FACILITIES, GARAGES, AUTOMOBILE SERVICE STATIONS, VEHICLE SALES LOTS, AND STACKING AREAS**

16-1 Intent

It is the intent of this Ordinance to balance the needs of parking demand and supply in order to enhance all place types, prioritizing access to livable neighborhoods, workplaces and other supportive uses.

The regulation of the placement and design of vehicular use areas is essential to create a safe, livable, and environmentally sustainable city as envisioned in the Goals & Objectives of the adopted Comprehensive Plan. Driveways and off-street parking areas should be accessory/subordinate to the primary uses, not only in function, but also visually. Paved areas and garages should not be the most prominent features, especially in residential areas.

Certain parking and loading areas such as, drive-through facilities, automobile service and refueling stations, can have an increased impact on the potential health, safety and welfare of the surrounding community and therefore have additional site requirements.

16-2 Permits Required:

Permits are required for private walkways and vehicular use areas. Such permits shall not be issued until the applicant has met the design standards jointly promulgated by the Division of Traffic Engineering and the Division of Building Inspection, the storm drainage requirements of the Division of Engineering, and all other requirements of this Zoning Ordinance.

16-3 Design Standards for Vehicular Use Areas

16-3(a) General Provisions for Vehicular Use Areas

1. Where parking is the principal use of a lot, such off-street parking, loading or unloading area shall not be closer to any lot line than the distance required for a principal building of one (1) story in height.
2. The parking area and driveway shall be paved with concrete, asphalt, brick, permeable pavers or other suitable hard surface materials, as approved by the Division of Building Inspection. Loose aggregate or other type of gravel is prohibited, except as approved by the Board of Architectural Review for the purpose of historic preservation, or when approved by the Urban County Forester

for the purpose of tree protection. In either case, the applicant must show that there is not another reasonable alternative to the loose aggregate.

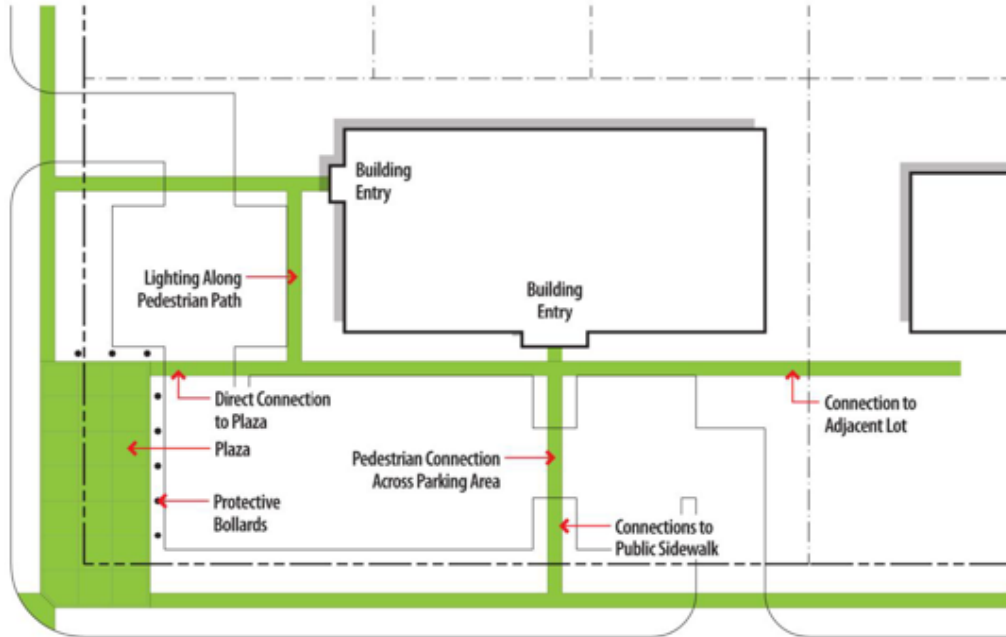
- a. The exception is for maneuvering and storage areas within Industrial and Agricultural uses... not visible from the right-of-way, provided that the parking spaces for employees and customer use meet the above surface materials.
3. The design of the parking areas and driveways shall be developed so as to prohibit the backing of vehicles onto a public right of way, with the exception of Type 1 and Type 2 Residential.
4. Every parcel of land hereafter used as an automobile, truck, mobile home, boat, trailer, or camper sales lot, or as an automobile service or refueling station shall be subject to the requirements of this Zoning Ordinance concerning surfacing, lighting, landscaping and screening, and minimum yards and setbacks; and shall be considered, in the application thereof, as the equivalent of a parking area for more than five (5) vehicles, regardless of its size.

#### 16-3(b) Pedestrian Safety and Access Standards for Vehicular Use Areas

Pedestrian safety standards provide for the public safety of pedestrians with direct, continuous pedestrian walkways that connect building entrances to parking spaces, public sidewalks, transit stops, and other pedestrian destinations and shall be regulated as follows:

1. Walkways - Walkways shall be located where motorists can anticipate pedestrians and react accordingly. Walkways shall be designed to give the pedestrian full view of oncoming vehicles with minimum interference from obstructions such as fences, walls, vegetation, and parked cars.
2. Pedestrian circulation - Pedestrian circulation shall take precedence over vehicular circulation. Where pedestrian circulation crosses vehicular routes, a crosswalk with a different paving material, ladder-striping, speed tables, or signage shall be provided. Walkways in parking areas shall be barrier-free, and a minimum of 5 feet wide to allow two people to pass comfortably; sidewalks must be a minimum of 6 feet wide where cars overhang; additional width may be needed in some areas with heavy pedestrian traffic.
3. Pedestrian Connection to Entrances - At least one pedestrian route shall be provided and aligned within the parking lot with the main entry of a building to facilitate pedestrian movement from the right-of-way to the building entry. Clear separation/division from vehicular areas with landscaping, a change in grade, or a change in surface material shall be provided.
4. ADA Compliance - All site facilities and amenities shall be accessible to people with disabilities in accordance with the provisions of the 2010 Americans Disabilities Act (ADA) or its most recent update and the accessibility standards of the Kentucky Building Code.

Figure: Pedestrian Safety and Access Standards for VUAs



16-3(c) Landscape and Environmental Sustainability Standards for Vehicular Use Areas  
Landscape and environmental sustainability standards create greener parking lots that reduce stormwater runoff and urban heat islands while ensuring more comfortable places to walk and park and shall be regulated in accordance with Article 18-3 Vehicular Use Area Perimeter and Interior Landscaping requirements.

16-3(d) Type 1 Parking: Residential single-family detached units, duplexes, triplexes, and quadruplexes when a single building is located as the primary use on a single lot.

1. Off-Street Parking Areas for single-family detached units, duplexes, triplexes, and quadruplexes shall be located in an off-street parking area, which may be within a garage, and shall not be located within any required front yard or side street side yard.
2. Paving within a required front yard or side street side yard shall be limited to private walkways and residential driveways as defined and regulated herein.
3. Driveway Width – Allowable driveway width shall be based on the lot frontage, regardless of the width of the required off-street parking area.
  - a. Where lot frontage is 40' or more, the maximum driveway width shall be 20'.
  - b. Where lot frontage is less than 40' outside of the defined Infill and Redevelopment Area, the maximum driveway width shall not exceed 50% of the lot frontage.
  - c. Where existing lot frontage is less than 40' within the defined Infill and Redevelopment Area, driveway width shall not exceed 10'.
  - d. If the width of a garage exceeds the allowable driveway width, the driveway shall be allowed to flare to that width for a distance no less than

18', beginning at a location no closer to the street than ½ of the required front yard or side street side yard.

- e. Shared driveways are allowed (and encouraged for lots with less than 40' of frontage), but may not exceed a total width of 20'. (See Figure 2: Shared Driveways)

*Figure: Examples of Shared Driveways*



4. Any private walkway shall be designed in such a way that a vehicle cannot drive on it so as to permit the area to be used as a parking space or vehicular use area. No private walkways shall be built in the street right-of-way without approval of an encroachment permit.
5. The setback from the side and rear lot line shall be 2' for paved areas and driveways.
6. The maximum amount of paved area, including private walkways, shall not exceed sixty percent (60%) of the total required front or side street side yard.

#### 16-3(e) Type 2 Parking: Residential single-family attached units

1. Driveways, parking areas, and private walkways shall be regulated in accordance with the regulations for Type 1 Parking Areas above, except:
2. Single-family attached units shall receive vehicle access only from the front or rear lot line exclusively, not both. End units with a side street side yard may receive vehicle access from that lot line in lieu of front or rear entry.
3. Single-family attached units with vehicle access in the rear shall be served by an alley or public street.
4. All front-loaded garages and driveways must be paired.
5. Shared parking courts shall meet the following standards:
  - a. Shared parking courts shall be owned and maintained by a common ownership mechanism.
  - b. Shared parking courts shall contain a maximum of 12 parking spaces.
  - c. Landscaping shall be in accordance with Article 18-3
  - d. Locational Req? Parking courts shall be located to the rear or side of the single-family attached units.
    - i. Shared parking courts shall not be the principal use on a corner lot.
    - ii. Shared parking courts shall be adjacent to single-family attached units on at least two sides.

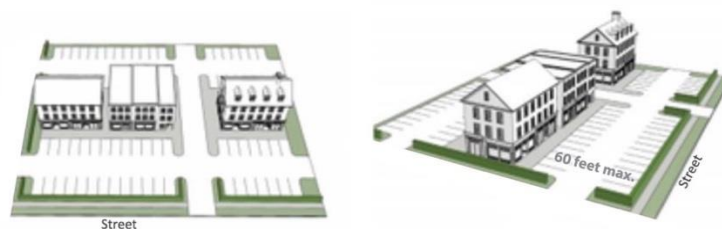
- iii. When located in the same block frontage as other residential uses, no parking spaces shall be located within the required front yard for the zone.

16-3(f) Type 3 Parking: Vehicular Use Areas from 1,800 SF/five spaces up to 130,680 SF (3ac)

The intent of this section is to ensure the successful integration of vehicular use areas within the built environment to support pedestrian safety and transit-friendly development. This is accomplished with regulations for the location and screening of vehicular use areas, internal circulation systems that are similar to street layouts, regulations that will provide connectivity within the site and to adjacent streets and uses, and standards for greener parking areas.

1. Where excluded: Agricultural and heavy industrial uses
2. Location Standards – Create a safer, more walkable public realm by bringing buildings closer to the street.
  - a. For Multi-Family and Group Residential:
    - i. Surface parking areas shall not be located between a principal structure and the street, unless it is parallel parking along the street or an internal drive.
  - b. For all non-residential uses:
    - i. A maximum of two (2) bays of surface parking with a single drive aisle, or a vehicular use area of up to 60 feet in depth as measured perpendicular to the street, whichever is greater, shall be permitted between the building and the street, unless otherwise prohibited by a maximum setback.

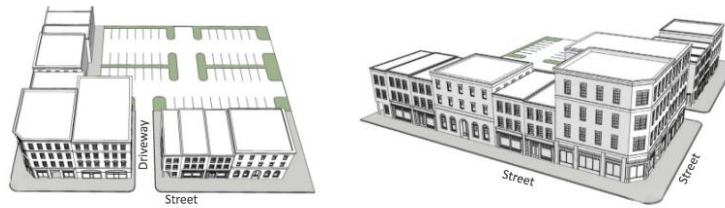
Figure: **Placeholder** to illustrate non-residential parking permitted between the building and the street



- c. For all uses:
  - i. Within 400 feet of the intersection, vehicular use areas shall not be located between a principal building and the street along any street which has the functional classification of (major/minor) arterial or (major/minor) collector.

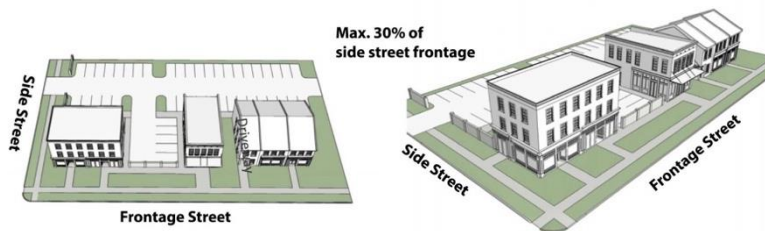


Figure: Placeholder to illustrate VUA placement at major intersections



- ii. On all other corner lots, vehicular use areas may occupy up to 30 percent of the lot frontage on the side street side yard and shall be set back a minimum of 15' from the right-of-way or no closer to the street than the building, whichever is greater.

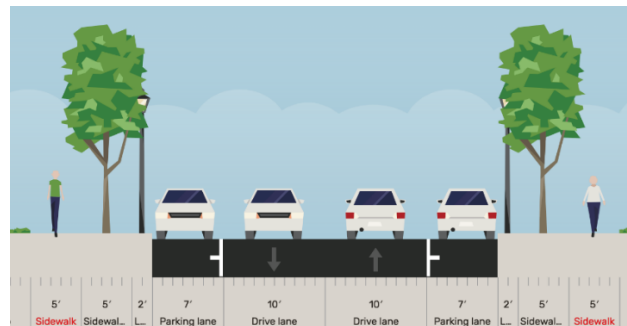
Figure: Placeholder to illustrate VUA placement at all other intersections



- 3. Internal Circulation Standards - Establish a clear hierarchy of pedestrian and vehicular circulation, including primary internal drives, which serve in similar form and function as streets for both people and vehicles.
  - a) A primary internal drive(s) shall be designated for projects with more than two buildings.
  - b) The primary internal drive:
    - a. Must have at least one auto travel lane, curbs, and unobstructed sidewalks on both sides and one of the following must be met:
      - i. The sidewalks must be at least 6 feet wide. There must be a planting strip at least 7 feet wide. The planting strip must be between the curb and the sidewalk, and shall provide trees a maximum of 30 feet on center from Group A or B Street Tree Species of the Acceptable Plant Materials List; or
      - ii. The sidewalks must be at least 10 feet wide and planted with trees a maximum of 30 feet on center. Trees from Group A or B Street Tree Species of the Acceptable Plant Materials List must be planted in the center of unpaved tree wells at least 18 square feet, with a minimum dimension of 3 feet. The unpaved area may be covered with a tree grate. Tree wells must be adjacent to the curb, and must be located so there is at least 6 feet of unobstructed sidewalk.

- b. Shall include pedestrian-scaled lighting not to exceed twelve (12) feet in height, placed a maximum of 30 feet on center and spaced equal distance between required trees, and
- c. Curb extensions that are at least the full depth of the parking must be provided, as shown in Figure (plan drawing), at the intersections of other internal drives that have parallel or pull in parking; and
- d. The primary internal drives are excluded from the portion of the vehicular use area used to calculate required interior landscaping.
- e. Where primary internal drive connections to adjacent streets exceed 400 feet, pedestrian connections to adjacent streets must still be provided at least every 400 feet.

*Primary Internal Drive with Parallel Parking on Both Sides*



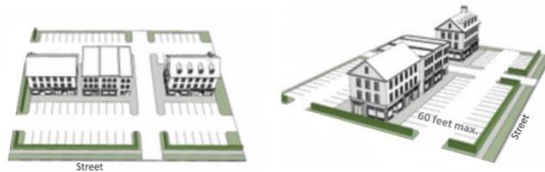
4. Perimeter Connection Standards - Create walkable places and decrease vehicle traffic congestion with perimeter connections.
  - a. Every perimeter vehicular access point must provide pedestrian walkways a minimum of six feet wide on either side which are connected to internal walkway(s) leading to the building entrance(s).
  - b. Pedestrian walkways shall connect to all adjacent rights-of-way.
  - c. For projects with more than two buildings, every reasonable effort should be made to connect the primary internal drive(s) to adjacent rights-of-way at more than one location.
  - d. Where feasible, primary internal drives should connect to internal drives on adjacent properties to create cross-access and thru connections.

16-3(g) Type 4 Parking: Vehicular Use Area over 130,680 SF (3ac)

The intent of this section is to create a pedestrian and transit-friendly main street type of development where larger surface parking areas are provided. These large parking areas can still be transit-supportive and pedestrian-friendly by placing buildings close to the street and by creating an internal circulation system that is similar to a street layout—separating the parking area into blocks. The intent is to encourage development that will, over time, form a pedestrian-friendly main street along the perimeter of the parking blocks and provide connectivity within the site and to adjacent streets and uses.

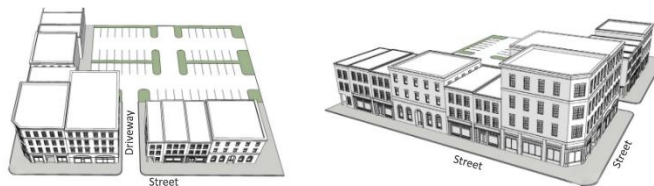
1. Where applicable:
  - a. Multi-Family and Group Residential Parking
  - b. Retail and Mixed Use Parking
  - c. Office/Medical Parking
  - d. Light Industrial/Research Parking
  
2. Location Standards - Create a safer, more walkable public realm by bringing buildings closer to the street. Establish pedestrian-oriented adjacent uses and rights-of-way by activating the parking lot perimeter with street-facing buildings.
  - a. For the perimeter of the parking area frontage on a public or private street:
    - i. Buildings must be located along a minimum of 25 percent of the frontage. These buildings must be constructed before or at the same time as the parking area;
    - ii. A maximum of two (2) bays of surface parking with a single drive aisle, or a vehicular use area of up to 60 feet in depth as measured perpendicular to the street, whichever is greater, shall be permitted between the building and the street, unless otherwise prohibited by a maximum setback.

Figure: Placeholder to illustrate parking permitted between the building and the street



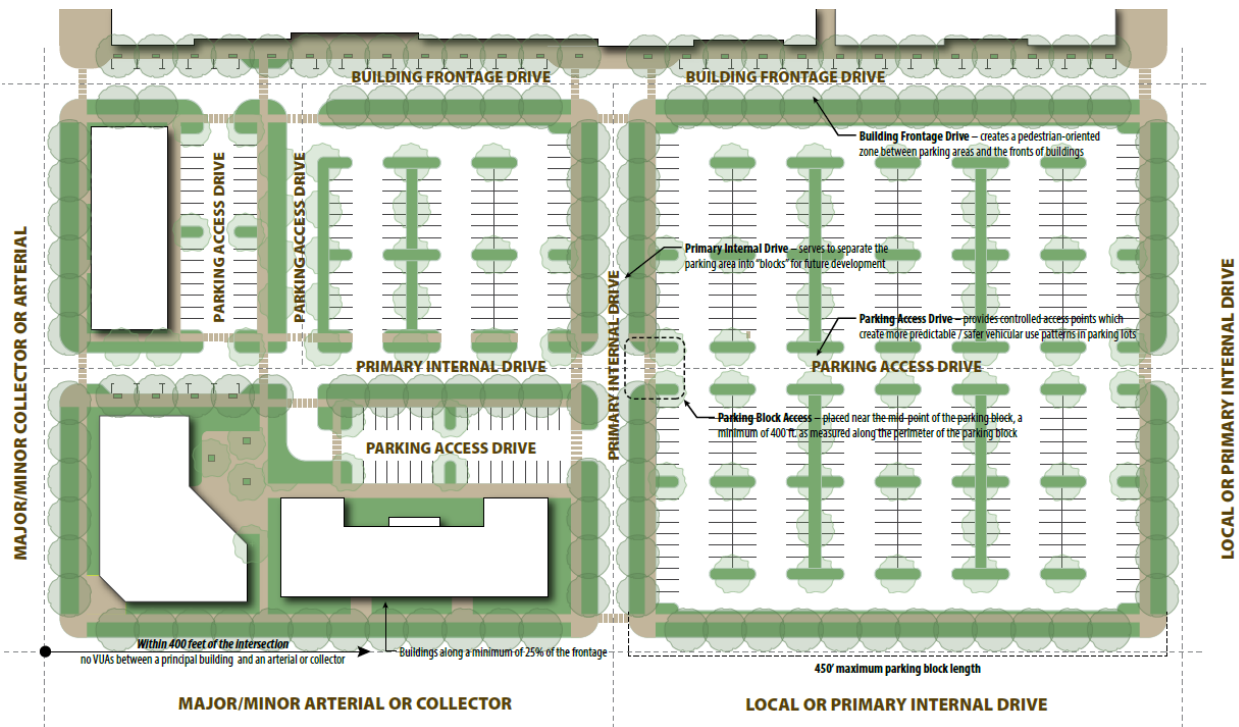
- b. Within 400 feet of the intersection, vehicular use areas shall not be located between a principal building and the street along any street which has the functional classification of (major/minor) arterial or (major/minor) collector.

Figure: Placeholder to illustrate VUA placement at major intersections



3. Connection and Circulation Standards - Establish a clear hierarchy of pedestrian and vehicular circulation, including primary internal drives, which should serve in similar form and function as streets for both people and vehicles, and which serve to separate the parking area into “blocks” for future development.

Figure: Connection and Circulation Standards for Type 4 Parking. Primary Internal Drives (a), Building Frontage Drives (b) and Parking Access Drives (c) are illustrated as well as general layout and access points.

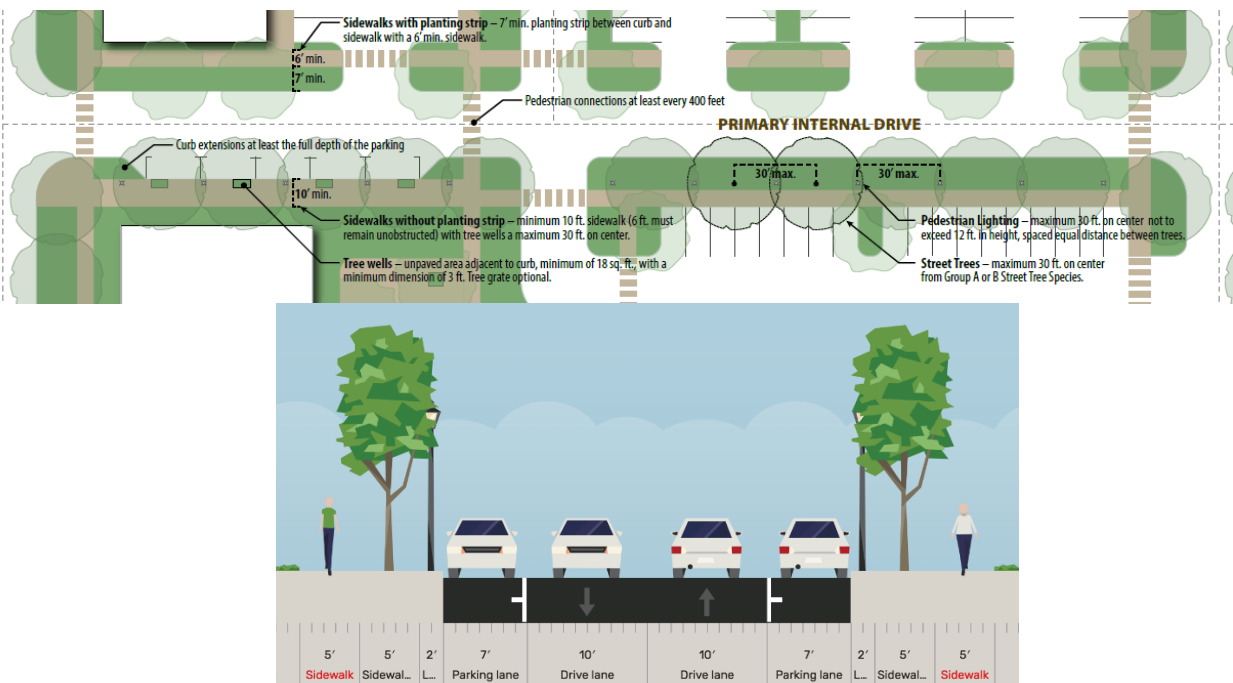


- a. Primary internal drive(s) are similar in form and function to streets and must meet the following standards:
  - i. Must divide the site into parking "blocks" that are no greater than 450 feet by 450; and
  - ii. Must connect to all approved street intersections; and
  - iii. Where feasible, primary internal drives should connect to primary internal drives on adjacent properties to create cross-access and thru connections; and
  - iv. Must have at least one auto travel lane, curbs, and unobstructed sidewalks on both sides and one of the following must be met:
    1. The sidewalks must be at least 6 feet wide. There must be a planting strip at least 7 feet wide. The planting strip must be between the curb and the sidewalk, and shall provide trees a maximum of 30 feet on center from Group A or B Street Tree Species of the Acceptable Plant Materials List; or
    2. The sidewalks must be at least 10 feet wide and planted with trees a maximum of 30 feet on center. Trees from Group A or B Street Tree Species of the Acceptable Plant Materials List must be planted in the center of unpaved tree wells at least 18 square feet, with a minimum dimension of 3 feet. The unpaved area may be covered with a tree grate. Tree

wells must be adjacent to the curb, and must be located so there is at least 6 feet of unobstructed sidewalk.

- v. Shall include pedestrian-scaled lighting not to exceed twelve (12) feet in height, placed a maximum of 30 feet on center and spaced equal distance between required trees, and
- vi. Curb extensions that are at least the full depth of the parking must be provided, as shown in Figure (plan drawing), at the intersections of other internal drives that have parallel or pull in parking; and
- vii. The primary internal drives are excluded from the portion of the vehicular use area used to calculate required interior landscaping.
- viii. Where primary internal drive connections to adjacent streets exceed 400 feet, pedestrian connections to adjacent streets must still be provided at least every 400 feet.

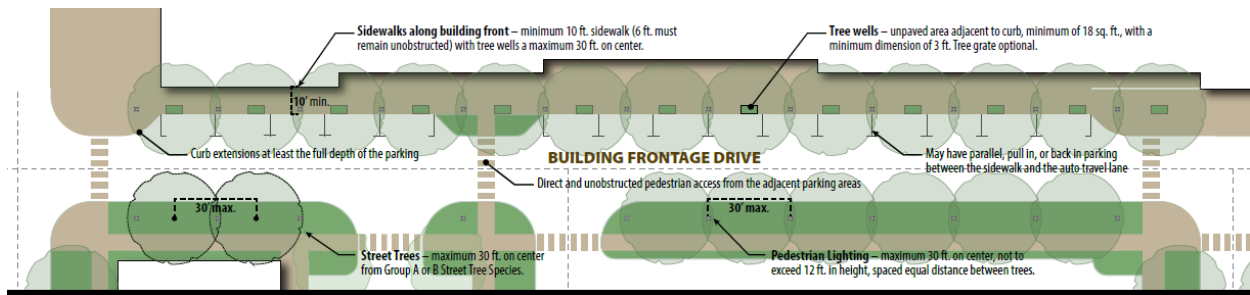
*Primary Internal Drive with Parallel Parking on One Side*



- b. Building Frontage Drives create a pedestrian-oriented zone between parking areas and the fronts of buildings and must meet the following standards:
  - i. Located the length of a building front with public access between the building front and the auto travel lane;
  - ii. Provides a sidewalk along the building front that must be at least 10 feet wide and planted with trees a maximum of 30 feet on center. Trees from Group A or B Street Tree Species of the Acceptable Plant Materials List must be planted in the center of unpaved tree wells at least 18 square feet, with a minimum dimension of 3 feet. The unpaved area may be covered with a tree grate. Tree wells

- must be adjacent to the curb, and must be located so there is at least 6 feet of unobstructed sidewalk;
- iii. Shall include pedestrian-scaled lighting not to exceed twelve (12) feet in height, placed a maximum of 30 feet on center and spaced equal distance between required trees;
- iv. Direct and unobstructed pedestrian access to the building entrance(s) shall be provided from the adjacent parking areas;
- v. Pedestrian frontage drives may have parallel or pull in parking between the sidewalk and the auto travel lane; and
- vi. The building frontage drives are excluded from the portion of the vehicular use area used to calculate required interior landscaping.

Figure: Building Frontage Drive



- c. Parking Access Drives provide controlled access points to parking areas which create more predictable and safer vehicular use patterns in parking lots. Parking access drives must meet the following standards:
  - i. Access points to the interior area of parking blocks shall be placed near the mid-point of the parking block; and
  - ii. Placement of access points shall be a minimum distance of 400 feet as measured along the perimeter of the parking block; and
  - iii. Access points should be planned to create organized and clear internal cross access; and
  - iv. Cross walks shall be provided where pedestrian walkways cross the parking access drive.





#### 16-4 Drive-Through Facilities

For any use which utilizes a drive-in or drive-through window or service area, a vehicular stacking area shall be provided for a minimum of five (5) vehicles. Such vehicular stacking area shall not include any spaces located at the windows or service areas, shall be provided wholly on the property and shall not include any right of way. Where menu boards or other stopping points are utilized before moving to the window or service area, the vehicular stacking area shall not include the space at the stopping point nor the spaces between that stopping point and the window or service area. The vehicular stacking area shall be subject to all yard, paving, landscaping and other requirements of a vehicular use area, as contained in Article 18.

#### 16-5 Parking Structures

The intent of this section is to ensure parking structures provide at minimum a visually active frontage where adjacent to a street.

##### GENERAL

1. Entrance drives to structured parking (including underground parking) shall be located and designed to minimize interference with pedestrian movement. Pedestrian walks shall be continued across driveways.
2. The appearance of structured parking entrances shall be minimized so that they do not dominate the street frontage of a building. Possible techniques include recessing the entry; extending portions of the structure over the entry; using screening and landscaping to soften the appearance of the entry; using the smallest curb cut and driveway possible; and subordinating the parking entrance (compared to the pedestrian entrance) in terms of size, prominence, location and design emphasis.
3. The design of upper floors shall ensure that sloped floors do not dominate the appearance of the façade.

4. If fronting on a Pedestrian Business District Street, above-ground parking structures shall provide continuous ground level commercial or office spaces and uses along the street, except at ingress and egress points into the structure.

#### OPTION ONE: VISUALLY ACTIVE FRONTAGE

1. The portion of the parking structure ground floor façade abutting any street shall be designed and architecturally detailed in a manner consistent with a visually active frontage:
  - a. Transparent windows or openings shall be provided to achieve a minimum of 60 percent façade transparency between ground level and 12 feet above ground, and
  - b. Façade articulation to include:
    - i. A change of at least five (5) feet in depth and eight (8) feet in length shall be made for every 80 feet of length or fraction thereof; or
    - ii. A change in exterior material type, style or finish such that materials vary for every 80 feet of length or fraction thereof.

#### OPTION TWO: GROUND FLOOR ACTIVE USE LINER

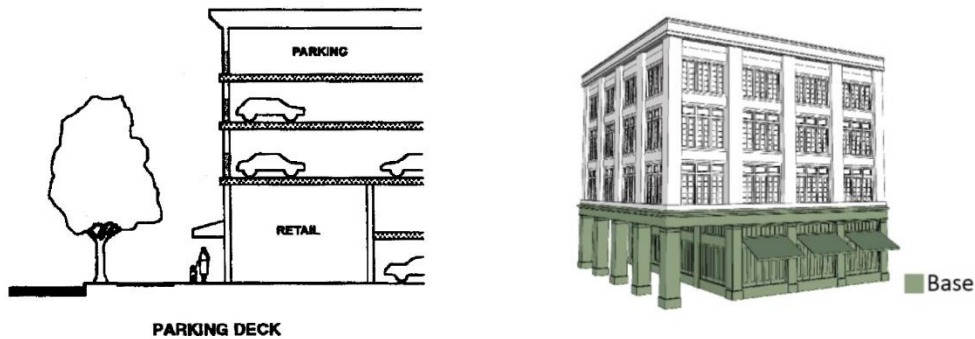
1. The portion of the parking structure ground floor façade abutting any street shall be wrapped in a ground floor active use “liner” such as commercial, retail, or residential uses.
2. A usable pedestrian entry must be provided a maximum of every 50 feet.

#### OPTION THREE: ACTIVE STREETScape SET BACK

1. An accessible open space a minimum of 20 feet in depth shall be provided between the public sidewalk and the portion of the parking structure ground floor façade abutting any street.
2. Accessible open spaces that qualify include plazas with seating, playgrounds, parks, porches, and patios and other similarly programmed spaces. Landscaping not designed to be routinely used by people is not included.
3. Where entrance drives to structured parking are located adjacent to the enhanced streetscape setback, a barrier or railing of at least 30 inches in height shall be provided.
4. Trees, shrubs, or other plantings including green walls, shall be used to screen the façade between ground level and 12 feet above ground.



Figure: **Placeholders** to illustrate visually active frontage options for parking structures



## 16-6 Bicycle Parking

### Bicycle Parking Standards

1. Bicycle parking standards shall comply with the following construction standards:
  - a. Meet the following requirements in 90% of all new buildings. The buildings that do not have bicycle storage may not exceed 10% of the total project building floor area.
  - b. The facility or rack shall accommodate securing a bicycle using an industry-standard bike lock.
  - c. The facility or rack shall be securely anchored to the ground or to a structural element of a building or structure.
  - d. Each space on the facility or rack shall be sufficient to accommodate a bicycle at least six feet in length.
  - e. The bicycle parking facilities shall be designed and located so they do not block pedestrian circulations systems and pedestrian movements, and so that they maintain clear sight lines for vehicular movements.
  - f. Both short term and long term bicycle parking shall be designed to be in a safe, well-lit and accessible location for each building and/or use it is intended to serve.
  - g. When a new or upgraded transit stop is an element of any development proposal, covered short term and/or long term bicycle parking shall be considered in the design of the transit stop and provided unless deemed unnecessary by the transit authority.
2. All short-term bicycle parking facilities or racks shall be visible from the primary entrance to the building, not to exceed 75 feet, as measured along the most direct walkable route.
3. Long-term bicycle parking is easily accessible to residents and employees, secure, and covered to protect bicycles from rain and snow. All long-term bicycle parking facilities or racks shall comply with the following location standards:
  - a. The long-term bicycle storage area shall be located within 100 feet of a functional entrance to the building as measured along the most direct walkable route.

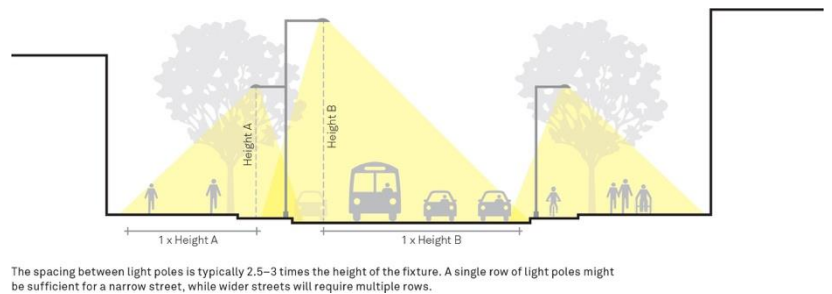
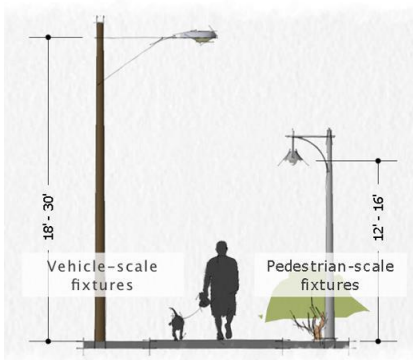
- b. The bicycle parking area shall be constructed with at least one of the following features:
  - i. A bicycle locker or similar structure manufactured for the sole purpose of securing and protecting a standard size bicycle from rain, theft, and tampering by fully securing the bicycle in a temporary enclosure; or
  - ii. A secured and dedicated bicycle parking area provided either inside the principal building on the lot, or in a building located elsewhere on the lot. The secured and dedicated bicycle parking area shall completely protect bicycles from rain with a minimum of eight feet of clearance above the floor or ground, and be improved with a hard surface.

### 16-7 Minimum Maintenance Requirements for Vehicular Use Areas

Every parcel of land hereafter used as a parking or vehicular use area shall be designed and maintained in accordance with the following requirements:

- (a) Parking and other vehicular use areas shall be of useable shape and surface, and shall have appropriate ingress and egress. Up to twenty-five percent (25%) of the parking may be designed and designated for compact vehicles. Aisles and access drives shall be designed so as to provide adequate vehicular maneuvering wholly upon the property being served; and in no case shall off-street parking areas be permitted that encourage or require the backing onto, or maneuvering within, the right-of-way of any public or private street.
- (b) Any lighting used to illuminate off-street parking areas shall be pedestrian scaled lighting with a maximum height of 12 feet and arranged so as to reflect away from any adjoining residential zone or uses and any public or private right-of-way.

Figure: **Placeholders** to illustrate parking lot lighting for a variety of purposes



- (c) Any off-street parking area having more than 1,800 square feet of area and/or used by five (5) or more vehicles shall be landscaped and screened as required by Article 18.
- (d) A "sight triangle" shall be observed at all street intersections or intersections of driveways with streets as required in Article 18: Landscape and Land Use Buffers and Section 3-3 of this Zoning Ordinance.
- (e) All parking areas shall be paved and drained so as to dispose of all surface water

within the parking area without carrying said water accumulation over a public sidewalk. Piping the water to a suitable outfall may be required.

- (f) Where parking areas are provided for five (5) or more vehicles or contain more than 1,800 square feet of area in a residential zone; or are enlarged or expanded to provide for five (5) or more vehicles or to contain more than 1,800 square feet of area, they shall be paved with an asphalt, concrete, brick or other properly bound surface, so as to be durable and dustless. Each parking space shall be physically delineated on the surface of the parking area.
- (g) Permanent storm water management, in compliance with the storm water manuals and accepted by the Division of Engineering, shall be provided for all off-street parking areas containing five (5) or more parking spaces and/or more than 1,800 square feet. For off-street parking areas of 1,800 square feet or less, or less than five (5) parking spaces, permanent storm water retention may be required by the Division of Engineering upon the determination that the lack of such retention would cause or aggravate flooding or other drainage problems on surrounding property.

#### 16-8 Vehicular Use and Automobile Parking Areas as a Conditional Use

Where the Zoning Ordinance allows a vehicular use or parking area as a conditional use, the following restrictions shall apply:

- (a) The parking area shall be accessory to and for use in conjunction with one or more permitted uses located on a nearby residential, professional office or business zone, or in connection with an existing legal non-conforming use.
- (b) Such parking shall be within a walking distance of 1,320 (1/4 mile) feet from the use to which the parking area is accessory.
- (c) Such parking area shall be used solely for the parking of passenger automobiles. No commercial repair work or service of any kind shall be conducted. Signs shall conform to the zone in which the parking area is established.
- (d) Each entrance and exit to and from such parking area shall be at least twenty (20) feet distant from any adjacent lot line located in any residential zone.
- (e) The parking area shall be subject to all requirements of this Zoning Ordinance concerning surfacing, lighting, landscaping, screening, and minimum yards and setbacks.
- (f) Any permit issued by the Division of Planning for such parking area may be revoked any time that the aforementioned requirements are not complied with; and any permittee who uses the premises in violation of any of the conditions specified above, or attached as conditions to such permit by the Board of Adjustment, shall be deemed in violation of this Zoning Ordinance.

#### 16-9 Special Access, Surface, and Location Requirements for Garages, Parking Lots, Automobile Service Stations, and Vehicle Sales Lots

16-9(a) Required distance between service stations/garages/automobile repair shops/automobile and vehicle refueling stations and residential zones and/or institutional uses

No building, structure or premises intended or designed to be used as a community garage; an automobile repair shop; a service station; an automobile and vehicle refueling station or a parking lot or structure, whether a principal or a conditional use on a property, shall be used, erected or altered, which has an entrance or exit for vehicles in the same block front and within 200 feet of the property boundary of any school; public playground; place of religious assembly; hospital; public library;

convalescent home, nursing home or personal care facility or orphanage. No such entrance or exit, except for a community garage, shall be located within twenty (20) feet of any residential zone; nor shall any structure used for an automobile repair shop or service station, or any part of a parking lot or structure, be located within 100 feet of any property boundary line of any of the aforesaid public or institutional uses. "Parking lot," as used herein, does not include off-street parking areas as otherwise required for the public or institutional uses listed above.

16-9(b) Required distance between gasoline/oil dispensing facilities and residential zones/uses

No gasoline pump, oil draining pit, or similar appliance for any purpose shall be located within fifteen (15) feet of any right-of-way line, or within fifty (50) feet of a residential zone, except where such a pump, pit or appliance is within a completely enclosed building and distant at least fifteen (15) feet from any vehicular entrance or exit of such building. Notwithstanding the above provision, no gasoline pump, oil draining pit, or similar appliance for any purpose shall be located within 65 feet of a single family residential zone or within 65 feet of a single family detached residential unit located in any residential zone. However, such 65-foot dimension shall not be applicable to the renovation, reconstruction, redevelopment, or construction of such a service station upon a tract used by such a facility within twelve (12) months prior to the application for a building permit. Except for gasoline service stations, no gasoline pump shall be permitted as an accessory use for another activity unless a site plan showing the following is submitted to, and approved by, the Division of Planning:

1. A safe traffic flow pattern shall exist at all times for vehicles to be serviced with gas, including a safe entrance and exit to the service area, and a traffic flow lane not impeded by parked vehicles or other objects.
2. A safe traffic pattern shall exist for pedestrians to insure that pedestrian flow for other purposes is not routed by the gasoline pumps, thereby exposing such pedestrians to unnecessary hazards.
3. The gasoline pumps shall be operated only by employees of the activity; or if others are permitted to operate them, the facility must comply with Chapter 28 of the Kentucky Fire Prevention Code, specifically Section F-2803.8.2 and Section F-2803.8.3.

16-9(c) Required distance between automobile and vehicle refueling stations dispensing compressed natural gas and/or liquid natural gas and other uses

In addition to the requirements of this section (above), no stationary dispensing equipment for compressed natural gas or liquid natural gas associated with an automobile and vehicle refueling station may be located within:

1. 10 feet of any sidewalk, walkway, parking lot or property line;
2. 15 feet of any electrical source or any overhead electric utility line;
3. 50 feet of a right-of-way line, a building on another lot, or the nearest rail of any railroad line;
4. 65 feet of a residential zone; and
5. not less than 50 feet of a fire hydrant.

**ARTICLE 18-3 Rethink Parking Draft**

**March 9, 2021**

(Note: Existing language, Deleted language, Added Language)

Sec. 18-3. - Where landscape materials required.

This section describes the minimum requirements that shall be met in regard to interior and perimeter landscaping for vehicular use areas, perimeter landscaping for incompatible land use areas, and landscaping for service areas.

- (a) *Perimeter Landscaping Requirements.* Unless otherwise provided, landscape materials shall be installed to provide a minimum of fifty percent (50%) winter opacity and a seventy percent (70%) summer opacity, between one (1) foot above finished grade level to the top of the required planting, hedge, fence, wall, or earth mound within four (4) years after installation. The required landscaping shall be provided along the property perimeter in designated landscape buffer areas (LBAs) as shown in the chart in Subsection (a)(1) of this section or adjacent to the vehicular use area as shown in the chart in Subsection (a)(2) of this section. A "Planting Manual" and a "Plant Materials List" shall be maintained by the Division of Planning and available in the offices of the Division of Environmental Services, to provide more detailed information on the acceptable plant material.

(1) *Property Perimeter Requirements.*

	A.	B.	C.	D.
	When the following...	Adjoins the following...	A minimum buffer area <sup>1</sup> of this average width (with three feet as the least dimension) is required. <sup>3 4</sup>	Which will contain this material, to achieve opacity required. <sup>5 8</sup>
1.	Any M-1P zone.	Any property in any zone other than M-1P.	Ten feet adjacent to all common boundaries, including street frontage.	One tree/40 feet of linear boundary, OFT <sup>2</sup> , from Group A, B, or C of Plant List plus continuous six feet high planting, hedge, fence, wall or earth mound.
2.	Any office or business zone (except P-2).	Any residential zone.	15 feet adjacent to all common boundaries (located behind the building line) except street frontage <sup>7</sup> .	One tree/40 feet of linear boundary, OFT, from Group A or B only, plus, 1) a double row of six feet high hedge or 2) a six feet high fence, wall or earth mound.

3.	Any industrial or P-2 zone.	Any residential, office, or business zone.	15 feet adjacent to all common boundaries except street frontage <sup>79</sup> .	Same as 2D.
4.	Any double frontage lot (as defined by the Subdivision Regulations) in any zone except A-U, A-R, A-N and A-B unless the lot is used for a vehicular sales facility or a service station.	Any state maintained freeway or arterial street not providing direct access to the property.	20 feet for residential zones and ten feet for all other zones adjacent to freeway or arterial.	One tree/30 feet, OFT, Group A or B, plus continuous six (6) feet high planting, hedge, wall, fence (not to exceed eight feet in height at street grade) or earth mound. Such plantings are to be shown on a unified plan for the development.
5.	Any zone except agricultural and industrial zones.	Railroads (except spur tracks and along sight triangles)	Same as 6C, adjacent to railroad boundaries.	Same as 2D.
6.	Utility substation, junk yards, landfills, sewage plants, sewage pump stations, transfer stations or similar uses.	Any property boundary, including street rights-of-way.	15 feet adjacent to all boundaries, except only five feet for utility substations and sewage pump stations measured adjacent to the enclosure. <sup>7</sup>	Same as 2D.
7.	Any R-1T, R-3, R-4 or R-5 zone except when developed as buildings for single-family or two-family occupancy.	Any R-1A, R-1B, R-1C, R-1D, or R-2 zone.	Six feet adjacent to all common boundaries except street frontage.	One tree/40 feet of linear boundary, OFT <sup>2</sup> , from Group A, B, or C of Plant List plus a continuous six feet high planting, hedge, fence, wall, or earthmound.
8.	Any business, office, or industrial zone.	Any A-R zone.	15 feet adjacent to all common	One tree/40 feet of linear boundary, OFT <sup>2</sup> , of native species from Group a of Plant List plus continuous six feet high planting

			boundaries except street frontage.	or hedge or, 1) one evergreen tree/15 feet of linear boundary, OFT, planted 15 feet o.k.; or 2) one tree/20 feet of linear boundary, OFT, that is a combination of 50 percent deciduous, native species trees from Group A and 50 percent evergreen trees or small flowering trees.
9.	Any residential, business, office, or industrial zone.	Urban Service Area boundary.	Five feet adjacent to all common boundaries except street frontage. <sup>6</sup>	Same as 1D, except use only native tree species from Group A.
10.	Any cemetery use, whether private or public.	Any property boundary, including street rights-of-way.	50 feet adjacent to all boundaries, as shown on a development plan or subdivision plan.	One tree/40 feet of linear boundary, OFT, from Group A or one tree/30 feet from Group B, plus continuous six feet high planting, or hedge, in addition to a wall or fence a minimum of three feet in height.

1. Grass or ground cover shall be planted on all portions of the landscape buffer area not occupied by other landscape material.

2. OFT means "or fraction thereof." Unless otherwise specified, trees do not have to be equally spaced, but may be grouped.

3. To determine required area of landscape buffer area, multiply required averaged width by length of common boundary. Using item 1C as an example, the ten-foot average required width times an assumed 100 feet of common boundary equals 1,000 square feet of required landscape area. Thus, if some sections of the landscape buffer area are only three feet in width, other sections will have to be greater than ten feet in width in order to attain the required one thousand (1,000) square feet of landscape area.

4. Five feet shall be the least dimension for any P-1, B-1, B-2, B-2A, B-2B, B-3, B-4, I-1, or I-2 zone with three feet as the least dimension for any other zone.

5. A continuous planting of evergreen trees 15 feet o.c. Shall be deemed to meet the requirements for trees and a continuous planting provided the trees meet the requirements of Section 18-4(c) and an opacity of 70 percent is achieved.

6. No map amendment request, major subdivision plan, or development plan shall be approved by the Planning Commission except in compliance with this section. However, the Planning Commission shall not require such landscaping adjoining the Urban Service Area boundary where any of the following conditions exist: major railroad lines, major water bodies (not including streams or farm ponds), publicly owned parks or open space, public property with a low intensity of use, or existing urban development along the Urban Service Area boundary.

7. The 15-foot Landscape Buffer Area (LBA) may be reduced to five feet when used in conjunction with a six-foot high wall or fence.

8. In situations where a slope occurs along a boundary, the required landscaping shall be placed (in relation to the slope) where it will most effectively screen the more intensive use from the adjoining property.

9. In conjunction with the required development plan in a P-2 zone, the Planning Commission may permit portions of required perimeter planting to be reallocated to areas interior to the site. This shall be permitted for areas where the Commission finds that such solid screening is not necessary or desirable to screen the P-2 uses from adjoining properties or right-of-way. For example, where such uses as open space areas, outdoor recreation areas, large open yards, and the like adjoin the abutting rights-of-way or adjoining properties, the Commission should consider utilizing the reallocation provision of this section.

(2) *Vehicular Use Area Perimeter Requirements.*

(a) **INTENT OF VEHICULAR USE AREA PERIMETER BUFFER** – Vehicular use area perimeter buffers protect and enhance streets and adjacent properties by screening views of vehicular use areas and creating a physical separation between vehicles and pedestrians. Vegetation within the perimeter buffer provides the additional benefits of reducing heat island effects, intercepting stormwater, and providing urban habitat.

(b) **WHERE REQUIRED** – A vehicular use area perimeter buffer shall be located between vehicular use areas containing 1,800 sq. ft. of area and/or used by five or more of any type of vehicle and any adjacent streets and adjacent properties excluding required sight clearances at driveways and ingress/egress locations. A vehicular use area perimeter buffer shall not be required when a vehicular use area is contiguous to a required property perimeter buffer and the screening intent of this Article is met.

(c) **Options available** -

**OPTION 1: LANDSCAPE BUFFER**

- A. The vehicular use area perimeter buffer shall be located along the perimeter of a vehicular use area and maintain a minimum average width of six feet, as measured from the outer edge of the vehicular use area;
- B. Contain a continuous hedge, except where trees requires breaks, composed of a double staggered row of evergreen shrubs, deciduous shrubs, and/or warm season grasses with a minimum planting height of 30 inches and planted three feet on-center. Up to 25 percent may be deciduous;



- C. Include three canopy trees (Group A or B) per 100 linear feet of the total perimeter of the parking area. Clustering is permitted. In areas where overhead utilities prevent the use of canopy trees (Group A or B), understory trees (Group C) may be substituted;
- D. Trees shall be located at least 4 feet from the back edge of the curb where cars overhang;
- E. Plant material other than groundcover shall be located at least 2.5 feet from the back edge of the curb where cars overhang; and
- F. Turf grass or ground cover shall be planted on all portions of the vehicular use area perimeter landscape not occupied by other landscape material.

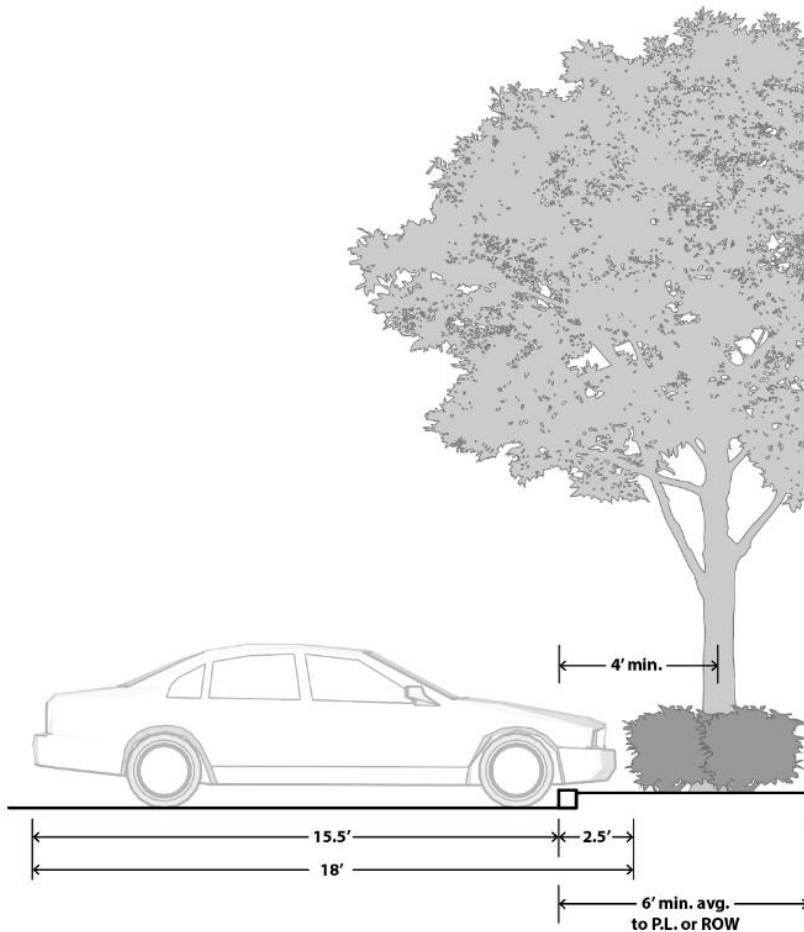


Figure 1: 18-3(a)2(c) Option 1

**OPTION 2: FENCE OR WALL**

- A. The width of a vehicular use area perimeter buffer may be reduced to three feet where not adjacent to a public right of way when an opaque wood fence or brick or stone wall a minimum of three feet tall is provided along those portions of the perimeter of the vehicular use area; or

- B. In the B-2, B-2A, and B-2B zones the width of a vehicular use area perimeter buffer may be reduced to three feet, including adjacent to a public right of way, when a three feet tall opaque natural stone, brick or pre-cast concrete wall of is provided along those portions of the perimeter of the vehicular use area;
- C. For B-4, and I-1 and I-2 zones, a six foot opaque brick or stone wall, or a minimum three feet brick or stone wall with decorative metal screening up six feet, shall be located adjacent to the right-of-way to screen the vehicle use area.
- D. The wall shall be set back to not interfere with sight triangles.
- E. Vehicular use area perimeter trees required in section C of the landscape buffer requirements shall still be required, but may be provided elsewhere on the property.

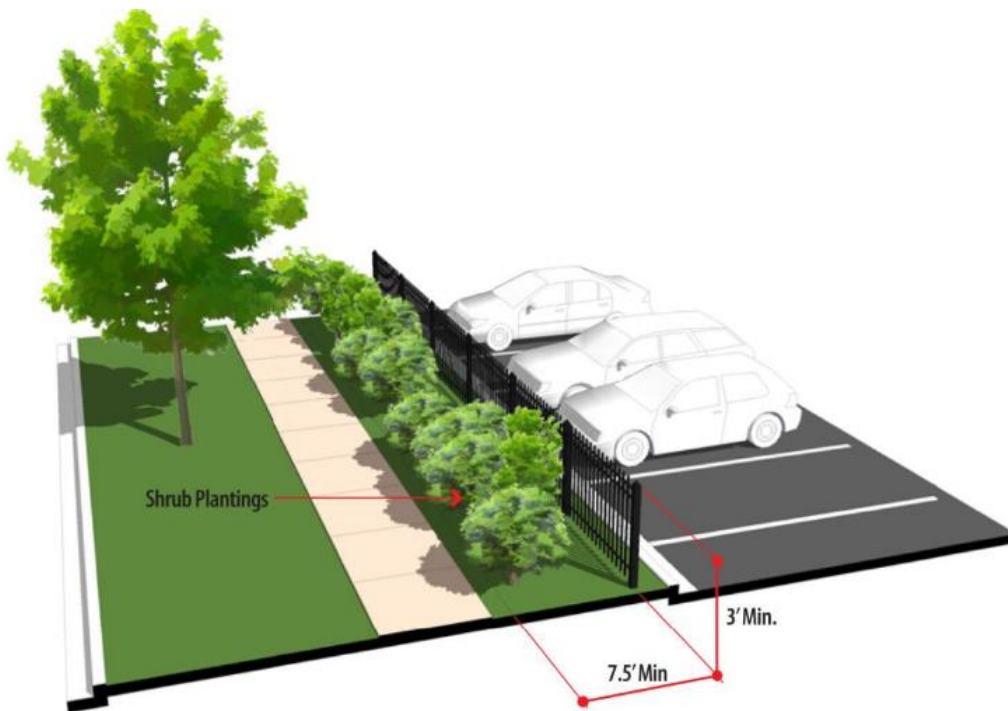


Figure 1: 18-3(a)2(c) Option 2

A.	B.	C.	D.
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When the following...	Adjoins the following...	A minimum landscape buffer area of this width is required <sup>1</sup>	Which will contain this material, <sup>3</sup> to achieve opacity required.
1. Any vehicular use area <sup>2</sup> (VUA) on any property	Any property in any zone except Industrial (I-1, I-2) Downtown Business Core (B-2), Downtown Business Frame (B-2A), Lexington Center Business (B-2B), or Agricultural (A-U, A-R, A-N or A-B)	Five feet to edge of paving where vehicles overhang, four feet minimum from edge of paving and three feet (that prohibits any vehicular overhang) for other areas, adjacent to portion of vehicular use area that faces adjacent property.	One tree/40 feet of boundary of vehicular use area OFT <sup>4</sup> ; from group A, B, or C, plus a three feet average height continuous planting, hedge, fence, wall or earth mound or a three feet decrease in elevation from the adjoining property to the vehicular use area.
2. Any vehicular use area in any zone outside the B-2, B-2A, or B-2B zones, except vehicle sales facilities or service stations.	Any public or private street right of way, access road or service road (except expressways).	Same as 1C above, except applies to VUA portion facing public or private street right of way, access road, or service road.	Same as 1D, except use only Group A or B.
3. Any vehicle sales facility or service station.	Any public or private street right of way, access road, service road, expressway or arterial street.	Same as 2C above.	One tree/50 feet OFT from Group A or B, plus an 18 inch average height continuous planting, hedge, fence or wall.
4. Any vehicular use area (except loading and unloading in areas) B-2, B-2A or B-2B zones.	Same as 2B.	Six feet adjacent to portion of vehicular use area that faces a public or private street right of way, access road or service road.	Three feet average height continuous planting, hedge, or wall.
5. Financial institutions with	Same as 2B.	Same as 1C.	One (1) tree/40 feet of boundary OFT from Group A or B (deciduous only) with five

<p><del>drive-in facilities or night deposits.</del></p>			<p><del>feet of clear trunk, plus an 18-inch average height continuous planting, hedge, fence or wall adjoining a public or private right-of-way and a three feet average height planting, hedge, fence or wall adjacent to all other property.</del></p>
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~~1. These provisions may be included within the property perimeter landscaping required by Subsection (a)(1) of this section where landscape buffer areas are also applicable.~~

~~2. A vehicular use area (V.U.A.) is any open or unenclosed area containing more than 1,800 square feet of area and/or used by five or more, of any type of vehicle, whether, moving or at rest, including, but not limited to, parking lots, loading and unloading areas, mobile home parks, and sales and service areas. Driveways are considered to be vehicular use areas whenever they are adjacent to public streets or other vehicular use elements described previously in this paragraph (and intervening curbs, sidewalks landscape strips, etc., do not eliminate adjacency).~~

~~3. Grass or ground cover shall be planted on all portions of the landscape buffer areas not occupied by other landscape material.~~

~~4. OFT means "or fraction thereof."~~

~~5. In the B-2, B-2A, and B-2B zones, when a wall is used, it is to be constructed of natural stone, brick or precast concrete.~~

- (3) *Who Provides Landscape Buffer Area.* The landscape buffer area and material required adjacent to any vehicular use area under Subsection (a)(2) of this section shall be provided by the person in charge of or in control of the property whether as owner, lessee, tenant, occupant or otherwise (hereinafter referred to as "owner"), unless the authority building the street has fully met all requirements on the street right-of-way. When adjacent to other common boundaries, the landscape buffer area and materials:
- (a) May be placed on either adjoining parcel, or astride the boundary, if both are owned and being processed by the same owner; or
  - (b) Generally shall be placed on the activity listed under Column A of Subsections (a)(1) and (a)(2) of this section when adjoining parcels have different owners; or
  - (c) May be placed astride the boundary of adjoining parcels having different owners if a written agreement, signed by both owners, is filed with the Division of Environmental Services as a public record; or
  - (d) Shall be placed on the activity or parcel being processed when adjoining property is already developed with the exception of Subsection (a)(1) of this section, lines 4 and 5; or
  - (e) Shall not be required along the common boundary if the requirements of this Article have been fully complied with on the adjoining property, in fulfillment of the requirements of this ordinance.

- (4) *Requirement Conflicts.* Whenever a parcel or activity falls under two (2) or more of the landscape requirements listed in the table of Subsections (a)(1) or (a)(2) of this section, the most stringent requirements will be enforced.
- (5) *Landscaping in Easements.* The required landscape buffer area may be combined with a utility or other easements as long as all of the landscape requirements can be fully met, otherwise, the landscape buffer area shall be provided in addition to, and separate from, any easement. Trees to be planted in utility easements containing overhead lines shall be only those specified in the Plant List. Cars or other objects shall not overhang or otherwise intrude upon the required landscape buffer area more than two and one-half (2½) feet, and wheel stops or curbs will be required.

(6) **Repealed and reserved for future use**

~~Street Trees in the Right-of-Way. Trees required as a part of the vehicular use area perimeter landscaping may be placed on the right-of-way adjoining such vehicular use area when approved by the Division of Environmental Services and the Street Tree Coordination Committee. Where street trees required by the Subdivision Regulations have already been planted in the right-of-way, such trees may be substituted for an equal number of VUA perimeter trees. Written permission from the authority having jurisdiction over the right-of-way shall be submitted by the developer prior to the approval of a landscape plan which utilizes the right-of-way for VUA perimeter landscaping. The Division of Environmental Services shall permit the required VUA perimeter trees to be located in the right-of-way only if there is sufficient area for such trees to grow to maturity.~~

- (7) *Existing Landscape Material.* Existing landscape material which is proposed to be used to fulfill landscape requirements shall be shown on the required plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the Division of Environmental Services such material meets the requirements and achieves the objectives of this Article. Existing healthy trees from Group "A" or "B" of the Plant List may be substituted for trees required for property or vehicular use area perimeter landscaping, or for interior landscaping by using the following criteria: a six-inch to twelve (12)-inch caliper tree surrounded by a minimum of one hundred fifty (150) square feet of landscape area may be substituted for two (2) new trees of the required minimum size; a twelve (12)-inch to twenty-four (24)-inch caliper tree surrounded by a minimum of two hundred fifty (250) square feet of landscape area may be substituted for three (3) new trees of the required minimum size; a twenty-four (24)-inch or greater caliper tree surrounded by a minimum of three hundred (300) square feet of landscape area may be substituted for four (4) new trees of the required minimum size.
- (8) *Landscaping at Driveway and Street Intersections.* To ensure that landscape materials do not constitute a driving hazard, a "sight triangle" will be observed at all street intersections or intersections of driveways with streets as required by Section 3-2 herein.
- (9) *Joint Driveways and Common Vehicular Use Areas.* Vehicular use area screening shall not be required between a vehicular use area and the adjoining property where a property line divides a driveway used for common access to two (2) or more properties nor when **a final development plan for the properties has been approved by the Planning Commission.** ~~both of the following conditions exists:~~
- a. ~~The vehicular use areas are for the required parking for the properties or the common use of the properties (as substantiated by a reciprocal parking and access agreement);~~
- b. ~~A final development plan for the properties has been approved by the Planning Commission.~~

(b) *Interior Landscaping for Vehicular Use Areas.*

**(1) INTENT OF VEHICULAR USE AREA INTERIOR LANDSCAPING – Vehicular use area interior landscaping provides multiple benefits including reducing the visual impact of large surface parking areas, improving**

the pedestrian experience of parking areas, organizing vehicular and pedestrian circulation into predictable patterns, reducing heat island effects, intercepting stormwater, and providing urban habitat.

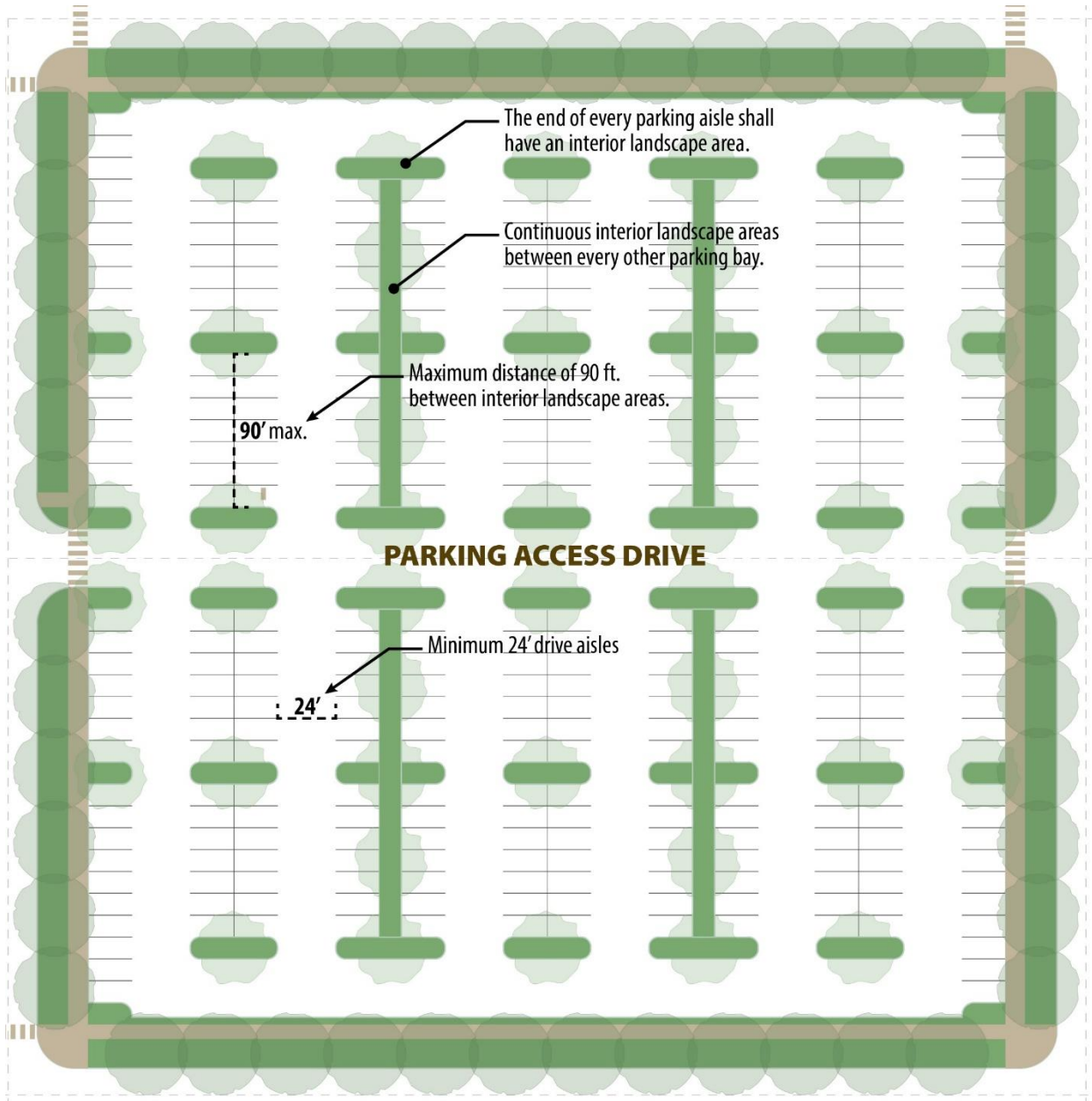
**(2) Where Applicable** - Any open vehicular use area ~~(excluding loading, unloading, and storage areas in an industrial zone, I-1 or I-2, or warehouse business zone, B-4)~~ containing six (6,000) or more square feet of area, or twenty (20) or more vehicular parking spaces, shall provide interior landscaping in addition to the previously required perimeter landscaping. Interior landscaping shall be peninsular or island types. Where a vehicular use area is altered or expanded to increase the size to six thousand (6,000) or more square feet of area, or twenty (20) or more vehicular parking spaces, interior landscaping for the entire vehicular use area shall be provided and not merely to the extent of its alteration or expansion.

~~(1) — Landscape Area. For each one hundred (100) square feet, or fraction thereof, of vehicular use area, five (5) square feet of landscaped area shall be provided in all zones except the P-2 zone. In the P-2 zone, ten (10) square feet of landscaped area shall be required for each one hundred (100) square feet of vehicular use area.~~

- (a) **Minimum Interior Landscape Area - Ten percent of the total vehicular use area, excluding loading, unloading, and storage areas in a warehouse business zone (B-4) or industrial zone (I-1 or I-2), shall be interior landscaping.** ~~Minimum Area. The minimum landscape area permitted shall be sixty-four (64) square feet, with a four-foot minimum dimension to all trees from edge of pavement where vehicles overhang.~~
- (b) **Repealed and reserved for future use** ~~Maximum Contiguous Area. In order to encourage the required landscape areas to be properly dispersed, no required landscape area shall be larger than three hundred fifty (350) square feet in vehicular use areas under thirty thousand (30,000) square feet in size, and no required area shall be larger than one thousand, five hundred (1,500) square feet in vehicular use areas over thirty thousand (30,000) square feet. In both cases, the least dimension of any required area shall be four (4) feet minimum dimension to all trees from edge of pavement where vehicles overhang. The maximum distance between landscape areas shall be one hundred twenty (120) feet measured from the closest perimeter landscape area curb edge or the closest curb edge of each required interior area. Landscape areas larger than above are permitted as long as the additional area is in excess of the required minimum.~~
- (c) **Minimum Interior Vehicular Use Area Tree Canopy - Tree canopy equal to or exceeding thirty percent of the total vehicular use area shall be provided, including loading, unloading, and storage areas in a warehouse business zone (B-4) or industrial zone (I-1 or I-2). In areas where overhead utilities prevent the use of canopy trees (Group A or B), understory trees (Group C) may be substituted. Mature trees shall have a clear trunk of at least eight (8) feet above the ground. Clustering is permitted within the interior landscape areas.** ~~Minimum Trees. A minimum of one (1) tree shall be required for each two hundred fifty (250) square feet or fraction thereof of required landscape area. Trees shall have a clear trunk of at least five (5) feet above the ground. The remaining area shall be landscaped with shrubs, or ground cover, not to exceed two (2) feet in height.~~
- (d) **Repealed and reserved for future use** ~~Vehicle Overhang. Parked vehicles may hang over the interior landscaped area no more than two and one-half (2½) feet, as long as concrete or other wheel stops are provided to ensure no greater overhang or penetration of the landscaped area.~~
- (e) **Standards for Interior Landscape Areas**
  - 1. **A maximum distance of 90 feet between interior landscape areas.**



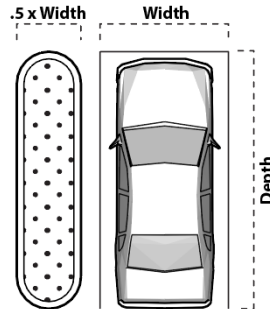
2. The end of every parking aisle shall have an interior landscape area.
3. Every other double-loaded interior parking bay requires a continuous interior landscape area.



### INTERIOR LANDSCAPE AREAS WITHOUT TREES

1. MINIMUM AREA – Seventy-two (72) square feet as measured from front of curb.
2. PLANT MATERIAL REQUIRED – Low shrubs, ground cover, herbaceous cover or native warm season grass to cover at least 75% at maturity.
3. VEHICLE OVERHANG - Plant material other than groundcover shall be located at least 2.5 feet from the back edge of the curb where cars overhang.

*Figure: Potential sizing of Interior Landscape Area without a tree*

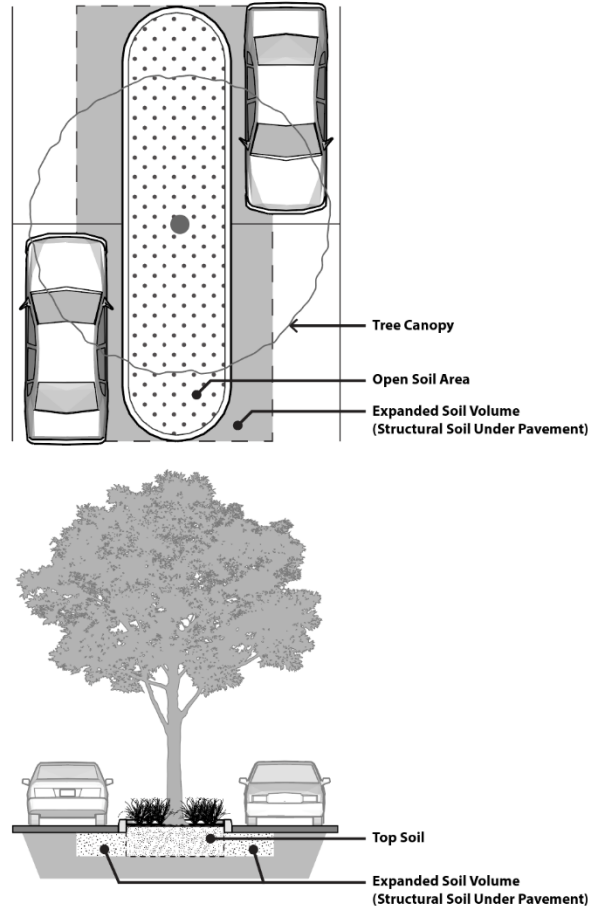


### INTERIOR LANDSCAPE AREAS WITH TREES

1. MINIMUM AREA – Three-hundred-twenty (320) square feet per tree as measured from front of curb with a least dimension of nine (9) feet; Up to fifty (50) percent of the required area may be provided as structural soil under the pavement.
2. MINIMUM TOP SOIL DEPTH – 30 inches.
3. PLANT MATERIAL REQUIRED – At least one canopy tree from Group A or Group B; In areas where overhead utilities prevent the use of canopy trees (Group A or B), understory trees (Group C) may be substituted; trees shall be underplanted with low shrubs, ground cover, herbaceous cover or native warm season grass to cover at least 75% at maturity.
4. VEHICLE OVERHANG - Trees shall be located at least 4 feet from the back edge of the curb where cars overhang.



Figure: Interior Landscape Area with Tree



**ALTERNATIVE TREE LOCATIONS IN WAREHOUSE AND INDUSTRIAL ZONES** – In a **warehouse business zone (B-4) or industrial zone (I-1 or I-2)** where required tree canopy cannot be accommodated within the required vehicular use area interior landscape areas in loading/unloading zones or storage areas, the remaining trees shall be planted elsewhere on the site.

- (c) *Landscaping for Service Structures.* All service structures shall be fully screened except when located in a R-1, R-2, B-4, I-1 or I-2 zone or when located more than thirty-five (35) feet above the established grade. Service structures in the B-4, I-1 or I-2 zone shall be fully screened when located within one hundred (100) feet of any zone except B-4, I-1 or I-2. For the purpose of this Article, service structures shall include propane tanks, air-conditioning units and condensers, electrical transformers and other equipment or elements providing service to a building or a site.
- (1) *Location of Screening.* A continuous planting, hedge, fence, wall, or earth mound shall enclose any service structure on all sides unless such structure must be frequently moved, in which case screening on all but one (1) side is required. The average height of the screening material shall be one (1) foot more 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, perimeter landscaping material, or vehicular use area

landscaping material, such walls or screening material may fulfill the screening requirement for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section. Whenever service structures are screened by plant material, such material may count towards the fulfillment of required interior or perimeter landscaping. No interior landscaping shall be required within an area screened for service structures.

- (2) *Protection of Screening Material.* Whenever screening material is placed around any trash disposal unit or waste collection unit which is emptied or removed mechanically on a regularly occurring basis, a fixed barrier to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The barrier shall be at least eighteen (18) inches from the material and shall be of sufficient strength to prevent possible damage to the screening when the container is moved or emptied. The minimum front opening of the screening material shall be twelve (12) feet to allow service vehicles access to the container.

- (d) *Screening of Outdoor Storage Areas.* All outdoor storage areas in the I-1 and I-2 zones shall be screened by a solid wall or fence not less than six (6) feet in height.

(Code 1983, § 18-3; Ord. No. [201-86](#), § 1, 10-2-1986; Ord. No. [228-86](#), § 1, 10-21-1986; Ord. No. [153-87](#), § 1, 7-9-1987; Ord. No. [198-87](#), § 1, 8-27-1987; Ord. No. [7-88](#), § 1, 1-28-1988; Ord. No. [73-89](#), § 1, 5-4-1989; Ord. No. [248-90](#), § 1, 11-27-1990; Ord. No. [292-95](#), § 1, 12-7-1995; Ord. No. [211-99](#), § 1, 7-8-1999; Ord. No. [156-2004](#), § 1, 7-2-2004; Ord. No. [29-2006](#), § 3, 2-9-2006; Ord. No. [5-2010](#), § 2, 1-14-2010; [Ord. No. 124-2017](#), § 3, 8-31-2017)