

ORDINANCE NO. 133-89 .

AN ORDINANCE REQUIRING THAT BEFORE ANY BUILDING PERMIT FOR A NEW STRUCTURE OR EXPANSION OF AN EXISTING STRUCTURE BY MORE THAN TWENTY-FIVE PERCENT (25%) IN FLOOR AREA SHALL BE ISSUED FOR PROPERTY ABUTTING GEORGETOWN ROAD BETWEEN NEW CIRCLE ROAD AND THE FAYETTE COUNTY LINE, LANDSCAPING IN ACCORDANCE WITH VARIOUS REQUIREMENTS DEPENDING UPON THE ZONING OF THE PROPERTY BE INCLUDED AS PART OF THE PLAN; AND REQUIRING THAT WHENEVER ISSUANCE OF A BUILDING PERMIT REQUIRES PRIOR APPROVAL OF A DEVELOPMENT PLAN OR SUBDIVISION PLAT, THAT THE REQUIREMENTS OF THIS ORDINANCE BE INCLUDED ON SUCH DEVELOPMENT PLAN OR SUBDIVISION PLAT.

WHEREAS, The Council and its Corridors Committee have undertaken an extensive study of ways to beautify the major corridors of Lexington-Fayette County; and

WHEREAS, the Council and its Corridors Committee have concluded that Georgetown Road is a rapidly developing corridor within the confines of Lexington-Fayette County which due to its increasing importance as a state maintained arterial will soon be widened from New Circle Road to the Fayette County line; and

WHEREAS, the Council and its Corridors Committee have concluded that the Georgetown Road corridor between New Circle Road and the Fayette County line poses unique landscaping considerations due to the fact that many commercial and industrial uses exist or are proposed for development in close proximity to residential areas; and

WHEREAS, the Corridors Committee has recommended to this Council that a landscape ordinance which specifically addresses the unique characteristics of Georgetown Road and its rapidly developing nature be adopted by the Lexington-Fayette Urban County Government; and

WHEREAS, this Council and its Committees have studied comments and suggestions of professional traffic engineers, landscape architects, professional planners, owners of property in the area, residents of the area, citizens who drive Georgetown Road, and many other interested citizens; and

WHEREAS, this Council desires to increase traffic safety on Georgetown Road, encourage the landscaping and beautification of this stretch of Georgetown Road, improve traffic flow, and plan for the future of Georgetown Road under the powers granted to this Urban County Government by the constitutions and laws of the

United States and Commonwealth of Kentucky, including police powers;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the preamble to this Ordinance be and hereby is incorporated herein by reference.

Section 2 - That in order to landscape and beautify Georgetown Road in accordance with the intent of this Ordinance, no building permit for a new structure or expansion of any existing structure by more than 25% in floor area shall be issued for any structure on property abutting Georgetown Road, between New Circle Road and the Fayette County line, unless the plans submitted to the Division of Building Inspection with the application for such permit include landscaping in accordance with the following requirements:

- A. Whenever any industrial zone adjoins Georgetown Road, a 20 foot wide landscape buffer shall be installed immediately adjacent to and parallel with the Georgetown Road right-of-way-line. The landscape easement shall contain a 15 foot wide, 2.5 foot high grassy berm, which is not less than 50 feet nor more than 100 feet in length and planted with evergreen trees (from List A), 15 feet on center in a staggered configuration, alternating with a row not less than 100 feet long nor more than 250 feet long of large deciduous trees (from List A) at 45 feet on center, with one small deciduous flowering tree (List C) between each large tree. To the extent that there are viable, existing trees within the buffer area, those trees may be counted toward satisfaction of the planting requirement contained herein. Berms should be spaced so as to screen undesirable elements such as parking areas and storage yards and frame positive elements of the proposed development such as natural scenic views or focal points of architecture. Whenever the property frontage is insufficient to meet these requirements, then berming and evergreens shall be alternated in a manner deemed sufficient by the landscape examiner of the Division of Building Inspection to

adequately screen the property.

- B. Whenever any residential or business zone abuts Georgetown Road, the street tree requirements of Article 6-9 of the Land Subdivision Regulations of the Lexington-Fayette Urban County Government shall apply.
- C. A landscape plan illustrating fulfillment of these requirements shall be submitted and approved by the Division of Building Inspection prior to the issuance of any building permit. Whenever issuance of a building permit requires prior approval of a development plan or subdivision plat by the Lexington-Fayette Urban County Planning Commission, the requirements of this Ordinance shall be included on such development plan or subdivision plat.
- D. The requirements of this Section 2 are in addition to all other applicable requirements of Article 18 of the Zoning Ordinance of the Lexington-Fayette Urban County Government.

Section 3 - It is recognized by the Council that the impending widening of Georgetown Road may in insolated incidents result in the landscaping required herein being damaged or destroyed. It is the desire and expectation of the Council that in that event, the owner or occupant of any property so affected will re-landscape the property in accordance with the intent of this ordinance.

Section 4 - Whenever this Ordinance is in conflict with other local ordinances, regulations or law, the more restrictive ordinance, regulation or law shall govern and shall be enforced by appropriate officers and employees of this Government.

Section 5 - The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared invalid by judgment or decree of a court of competent jurisdiction, said invalidity shall not effect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

Section 6 - This Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: July 6, 1989

Scotty Basler

Mayor

ATTEST:

Ann Salles
Urban County Council Clerk

PUBLISHED: July 12, 1989 - 1t

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