

1. **PLN-ZOTA-24-00005: AMENDMENT TO ARTICLES 5, 18, AND 26: LANDSCAPING AND TREE PROTECTION** – a text amendment to amend Articles 5, 18, and 26 to update landscaping and tree protection standards.

INITIATED BY: URBAN COUNTY PLANNING COMMISSION  
PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: **Approval**, for the reasons provided by Staff.

The Staff Recommends: **Approval**, for the following reason:

1. The proposed text amendment supports and implements the 2045 Comprehensive Plan, in the following ways:
  - a. The amendment supports collaboration with LFUCG Environmental Services by pursuing incentives and regulatory approaches that encourage creativity and sustainability in housing development (Theme A, Goal #1.a).
  - b. The amendment provides well-designed neighborhoods and communities by ensuring all new development includes minimizing the disruption of natural features when building new communities and promotes, maintains, and expands the urban forest throughout Lexington (Theme A, Goal #3.c & #3.d).
  - c. The amendment promotes the synchronization of intragovernmental planning, funding, programs, and activities across LFUCG departments and divisions; ensuring that all planning and operational activities that impact the protection, conservation and restoration of landscapes, natural resources, and our natural environment are aligned, helping to identify and protect natural resources and landscapes before development occurs (Theme B, Goal #3.b & #3.c).
  - d. The amendment incentivizes green building and sustainable development (Theme B, Goal #3.c), and promotes, maintains, and expands the urban forest (Theme A, Goal #3.d) through innovative open space and greenspace designs.

Staff Presentation – Ms. Eve Miller, Senior Planner, stated that Articles 5, 18, and 26 were implemented in 1983 and have not been significantly updated since. Ms. Miller indicated that the proposed text amendment consolidates enforcement and citation regulations, updates landscape regulations, and provides clearer and more modern tree protection standards. Ms. Miller indicated that all of these changes would help incentivize green infrastructure and best practices.

Ms. Miller stated that the Division of Environmental Services coordinated with the Division of Planning and reviewed the Zoning Ordinance with the goal to update processes, and modernize landscaping and tree protection standards in support of the Goals and Objectives of the 2045 Comprehensive Plan. Ms. Miller showcased the various events and public engagement that went on during this process including meeting with the Lexington Tree Board, Greenspace Trust, and showing up to events like Reforest the Bluegrass and Streetfest to get further public engagement.

Ms. Miller broke down the updates by each article, stating the update to Article 5 would add Environmental Services to the list of enforcement agents, update the enforcement parameters to match KRS 100 and increase the administrative abatement fee. The updates for Article 18 included: updating zone to zone landscape perimeter requirements, updating landscaping plan requirements, a preference for low-impact landscaping, columnar trees prohibited for required landscaping, new language to reference the city's Planting Manual, and dissolving the Landscape Review Committee. Finally Ms. Miller indicated that the changes to Article 26 included updating the purpose of Article 26 to focus on discussing trees' positive impact, updating definitions, updates to significant tree definitions by lowering the current diameter at breast height (DBH), updating tree protection plan requirements, and replacing gender-specific language with gender neutral language.

To show the changes and what the trees would be comparable to, Ms. Miller presented the Planning Commission a block of wood with the particular diameter that the text amendment calls for. Ms. Miller also stated that the main goal for phase one of this text amendment is to codify the processes and modernize the Zoning Ordinance. Additionally, Ms. Miller stated that a second phase text amendment would be forthcoming to achieve the additional policies.

Ms. Miller concluded by stating Staff is recommending approval of the text amendment and could answer any questions from the Planning Commission.

Commission Comments and Questions – Mr. Wilson stated that he thought that Staff had done a wonderful job on this text amendment and thank them for their consistency.

Mr. Owens stated that this was a very important text amendment and echoed Mr. Wilson's praise for Staff.

Public Comment – Dick Murphy, representing the Building Industry Association of Central Kentucky, stated that he could not fully support the text amendments until phase two because they do not know how this will impact them yet.

Leandro Braga, 2013 Dunkirk Drive, voiced his support for this text amendment and stated that it gave him pride as a Lexingtonian to see a modern, forward thinking, text amendment.

Commission Comments and Questions – Mr. Wilson asked how Staff would feel about approving Phase 1 and then waiting for Phase 2 later, and Ms. Miller indicated that Staff was having trouble protecting tree canopy, and Phase 1 (this amendment) would serve as a foundation for what they want to do down the line.

Action – A motion was made by Ms. Worth, seconded by Mr. Pohl and carried 6-0 (Forester, Nicol, Johnathon Davis, and Zack Davis absent) to approve PLN-ZOTA-24-00005: AMENDMENT TO ARTICLES 5, 18, AND 26: LANDSCAPING AND TREE PROTECTION for reasons provided by Staff.