

The intent of this Part is to provide for the designation of *Parkways, Olmsted Parkways, Scenic Corridors* and the *Gene Snyder Freeway* and for the creation of development standards applicable to developments adjacent to those corridors in an effort to protect existing scenic and aesthetic qualities, to ensure a quality visual experience on developing corridors and to protect and improve the visual experience on established corridors.

10.3.1 Relationship to the Comprehensive Plan

The standards prescribed by this Part are intended to implement the following Cornerstone 2020 Comprehensive Plan Goals and Plan Elements.

Goals	Plan Elements
Mobility Strategy Goals C1; D1	Guidelines 3, 8, 13
Livability Strategy Goals F2; F4; H3; J4	

10.3.2 Applicability

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

10.3.3 Designation

- A. **Parkways** and **Scenic Corridors** are established through nomination and legislative approval. A roadway may be nominated as a Parkway or Scenic Corridor by resolution of the legislative body(ies) or by resolution of the Planning Commission. Resolution by Planning Commission alone requires the receipt of a petition signed by more than 50 percent of the property owners in favor of nominating the street as a scenic corridor or parkway. The Planning Commission shall conduct a public hearing and recommend candidates for designation to the legislative body(ies) with jurisdictional control which, if approved, are placed on the official *Parkway, Olmsted Parkway, Scenic Corridor and Gene Snyder Freeway Maps* included in Appendix 10C, which is incorporated herein by reference.

- B. **Olmsted Parkways** are part of the Louisville and Jefferson County Parks system and are listed as a historic district on the National Register of Historic Places. They are the original parkways that were established by Fredrick Law Olmsted to provide linkages between the community's parks and open spaces and are depicted on the official *Parkway, Olmsted Parkway, Scenic Corridor and Gene Snyder Freeway Maps* included in Appendix 10C, which is incorporated herein by reference. Any addition and/ or modification to the existing Olmsted Parkway network shall require the same nomination and legislative approval process as described in (A) of this Section, above.

- C. The **Gene Snyder Freeway** is an expressway that was developed along the eastern and southern outskirts of the county and is depicted on the official *Parkway, Olmsted Parkway, Scenic Corridor and Gene Snyder Freeway Maps* included in Appendix 10C, which is incorporated herein by reference. Any extension or modification to the Gene Snyder Freeway designation shall require the same nomination and legislative approval process as described in (A) of this Section, above.

10.3.4 Landscape Plan Requirement

Any development that requires any vegetation to be planted and maintained to meet the requirements of this Part shall have a landscape plan approved prior to receiving a building permit..

10.3.5 Parkway Development Standards

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

A. Parkway Setbacks, Buffering and Landscaping Requirements

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

Table 10.3.1

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

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

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

10. Parkway plantings must be installed within 6 months or next available planting season per PDS staff, from the issuance of the site disturbance/clearing and grading permit.

B. Signage

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

10.3.6 Scenic Corridor Development Standards

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

A. **Scenic Corridor Setbacks, Buffering and Landscaping Requirements**

1. Scenic corridor setbacks, buffering and landscaping shall be required in accordance with Table 10.3.2, below, except that any scenic corridor located within a Special District that has scenic corridor development standards created specifically for that Special District shall adhere to the standards applicable to that Special District.

Table 10.3.2

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

2. When the requirements of this Part specify the use of Type A trees in areas where existing overhead utility lines make the use of Type A trees impractical, Type B trees may be substituted at a rate of one tree for each thirty (30) linear feet of road frontage and Type C trees at a rate of one tree for each fifteen (15) feet of road frontage.
3. All scenic corridor setbacks and buffer areas shall be measured from the property line adjacent to the right-of-way of the scenic corridor.

4. All scenic corridor buffer areas and landscaping requirements shall be applicable to the first fifty (50) linear feet of any intersecting street unless that street is a designated Parkway, Olmsted Parkway or the Gene Snyder Freeway, in which case the specific buffering and landscaping requirements for those corridors shall be applicable.
5. All required landscaping shall be located within the required buffer area except where explicitly stated otherwise.
6. The berm required to screen the vehicle use area of non-residential developments may be replaced by a continuous fence, wall or hedge when the Planning Director finds that the proposed modification is in character with nearby developments or allows for tree preservation that would not be possible if a berm was provided.
7. Plantings shall consist of a mix of deciduous and evergreen trees so as to provide for the corridor's visual interests, whether it be screening or creating a filtered view from the roadway, on a year round basis.
8. No tree clearing, construction, or re-grading shall take place within forty (40) feet of the right-of-way prior to landscape plan approval, except that utility maintenance and landscape maintenance required for public health and activities ordinarily associated with surveying and similar preliminary site analysis shall be permitted.
9. Scenic corridor buffer areas shall be set aside to accommodate the required landscape and buffering materials. No vehicle use areas, except for necessary driveway crossings, or buildings or structures, except for fences permitted by this Section and structures attendant to public utility services, shall be permitted within a required scenic corridor buffer area. Freestanding signs shall be permitted within a required scenic corridor buffer area. . Retention or detention basins may occupy no more than 50% of the required width of any scenic corridor buffer area.
10. Required scenic corridor setbacks shall apply to buildings, excluding accessory structures less than one hundred (100) square feet in area. They shall not apply to vehicle use areas.
11. Scenic corridor plantings must be installed within 6 months or next available planting season per PDS staff, from the issuance of the site disturbance/clearing and grading permit.

B. Signage

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

C. Fences

1. Chain-link fences shall not be permitted within the scenic corridor buffer area.

2. Privacy fences shall only be permitted within the scenic corridor buffer area as explicitly permitted in Table 10.3.2.
3. Three and four board wood fences, sometimes called “horse fences”, wire fences traditionally used to secure livestock, and stone or masonry fences less than four feet in height shall be permitted within the scenic corridor buffer area.

D. Road Improvements

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

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

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

10.3.7 Gene Snyder Freeway Development Standards

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

A. Gene Snyder Freeway Setbacks, Buffering and Landscaping Requirements

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

Table 10.3.3

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

1. All Gene Snyder Freeway setbacks and buffer areas shall be measured from the property line adjacent to the right-of-way of the Freeway.
2. At least seventy-five (75) percent of the trees and shrubs being planted to meet the requirements of this Part shall be native to this area. DPDS staff shall provide applicants/developers with guidance as to which vegetative species are appropriate to be used to meet this requirement.
4. Plantings may be grouped together so as to be natural in style and are intended to partially screen the buildings from the Freeway in an effort to provide for the visual interest of the corridor.
5. At least twenty-five (25) percent of the trees required by this Part shall be evergreen trees so as to partially screen development from the Freeway on a year round basis.
6. No tree clearing, construction, or re-grading shall take place within fifty (50) feet of the right-of-way prior to landscape plan approval, except that utility maintenance and landscape maintenance required for public health and activities ordinarily associated with surveying and similar preliminary site analysis shall be permitted.
7. Preservation of existing vegetation is the preferred means of meeting the screening objective. When preservation occurs, the applicant shall provide as part of the tree preservation plan an existing tree survey that depicts the general location, species mix, and typical size of existing stands of trees that are proposed to be retained. Photographs showing the general quality of the buffer area's existing vegetation shall also be provided.
8. In those instances that because of a site's topography in relation to the freeway vegetation alone will not provide for effective screening between a development and the Freeway, the Planning Commission or its designee may require a berm or other screening measures in addition to the plantings required by this Section.
9. All required setbacks, buffer areas and vegetation applicable to the Gene Snyder Freeway shall also be applicable to all Gene Snyder Freeway access ramps.
10. Gene Snyder Freeway buffer areas shall be set aside to accommodate the required landscape and buffering materials. No vehicle use areas, buildings or structures, except for fences or walls permitted by this Section and structures attendant to public utility services, shall be permitted within a required Gene Snyder Freeway buffer area. . Retention or detention basins may occupy no more than 50% of the required width of the Freeway buffer area.
11. Gene Snyder plantings must be installed within 6 months or next available planting season per PDS staff, from the issuance of the site disturbance/clearing and grading permit.

B. Signage

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

C. Fences

1. All privacy fences shall be setback at least thirty (30) feet from the right-of-way line of the Freeway and all of the required plantings shall be located between the Freeway and the fence.
2. Where conditions permit, any fences or walls constructed to mitigate noise levels on adjacent or nearby properties shall provide the required trees and shrubs between the Freeway right-of-way and the fence or wall.

10.3.8 Olmsted Parkway Development Standards (RESERVED)

10.3.9 Alternative Landscape Designs

It is not the intent of this Part to discourage innovative, aesthetically pleasing landscape buffer area designs. Thus, the developer may choose to submit a landscape plan depicting buffering materials/plantings that conform to the spirit and intent of this Part, while varying from the specific planting requirements. The alternative buffering materials/plantings may be permitted if the Planning Director finds that said deviations are a substantial improvement over the minimum requirements of this Part.

10.3.10 Modifications

The Planning Commission may modify or waive the buffering and planting requirements of this Part upon making the findings specified in Chapter 11 Part 8 of the Land Development Code.