

Recd by \_\_\_\_\_  
Date: \_\_\_\_\_


**RECOMMENDATION OF THE  
URBAN COUNTY PLANNING COMMISSION  
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY**

**IN RE: PLN-ZOTA-22-00017: AMENDMENTS TO ARTICLES 1, 8, 9, 10, 11, 12, 20, 21, 23 & 28 UPDATING AND CONSOLIDATING OPEN SPACE REGULATIONS INTO ARTICLE 20** – a petition for a Zoning Ordinance text amendment to amend Articles 1, 8, 9, 10, 11, 12, 20, 21, 23 & 28 to consolidate open space regulations into Article 20.

Having considered the above matter on **November 17, 2022**, at a Public Hearing and having voted **9-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL** for this matter for the following reasons:

1. The proposed text amendment supports and implements the 2018 Comprehensive Plan, in the following ways:
  - a. The amendment supports infill and redevelopment throughout the Urban Service Area by incorporating adequate greenspace and open space into all development projects, which serve the needs of the intended population (Theme A, Goal #2.c).
  - b. The amendment provides well-designed neighborhoods and communities by ensuring all new development includes walkable, accessible open space and greenspaces which lead to positive and safe social interactions (Theme A, Goal #3.b).
  - c. The amendment promotes improvements for quality of life by putting standards in place that ensure open space is walkable, accessible, and usable, which attracts new businesses and residents (Theme C, Livability Policy 8).
  - 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 reductions in vegetated area in exchange for green infrastructure, green roofs, tree stands, and other innovative designs.
  - e. The amendment upholds the Urban Service Area concept (Theme E, Goal #1) by accommodating additional development, in exchange for more intentionally designed open space, and maximizing the developable area of property near other existing or planned open spaces.

**ATTEST:** This 6<sup>th</sup> day of January, 2023.

  
\_\_\_\_\_  
Secretary, Jim Duncan

**LARRY FORESTER**  
CHAIR

At the Public Hearing before the Urban County Planning Commission, this petition was represented by **Valerie Friedmann, Senior Planner in the Division of Planning.**

**OBJECTORS**

- None.

**VOTES WERE AS FOLLOWS:**

AYES: (9) Barksdale, Bell, de Movellan, Forester, Meyer, Michler, Penn, Pohl, and Worth  
NAYS: (0)  
ABSENT: (2) Davis and Nicol  
ABSTAINED: (0)  
DISQUALIFIED: (0)

Motion for **Approval** of **PLN-ZOTA-22-00017** carried.

Enclosures: Comprehensive Plan Summary  
Staff Report  
Planning Commission Recommended Text  
Applicable excerpts of minutes of above meeting

## **Notice of: Open Space Zoning Ordinance Text Amendment PLN-ZOTA-22-00017**

In the continued effort to examine and modernize the Zoning Ordinance following the adoption of the 2018 Comprehensive Plan, Planning staff is currently bringing forward Zoning Ordinance Text Amendments to consolidate open space regulations to one location (Article 20), provide clearer definitions for open spaces types based on use, incorporate common open area design and access standards, and incentivize green infrastructure best practices.

Intentionally designed and equitably distributed open spaces provide the physical setting for people to gather and establish social connections, create a sense of community and social cohesion, and encourage health through walking and activity—and they are integral to the development of complete neighborhoods and communities. Access to safe and welcoming open spaces is critical to achieving equitable development, and quality of life is enhanced through the social, environmental, and economic benefits that greenspaces and open spaces provide. However, our current open space regulations are outdated and fall short of achieving these goals.

Lexington's existing open space regulations require a percentage of land to be set aside as open space during development, but there are several issues with those requirements. The current definition of "usable open space" is unfocused, and the regulations are scattered across different sections of the Ordinance, making the regulations difficult to use. For multi-family developments, the requirements do not ensure open spaces that are intentionally planned for use by people, or that the vegetated areas are supporting environmental goals. Additionally, there is no requirement for community-focused open space in the single family residential context, and in the commercial and industrial zones there are little to no requirements for open space and greenspace to offset the impacts of the built environment.

The current open space standards are not delivering consistently good results for our city. These proposed regulations will provide focused and flexible regulations to support open space and greenspace goals across Lexington. Furthermore, the regulations will promote healthy activities, provide safe access and use, and benefit the general welfare of Lexington.

The proposed text amendment is consistent with and supported by many of the Themes, Policies, Goals and Objectives of the 2018, as follows:

### **Policies:**

**Theme A, Design Policy #3:** Multi-family residential developments should comply with the multi-family design standards in Appendix A.

**Theme A, Design Policy #9:** Provide adequate greenspace for all neighborhoods within walking distance.

**Theme A, Design Policy #10:** Provide neighborhood focal points accessible to all residents.

**Theme A, Design Policy #11:** Single loaded streets should be utilized in order to establish clear public access to neighborhood focal points.

**Theme A, Equity Policy #7:** Community facilities should be well integrated into their respective neighborhoods.

**Theme B, Protection Policy #7:** Protect sensitive natural habitats and wildlife in the Urban Service Area, protect the urban forest, and significant tree canopies in crucial ecological networks.

**Theme B, Sustainability Policy #4:** Make recommendations to locate new development within walking distance of existing greenspace / community centers, or create greenspace / community centers within walking distance of residential uses.

**Theme B, Sustainability Policy #11:** Require green infrastructure elements for new development, and require during redevelopment where appropriate.

**Theme B, Restoration Policy #2:** Use green infrastructure to bridge gaps in the greenspace network.

**Theme B, Restoration Policy #3:** Support community gardens and urban agriculture to restore natural resources within the Urban Service Area.

**Theme C, Livability Policy #8:** Promote quality of life aspects, including greenspace, as an attraction to new businesses and residents.

**Theme D, Placemaking Policy #2:** Retrofit incomplete suburban developments, incorporating elements that create complete neighborhoods.

**Theme D, Placemaking Policy #3:** Establish design standards for placemaking.

**Theme D, Placemaking Policy #4:** Create quality and useable open space for all developments over one acre.

**Theme E, Stewardship Policy #8:** Address economic, environmental, and social sustainability of new development to thoughtfully utilize Lexington's resources for present needs while considering those of future generations.

**Theme E, Growth Policy #3:** Provide varied, abundant, and connected greenspaces throughout Lexington's urban and rural areas.

## **Goals and Objectives:**

**Theme A, Goal #1:** Expand housing choices.

**Theme A, Goal #1.a:** Pursue incentives and regulatory approaches that encourage creativity and sustainability in housing development.

**Theme A, Goal#2:** Support infill and redevelopment throughout the Urban Service Area as a strategic component of growth.

**Theme A, Goal #2.c:** Incorporate adequate greenspace and open space into all development projects, which serve the needs of the intended population.

**Theme A, Goal #3:** Provide well-designed neighborhoods & communities.

**Theme A, Goal #3.a:** Enable existing and new neighborhoods to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expand options for mixed-use and mixed-type housing through Lexington-Fayette County.

**Theme A, Goal #3.b:** Strive for positive & safe social interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians & various modes of transportation.

**Theme A, Goal #3.c:** Minimize disruption of natural features when building new communities.

**Theme A, Goal #3.d:** Promote, maintain, and expand the urban forest throughout Lexington.

**Theme B, Goal #2:** Reduce Lexington-Fayette County's carbon footprint.

**Theme B, Goal #2.b:** Anticipate the community's needs by encouraging environmentally sustainable uses of natural resources.

**Theme B, Goal #2.c:** Provide incentives for green building, sustainable development, and transit-oriented development with civic agencies leading by example through the use of green building standards.

**Theme B, Goal #3:** Apply environmentally sustainable practices to protect, conserve & restore landscapes & natural resources.

**Theme B, Goal #3.c:** Incorporate green infrastructure principles in new plans and policies, including, but not limited to, land use and transportation.

**Theme B, Goal #3.d:** Coordinate interrelated planning, programs and activities that impact the protection, conservation and restoration of landscapes and natural resources.

**Theme C, Goal #2:** Attract the world's finest jobs, encourage an entrepreneurial spirit, and enhance our ability to recruit and retain a talented, creative workforce by establishing opportunities that embrace diversity with inclusion in our community.

**Theme C, Goal #2.d:** Provide entertainment and other quality of life opportunities that attract young, and culturally diverse professionals, and a work force of all ages and talents to Lexington.

**Theme D, Goal #2:** Support a model of development that focuses on people-first to provide accessible community facilities and services to meet the health, safety and quality of life needs of Lexington-Fayette County's residents and visitors.

**Theme D, Goal #2.a:** Encourage public safety and social sustainability by supporting Secured-by-Design concepts and other policies and programs for the built and natural environments of neighborhoods to help reduce opportunities for crimes.

**Theme E, Goal #1:** Uphold the Urban Service Area concept.

**Theme E, Goal #1.b:** Ensure all types of development are environmentally, economically, and socially sustainable to accommodate the future growth needs of all residents while safeguarding rural land.

**Timeline:**

- July 13** Notice mailing
- August 4** Planning Commission Zoning Committee meeting
- August 25** Planning Commission public hearing
- September 9** Final report sent to Council



October 3, 2022

Re: Requested Zoning Ordinance Text Amendment

Dear Neighborhood Association Representative:

This letter is to inform you of a recent request for a change to the Zoning Ordinance, also known as a “text amendment.” This request was initiated by the Lexington-Fayette Urban County Planning Commission. The Planning Commission will review this proposal at a public hearing scheduled for the afternoon of **Thursday, November 17<sup>th</sup>, 2022**. The proposed regulations related to the text amendment are available on the Division of Planning website at:

<https://www.lexingtonky.gov/current-text-amendment-applications>

**The purpose of this text amendment is to update Articles 1, 8, 9, 10, 11, 12, 20, 21, 23 and Article 28 of the LFUCG Zoning Ordinance to consolidate open space regulations to one location (Article 20), provide clearer definitions for open spaces types based on use, incorporate common open area design and access standards, and incentivize green infrastructure best practices.**

Copies of the staff report on this matter will be available three weeks prior to the Commission’s public hearing, which is scheduled to begin at **1:30 p.m.** on **Thursday, November 17<sup>th</sup>, 2022**. The hearing will be held in the 2nd Floor Council Chambers, LFUCG Government Center Building, at 200 East Main Street, Lexington.

If you desire any additional information regarding this proposal, please feel free to contact the Division of Planning staff at 101 East Vine Street, 7th Floor, or call 859-258-3160 during regular office hours (8:00 AM to 5:00 PM, Monday through Friday). Additional information will also be posted on the Citizen Portal at [www.lexingtonky.gov/plans](http://www.lexingtonky.gov/plans). Please utilize record number **PLN-ZOTA-22-00017** when searching for information about this text amendment proposal.

If you are no longer a leader or the designated contact for your Neighborhood Association, please forward this notice to the appropriate person. Then, please contact Ms. Donna Lewis in the Division of Planning at 859-258-3160, so that our records can be updated. In this way, we can continue to keep the leaders of your Neighborhood Association informed of future planning activities in Lexington-Fayette County.

Sincerely,

**Urban County Planning Commission**  
c/o LFUCG Division of Planning  
Planning Services Section

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Accela record number PLN-ZOTA-22-00017



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## Article 1 GENERAL PROVISIONS AND DEFINITIONS

### Sec. 1-11. Definitions.

Courtyard means a paved and/or landscaped open area that is partially or completely surrounded by buildings and used as an outdoor gathering space. an open area, partially or completely surrounded by buildings, used as outdoor common area, generally paved and/or landscaped, and primarily for private use. This may also be used to meet the open space requirement of the zoning ordinance as herein defined.

Green infrastructure means the use of natural features, restored or engineered, to provide multiple benefits to communities including reducing flooding, minimizing urban heat island impacts, and improving water and air quality. Green infrastructure often refers specifically to stormwater infrastructure and stormwater control design approaches and technologies that mimic the natural hydrologic cycle processes of rainfall infiltration, evapotranspiration, and reuse. The phrase is generally contrasted with “gray infrastructure,” which relies on a constructed system of pipes and mechanical devices to capture and convey stormwater runoff.

Open space, useable, means outdoor area of a lot or tract which is designated and used for outdoor living, recreation, pedestrian access or planting. Such areas may be ground or roof space seventy five percent (75%) open to the sky, balconies a minimum of five (5) feet wide, an enclosed deck, porch, or ground floor portions of a building constructed on columns. Off street parking and loading areas, driveways, vehicular use area perimeter landscaping and interior landscaping, unenclosed fire escapes, or required front and side street side yard areas do not qualify as useable open space; provided, however, that those portions of the required side street side yard may qualify as useable open space, as long as such open space is separated from the street right of way by a fence or solid screen planting.

Open space means land or water area not covered by enclosed structures, vehicular use areas, or streets. Such an area may be predominately in a natural condition or modified for uses such as recreation, education, aesthetics, cultural or natural resource management or public health and safety.

Common area is a specific type of usable outdoor area which is managed and maintained for common use by groups of residents, occupants, or users of a development. Common areas are owned by a private individual or entity, such as an owners association or other mechanism. Common areas shall be designed to enhance the visual character of the area, protect public safety, and minimize conflicts with adjacent land uses.

Useable area is the general outdoor area of a lot intentionally designed for outdoor living and pedestrian access. Such areas include unenclosed ground and roof space a minimum of ten (10) feet wide, and balconies, porches and the like a minimum of five (5) feet wide. Useable open space may include hardscape, landscape, or portions of water areas designed to accommodate or support use. Streets, vehicular use areas, and required vehicular use area interior landscaping do not qualify as useable open space.

Vegetated area means the outdoor area of a lot at ground-level or roof-level consisting of preserved existing vegetation or new vegetation. At least seventy five (75) percent of the area must be covered by living plants. Required vehicular use area interior landscaping is not included. Invasive tree and plant species, per the LFUCG Planting Manual, are not included.

Walkable route means the route that a pedestrian may travel between origins and destinations without obstruction and with clear delineation through vehicle use areas. Walkable routes 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

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regulations and guidance. Walkable routes connect accessible building entrances to pedestrian facilities in the public right-of-way. Walking distance is specified as the length of the walkable route.

## Article 8 SCHEDULE OF ZONES<sup>1</sup>

### Sec. 8-1. Agricultural Rural (A-R) Zone.

(k) Minimum ~~Useable~~ Open Space. No limitation.

### Sec. 8-2. Agricultural Buffer (A-B) Zone.

(k) Minimum ~~Useable~~ Open Space. No limitation.

### Sec. 8-3. Agricultural-Natural Areas (A-N) Zone.

(k) Minimum ~~Useable~~ Open Space. No limitation.

### Sec. 8-4. Agricultural Urban (A-U) Zone.

(k) Minimum ~~Useable~~ Open Space. No limitation.

### Sec. 8-5. Single-Family Residential (R-1A) Zone.

(k) Minimum ~~Useable~~ Open Space. See Article 20 for open space regulations. ~~No limitation.~~

### Sec. 8-6. Single-Family Residential (R-1B) Zone.

(k) Minimum ~~Useable~~ Open Space. See Article 20 for open space regulations. ~~No limitation.~~

### Sec. 8-7. Single-Family Residential (R-1C) Zone.

(k) Minimum ~~Useable~~ Open Space. See Article 20 for open space regulations. ~~No limitation.~~

(o) *Special Provisions.*

1. Lot frontage, yard and height requirements for single-family detached dwellings in defined Infill and Redevelopment areas are for existing lots as of December 5, 2002, and shall be as follows:
  - a. Where existing lot frontage is twenty-four (24) feet but less than thirty-five (35) feet, the provisions of Section 15-7 and the following shall apply:
    6. Minimum ~~usable~~ open space: See Article 20 for open space regulations. ~~No limitation.~~
  - b. Where existing lot frontage is thirty-five (35) feet but less than fifty (50) feet, the provisions of Section 15-7 and the following shall apply:
    6. Minimum ~~usable~~ open space: See Article 20 for open space regulations. ~~No limitation.~~
  - c. Where existing lot frontage is fifty (50) feet or greater, the provisions of Section 15-7 and the following shall apply:



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- 6. Minimum ~~usable~~ open space: ~~See Article 20 for open space regulations. No limitation.~~

### **Sec. 8-8. Single-Family Residential (R-1D) Zone.**

- (k) *Minimum Useable Open Space.* ~~See Article 20 for open space regulations. No limitation.~~

- (o) *Special Provisions.*

- 1. Lot, yard and height requirements for single-family detached dwellings in defined Infill and Redevelopment areas are for existing lots as of December 5, 2002, and shall be as follows:
  - a. Where existing lot frontage is twenty-four (24) feet but less than thirty-five (35) feet, the provisions of Section 15-7 and the following shall apply:
    - 6. Minimum ~~usable~~ open space: ~~See Article 20 for open space regulations. No limitation.~~
  - b. Where existing lot frontage is thirty-five (35) feet but less than fifty (50) feet, the provisions of Section 15-7 and the following shall apply:
    - 6. Minimum ~~usable~~ open space: ~~See Article 20 for open space regulations. No limitation.~~
  - c. Where existing lot frontage is fifty (50) feet or greater, the provisions of Section 15-7 and the following shall apply:
    - 6. Minimum ~~usable~~ open space: ~~See Article 20 for open space regulations. No limitation.~~

### **Sec. 8-9. Single-Family Residential (R-1E) Zone.**

- (k) *Minimum Useable Open Space.* ~~See Article 20 for open space regulations. No limitation.~~

- (o) *Special Provisions.*

- 2. Lot, yard and height requirements for single-family detached dwellings in defined Infill and Redevelopment areas are for existing lots as of December 5, 2002, and shall be as follows:
  - a. Where existing lot frontage is twenty-four (24) feet but less than forty (40) feet, the provisions of Section 15-7 and the following shall apply:
    - 6. Minimum ~~usable~~ open space: ~~See Article 20 for open space regulations. No limitation.~~
  - b. Where existing lot frontage is forty (40) feet or greater, the provisions of Section 15-7 and the following shall apply:
    - 6. Minimum ~~usable~~ open space: ~~See Article 20 for open space regulations. No limitation.~~

### **Sec. 8-10. Townhouse Residential (R-1T) Zone.**

- (k) *Minimum Useable Open Space.* ~~(See Subsection (o) of this section, below).~~ ~~See Article 20 for open space regulations.~~

- (o) *Special Provisions.*

- 3. ~~Not less than ten percent (10%) of the total lot area for any townhouse shall be devoted to private usable open space either on each lot or on land adjacent and directly accessible to each lot. Such open space shall be for the private use of the residents of each individual townhouse and shall be physically separated from other private open space or common open space by plantings, fences, or walls. The least dimension of the private open space shall be eight (8) feet.~~

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~~3.4.~~ In addition to the special provisions listed above, the lot, yard and height requirements for attached single-family dwellings that are approved by the Planning Commission on a final development plan, in defined Infill and Redevelopment areas, shall be as follows:

- h. Minimum ~~usable~~ open space: ~~As per Subsection (o)(3) of this section, above.~~ See Article 20 for open space regulations.

### **Sec. 8-11. Two-Family Residential (R-2) Zone.**

(k) Minimum ~~Usable~~ Open Space. See Article 20 for open space regulations. ~~No limitation.~~

(o) *Special Provisions.*

4. Lot, yard and height requirements for two-family dwellings in defined Infill and Redevelopment areas are for existing lots as of December 5, 2002, and shall be as follows:

- g. Minimum ~~usable~~ open space: See Article 20 for open space regulations. ~~No limitation.~~

### **Sec. 8-12. Planned Neighborhood Residential (R-3) Zone.**

(k) Minimum ~~Usable~~ Open Space. ~~Twenty percent (20%).~~ See Article 20 for open space regulations.

(o) *Special Provisions.*

4. Lot, yard, and height requirements for single family detached dwellings in defined Infill & Redevelopment areas are for existing lots as of December 5, 2002, and shall be as listed below. (Minimum lot sizes are listed below for the purpose of establishing minimum configurations that may be the result of consolidation among adjacent parcels.)

a. Where existing lot frontage is less than twenty-four (24) feet, the provisions of Section 15-7 and the following shall apply:

7. Minimum ~~usable~~ open space: No limitation.

b. Where existing lot frontage is twenty-four (24) feet but less than thirty-five (35) feet, the provisions of Section 15-7 and the following shall apply:

7. Minimum ~~usable~~ open space: No limitation.

c. Where existing lot frontage is thirty-five (35) feet but less than fifty (50) feet, the provisions of Section 15-7 and the following shall apply:

7. Minimum ~~usable~~ open space: No limitation.

d. Where existing lot frontage is fifty (50) feet or greater, the provisions of Section 15-7 and the following shall apply:

7. Minimum ~~usable~~ open space: No limitation.

5. Lot, yard and height requirements for all other single-family detached dwellings in the R-3 zone shall be as follows:

- (6) Minimum ~~usable~~ open space: See Article 20 for open space regulations. ~~No limitation.~~

### **Sec. 8-13. High Density Apartment (R-4) Zone.**

(k) Minimum ~~Useable~~ Open Space. See Article 20 for open space regulations. ~~Twenty percent (20%).~~

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## Sec. 8-14. High Rise Apartment (R-5) Zone.

- (k) *Minimum Usable Open Space.* See Article 20 for open space regulations. Twenty percent (20%).

## Sec. 8-15. Professional Office (P-1) Zone.

- (k) *Minimum Usable Open Space.* See Article 20 for open space regulations. No limitation, except where residences are provided, then ten percent (10%).

- (o) *Special Provisions.*

1. A Professional Office Project may be permitted by the Planning Commission for a tract of land with a minimum of ten (10) acres, upon the approval of a preliminary development plan and a final development plan as provided in Article 21, and subject to the P-1 zone regulations.

Subdivision of land in a Professional Office Project is permitted, subject to the following regulations:

- a. There shall be no minimum lot size, lot frontage, yard ~~or open space~~, nor maximum lot coverage or height requirements for each subdivided lot; however, all said requirements for the approved final development plan shall be applicable to the subdivision.
  - b. Each subdivided lot shall have access to adjacent streets or joint parking areas, as provided by appropriate easements shown on the final development plan and the final record plan.
  - c. For the overall project area, open space shall be governed by Article 20. Open space may be clustered across multiple lots to facilitate the common use of the land.
- ~~2. —Where dwelling units are provided and the Planning Commission has approved a final development plan, the required parking spaces may be reduced, when specific permission is given by the Commission to reduce said required parking by not more than one percent (1%) for each one percent (1%) of additional useable open space that is provided over the minimum. In any case, the maximum parking reduction shall not exceed the minimum parking otherwise required in the zone by more than ten percent (10%) by only providing additional open space.~~

## Sec. 8-16. Neighborhood Business (B-1) Zone.

- (k) *Minimum Usable Open Space.* See Article 20 for open space regulations. No limitation, except where dwelling units are provided as principal uses; then ten percent (10%).

- (o) *Special Provisions.*

- ~~2. —Where dwelling units are provided and the Planning Commission has approved a final development plan, the required parking spaces may be reduced when specific permission is given by the Commission to reduce said required parking by not more than one percent (1%) for each one percent (1%) of additional useable open space that is provided over the minimum. In any case, the maximum parking reduction shall not exceed the minimum parking otherwise required in the zone by more than ten percent (10%) by only providing additional open space.~~

- ~~2. 3-~~ A form-based neighborhood business project may be approved by the Planning Commission on any site over one (1) acre in size. For any such project, a final development plan shall be approved by the Planning Commission prior to issuance of any building permit. The lot, yard, height and setback requirements will be those established by the Commission on the approved development plan, rather than those stated above. In addition to the development plan, an applicant seeking approval of a form-

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based neighborhood business project shall be required to submit an area character and context study prepared by an architect or urban design professional.

The study will document the architectural and urban design character of the area. It shall demonstrate, through the use of renderings, elevations and similar graphic materials, how the proposed project will enhance and complement the area's character. It will also show its integration with the surrounding neighborhood by using positive design features, such as supplemental landscaping; provision of public space and open space buffers; and improved pedestrian accommodations. These drawings shall be made a part of the Commission's approval, and building permits shall comply with the approved drawings. A form-based neighborhood business project shall not be subject to the square footage limitation of 8-16(o)(1) above.

### **Sec. 8-17. Downtown Business (B-2) Zone.**

- (k) *Minimum Usable Open Space.* ~~See Article 20 for open space regulations. No limitation (except that residential uses shall provide useable open space equal to not less than ten percent (10%) of only those floors occupied by dwelling units).~~

### **Sec. 8-18. Downtown Frame Business (B-2A) Zone.**

- (k) *Minimum Usable Open Space.* ~~See Article 20 for open space regulations. No limitation, except that residential uses shall provide useable open space equal to not less than ten percent (10%) of only those floors occupied by dwelling units.~~
- (m) *Maximum Height of Building.* Three (3) stories, or thirty-five (35) feet, except that buildings up to ten (10) stories shall be permitted if the Planning Commission approves a development plan; ~~and for every story in excess of three (3) stories, one percent (1%) of the total lot area shall be added to the otherwise required front yard, or such area shall be provided as ground level open space on land adjoining the right of way.~~

### **Sec. 8-19. Lexington Center Business (B-2B) Zone.**

- (k) *Minimum Usable Open Space.* ~~See Article 20 for open space regulations. No limitation, except that ten percent (10%) shall be required for any residential area.~~

### **Sec. 8-20. Highway Service Business (B-3) Zone.**

- (k) *Minimum Useable Open Space.* ~~See Article 20 for open space regulations. No limitation.~~

### **Sec. 8-21. Wholesale and Warehouse Business (B-4) Zone.**

- (k) *Minimum Useable Open Space.* ~~See Article 20 for open space regulations. No limitation.~~
4. Adaptive Reuse Projects may be permitted by the Planning Commission upon the approval of a final development plan, subject to the following requirements:
- d. The applicant shall include at least one element from the following categories and must reach total score of 10 points:
3. Quality of Life Components:
- vii. 20% Community oriented open space nonresidential (~~2~~ 3).
- ~~viii. 10% Community oriented open space nonresidential (2).~~
- ~~viii~~ ix. Community garden space (1).

- ~~ix~~ \*. Innovation Credit (1) - Provide a high degree of innovative modification of quality of life components.
- 5. Industrial Reuse Projects may be permitted by the Planning Commission upon the approval of a final development plan, subject to the following requirements:
  - d. The applicant shall include at least one element from the following categories and must reach total score of 10 points:
    - 3. Quality of Life Components:
      - vii. 20% Community oriented open space nonresidential (~~2~~ 3).
      - ~~viii. 10% Community oriented open space nonresidential (2).~~
      - ~~viii~~ ix. Community garden space (1).
      - ~~ix~~ \*. Innovation Credit (1) - Provide a high degree of innovative modification of quality of life components.

**Sec. 8-22. Light Industrial (I-1) Zone.**

- (k) Minimum ~~Useable~~ Open Space. ~~See Article 20 for open space regulations. No limitation.~~

**Sec. 8-23. Heavy Industrial (I-2) Zone.**

- (k) Minimum ~~Useable~~ Open Space. ~~See Article 20 for open space regulations. No limitation.~~

**Sec. 8-24. University Research Campus (P-2) Zone.**

- (k) Minimum ~~Useable~~ Open Space. ~~40 percent for the entire P-2 development, as specifically regulated under Article 8-24(o) herein. See Article 20 for open space regulations, and Article 8-24(o) for additional requirements.~~
- (o) *Special Provisions.*
  - 3. The developer shall be required to provide proof of at least the following private covenants having been created prior to the approval of any final development plan:
    - b. An owners' association or other mechanism which provides for uniform maintenance of all open space areas and common ~~areas~~ spaces.

**Article 9 GROUP RESIDENTIAL PROJECTS**

**Sec. 9-6. Group residential projects minimum design standards.**

- (h) ~~Usable Open Space. and Screening. Proper usable open spaces shall be devoted to the recreation needs of the Project for active and passive use. For projects with less than ten (10) dwelling units, no usable open space shall be required. Projects with ten (10) or more dwelling units shall provide usable open space based on the density of the project as follows: See Article 20 for open space regulations.~~

<del>Density (d.u./net acre)</del>	<del>Usable Open Space Required (percent of net project area)</del>
<del>5 d.u./acre</del>	<del>5 percent</del>

5 to 15 d.u./acre	20 percent
16 to 40 d.u./acre	15 percent
>40 d.u./acre	10 percent

- (j) *Maintenance of Common Spaces.* Where the design of the Group Residential Project indicates a need or desire to subdivide property and to provide for common ~~areas~~ spaces, a Home Owners' Association, or other mechanism for the provision of maintenance, improvement, and operations for all common ~~areas~~ spaces, including streets; parking areas; open space, etc.; shall be required to be established by the applicant. The applicant's responsibility to create such a mechanism shall be noted on the development plan of the Group Residential Project. A requirement that each property owner be individually responsible for maintenance of the common space abutting the lot shall not be considered as acceptable for fulfilling the requirements of this section.

**Sec. 9-7. Group residential projects in the infill and redevelopment area.**

- (c) *Open Space Reductions.* ~~Where proposed dwelling unit entrances or other applicable building entrances are located within 1/4 mile (1,320 feet) walking distance along a walkable route. For projects located within one thousand (1,000) feet~~ of an existing LFUCG park ~~space~~, the minimum required useable open space shall be reduced by fifty percent (50%).

**Article 10 MOBILE HOME PARK (M-1P) ZONE**

**Sec. 10-8. Minimum design standards.**

- (c) ~~Not less than ten percent (10%) of the site on which a mobile home park is located shall be devoted to open space available to the residents of the entire park.~~ Minimum open space. See Article 20 for additional open space regulations.

**Article 11 INTERCHANGE SERVICE BUSINESS (B-5P) ZONE**

**Sec. 11-7. Minimum design standards.**

- (f) Minimum Open Space: See Article 20 for open space regulations.

(Code 1983, § 11-7; Ord. No. 263-83 , § 1, 12-15-1983; Ord. No. 137-2016 , § 3(11-7), 7-7-2016)

**Article 12 COMMERCIAL CENTER (B-6P) ZONE**

**Sec. 12-8. Minimum design standards.**

- (d) *Lot Coverage and Floor Area Requirements.* The ground area occupied by all the buildings shall not exceed the maximums noted below, based upon the minimum floor area requirements. Parking structures shall not be considered as a building for the purposes of this section.
- (3) *Special Provisions for All Centers.*

- (iii.) Minimum ~~Usable~~ Open Space: See Article 20 for open space regulations. Fifteen (15) percent.

## Article 20 OPEN SPACE STANDARDS

### Sec. 20-1. Intent.

The intent of this Article is to incorporate intentionally designed and equitably distributed open space into all development projects.

The regulations contained in this provision are intended to:

- Protect and enhance public health, safety, and quality of life by providing safe and accessible open space where people can gather and establish a sense of community.
- Increase environmental sustainability and resiliency by providing green space to offset the impacts of the built environment.
- Support the Urban County Government’s goal of providing access to open space within a 10-minute walk of all neighborhoods and communities.

### Sec. 20-2. Open space requirements.

Where not regulated elsewhere in the Zoning Ordinance, open space shall be provided in accordance with the provisions of this Article.

- (a) Overlap in use and purpose of open space types: Useable areas, vegetated areas, and common areas are types of open space that may overlap in use and purpose. The area of one type of open space may be counted toward the minimum requirement of other types where the applicable standards of each are being met.
- (b) Summary table of open space requirements:

<u>Single Family Residential</u>	<u>Useable Area</u> (See Article 1)	<u>Vegetated Area</u> (See Articles 1, 20-3 to 20-4)	<u>Common Area(s)</u> (See Articles 1, 20-5 to 20-8)
<u>R-1A, R-1B, R-1C, R-1D, R-1E, R-1T, R-2, R-3, R-4, M-1P</u>	<u>Not required.</u>	<u>Not required.</u>	<u>Required for &gt; 25 dwelling units</u>
<u>Multi-Family Residential / Group Residential Projects</u>	<u>Useable Area</u>	<u>Vegetated Area</u>	<u>Common Area(s)</u>
<u>R-1T</u>	<u>10%</u>	<u>10%</u>	<u>Required for &gt; 25 dwelling units</u>
<u>R-3</u>	<u>20%</u>	<u>20%</u>	
<u>R-4</u>	<u>15%</u>	<u>15%</u>	
<u>R-5</u>	<u>10%</u>	<u>10%</u>	
<u>Mixed Use / Commercial</u>	<u>Useable Area</u>	<u>Vegetated Area</u>	<u>Common Area(s)</u>
<u>B-1, P-1, B-3, B-4, B-5P, MU-1, MU-2, I-1, I-2</u>	<u>10%</u>	<u>10%</u>	<u>Required for sites &gt; 3 net acres and/or &gt; 25 dwelling units</u>
<u>B-2, B-2A, B-2B</u>	<u>5%</u>	<u>0%</u>	
<u>B-6P, MU-3</u>	<u>15%</u>	<u>15%</u>	
<u>P-2</u>	<u>40%</u>	<u>20%</u>	

- (c) The Board of Adjustment shall have the authority to require open space for conditional uses in residential zones based on the minimum open space requirements for the zone in which such use is first allowed as a principal use. Open space for conditional uses located in mixed use / commercial zones shall be based on the minimum open space requirements for the zone in which they are located.

**Sec. 20-3. Vegetated area standards.**

- (a) Requirements.
  - (1) At least seventy five (75) percent of the vegetated area must be covered by living plants.
  - (2) Required vehicular use area interior landscaping is not included. Invasive tree and plant species, per the LFUCG Planting Manual, are not included.
  - (3) On a preliminary development plan, the required and provided vegetated area square footage shall be listed as a percentage of the developable area in the statistical summary of pertinent site data.
  - (4) For a final development plan or preliminary subdivision plan;
    - (a) Vegetated areas must be clearly designated on the generalized planting plan per Article 26 and appear visually distinct from non-qualifying areas.
    - (b) The required and provided vegetated area square footage shall be listed as a percentage of the developable area in the statistical summary of pertinent site data.
    - (c) Where a vegetated area type listed in Table 20-4 is used, hatching or other means of visually designating the area must be shown on the generalized planting plan and the square footage and multiplier rate used must be included in the statistical summary of pertinent site data.

**Sec. 20-4. Vegetated area incentives for green infrastructure.**

- (a) For sites of three (3) acres or less, a net decrease in the required vegetated area square footage may be achieved by providing a green infrastructure type listed in table 20-4(b) below. The ground-level or roof-level square footage of the following green infrastructure types is multiplied by the associated rate to achieve a net decrease in total vegetated area required.
- (b) Green Infrastructure Multiplier Table:

<b><u>Green Infrastructure Type</u></b>	<b><u>Multiplier Rate</u></b>
<u>Innovative Design <sup>1</sup></u>	<u>1.15</u>
<u>Community Garden <sup>2</sup></u>	<u>1.15</u>
<u>Tree Stand <sup>3</sup></u>	<u>1.5</u>
<u>Vegetated Green Infrastructure <sup>4</sup></u>	<u>1.75</u>
<u>Vegetated Roof <sup>4</sup></u>	<u>2</u>
<u>Riparian Buffer Restoration/Preservation <sup>5</sup></u>	<u>2</u>

- 1. Provide an innovative design that is not listed elsewhere in the table but still achieves the basic objectives of these regulations.
- 2. As defined by the LFUCG Code of Ordinances and must also include access to a watering source.



- 3. As defined by Article 26 of the LFUCG Zoning Ordinance.
- 4. Must meet requirements of the LFUCG Stormwater Manual.
- 5. Must meet requirements of the LFUCG Stormwater Manual along the length of stream on lot, may also include vegetative stream bank stabilization and restoration areas as specified in the LFUCG Stormwater Manual.

**Sec. 20-5. Common area standards.**

- (a) Location standards.
  - (1) The development shall be planned so that a common area is within a 1/4 mile (1,320 feet) walking distance along a walkable route (as defined in Article 1) to ninety (90) percent of proposed dwelling units entrances or other applicable building entrances;
  - (2) The common areas(s) shall be located within the development to connect to each other and adjacent open spaces via a walkable route.
- (b) Dimensional standards for common areas which serve single family lots.
  - (1) Minimum size: Ten thousand (10,000) square feet.
  - (2) Least dimension: One hundred (100) feet.
- (c) Dimensional standards for common areas which serve multi-family, mixed-use, and commercial developments.
  - (1) Minimum size: Eight thousand five hundred (8,500) square feet.
  - (2) Least dimension: Twenty (20) feet.
  - (3) Connectivity: When multiple common areas are provided to meet the minimum size requirement, they must be connected via a walkable route.
- (d) Development standards.
  - (1) Primary access and visibility. At least fifty (50) percent of the required common area perimeter shall have frontage on an approved street or public right-of-way, a vehicle access easement with pedestrian facilities, a shared use path in an easement, or be directly adjacent to a building façade on the same lot that provides visibility and a pedestrian entrance into the common area.
  - (2) Secondary entry points. Secondary entry points shall be a minimum of twenty (20) feet wide and contain a minimum five (5) foot wide sidewalk that connects to pedestrian facilities on an adjacent approved street, public right-of-way, vehicle access easement, or shared use path in an easement.
  - (3) Physical improvements. Common areas must include physical improvements and amenities including but not limited to walking paths, gardens, play areas, swimming pools, sports facilities, and the like to support passive and/or active uses.
  - (4) Canopy coverage and shading. Large tree canopy (Group A species) or other shade providing structures must cover thirty (30) percent of the required common area. Small and/or medium tree canopy (Group B and C species) may fulfil this requirement only when preexisting overhead conflicts are present or when existing tree canopy is preserved.

- (5) Topography and hydrology. A minimum of fifty (50) percent of the common area shall be a generally flat and dry surface suitable for recreational use. Retention and detention basins, wetlands, floodplains and their buffers may be used to meet a portion of the common area requirement if its banks are vegetated and landscaping is provided around the perimeter in an effort to make it a visual amenity for the development and the perimeter is accessible by the provision of pedestrian facilities.
- (e) Calculation and documentation.
- (1) Calculation. Only the portions of common areas which meet the applicable requirements of sections 20-5(a) through 20-5(d) may be included in area and distance calculations.
- (2) Preliminary development plan requirements.
- (a) Common areas must be generally located and dimensioned on the plan.
- (b) The provided common area square footage shall be listed in the statistical summary of pertinent site data.
- (c) Documentation of walkable routes and distances may be requested by the Division of Planning. Requested documentation shall be provided as a visual exhibit at an appropriate scale.
- (3) Final development plan and preliminary subdivision plan requirements.
- (a) Common areas must be clearly designated and dimensioned and should appear visually distinct from non-qualifying areas.
- (b) The provided common area square footage shall be listed in the statistical summary of pertinent site data.
- (c) Documentation of walkable routes and distances may be requested by the Division of Planning. Requested documentation shall be provided as a visual exhibit at an appropriate scale.
- (d) The requirements of 20-5(d) shall be depicted on the plan or and/or documented through notes on the plan.

**Sec. 20-6. Common area exemption for development near publically accessible open spaces.**

Where proposed dwelling unit entrances or other applicable building entrances are located within the specified walking distance along a walkable route of the following three instances, those entrances may be exempted from the common area requirements of this Article. Documentation of walkable routes and distances shall be provided as a visual exhibit at an appropriate scale submitted to the Division of Planning and a note documenting such shall be included on any Development Plan.

- (a) 1/2 mile (2,640 feet) of an entrance to an existing or proposed LFUCG Park; or
- (b) 1/4 mile (1,320 feet) of an entrance to an existing or proposed portion of a greenway which meets the applicable requirements of sections 20-5(a) through 20-5(d); or
- (c) 1/4 mile (1,320 feet) of an entrance to another existing publicly accessible open space which meets the applicable requirements of sections 20-5(a) through 20-5(d).

**Sec. 20-7. Common area signage and shared-use path access.**

- (a) Signage: Incidental signs indicating the hours of operation and ownership or party responsible for maintenance shall be posted at the primary entrance point(s) to the common area. Signage may also reference the Kentucky Recreational Use Statute (KRS 411.190), which encourages owners of land to make land and water areas available to the public for recreational purposes by limiting their liability toward persons entering thereon for such purposes.
- (b) Shared-use paths: When a shared-use path that is part of the public transportation network is provided through or along a common area, it shall be regulated in accordance with the Land Subdivision Regulations.

**Sec. 20-8. Common area provisions for multi-phase developments and timing.**

- (a) Development proposed in phases shall be considered as a single development for the purposes of calculating the common area(s).
- (b) In cases where less than one hundred (100) percent of the total amount of common area is provided within the first phase of a multiphase development, the remaining amount shall be apportioned into each of the remaining development phases.
- (c) All common areas and improvements shall be completed prior to the issuance of a certificate of occupancy for the final building.

## Article 21 DEVELOPMENT PLANS

### Sec. 21-6. Contents and format of development plans.

All development plans shall be prepared on Mylar or other material capable of clear reproduction using ozalid print process. Plans shall be legible and of a size and scale (generally not exceeding one (1) inch equals one hundred (100) feet) which enables clear presentation of required information. Required plan information shall be as follows:

- (a) *Contents of preliminary development plan.* A preliminary development plan shall contain the following information at a minimum:
  - (7) Screening, landscaping and buffering, (as required by Article 18) recreational and other open space areas [\(as required by Article 20\)](#).

### **APPENDIX 23A. ZONING CATEGORIES AND RESTRICTIONS**

### Sec. 23A-5. Expansion Area Residential 1 (EAR-1) Zone.

(j) *Special Provisions.*

- 1. At least twenty-five percent (25%) of the net developable acreage of any project in the EAR-1 zone shall be open space. [Common open space shall be accessible from a public right-of-way or access easement with pedestrian facilities at intervals not to exceed 1/4 mile \(1,320 feet\). Access points shall be a minimum of forty \(40\) feet wide and contain a minimum five \(5\) foot wide sidewalk that connects to adjacent pedestrian facilities. Incidental signs indicating the hours of operation and ownership or party responsible for maintenance shall be posted at all access points to the common open space. Signage may also reference the Kentucky Recreational Use Statute \(KRS 411.190\), which encourages owners of land to make land and water areas available to the public for recreational purposes by limiting their liability toward persons entering thereon for such purposes.](#)

### Sec. 23A-6. Expansion Area Residential 2 (EAR-2) Zone.

(k) *Special Provisions.*

- 2. At least twenty-five percent (25%) of the net developable acreage of any project in the EAR-2 zone shall be open space. [Common open space shall be accessible from a public right-of-way or access easement with pedestrian facilities at intervals not to exceed 1/4 mile \(1,320 feet\). Access points shall be a minimum of forty \(40\) feet wide and contain a minimum five \(5\) foot wide sidewalk that connects to adjacent pedestrian facilities. Incidental signs indicating the hours of operation and ownership or party responsible for maintenance shall be posted at all access points to the common open space. Signage may also reference the Kentucky Recreational Use Statute \(KRS 411.190\), which encourages owners of land to make land and water areas available to the public for recreational purposes by limiting their liability toward persons entering thereon for such purposes.](#)

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### Sec. 23A-7. Expansion Area Residential 3 (EAR-3) Zone.

(k) *Special Provisions.*

2. At least twenty-five percent (25%) of the net developable acreage of any project in the EAR-3 zone shall be open space. Common open space shall be accessible from a public right-of-way or access easement with pedestrian facilities at intervals not to exceed 1/4 mile (1,320 feet). Access points shall be a minimum of forty (40) feet wide and contain a minimum five (5) foot wide sidewalk that connects to adjacent pedestrian facilities. Incidental signs indicating the hours of operation and ownership or party responsible for maintenance shall be posted at all access points to the common open space. Signage may also reference the Kentucky Recreational Use Statute (KRS 411.190), which encourages owners of land to make land and water areas available to the public for recreational purposes by limiting their liability toward persons entering thereon for such purposes.

### Sec. 23A-9. Community Center (CC) Zone.

(k) *Special Provisions.*

1. At least twenty-five percent (25%) of the net developable acreage of any development within a CC zone shall be open space. Common open space shall be accessible from a public right-of-way or access easement with pedestrian facilities at intervals not to exceed 1/4 mile (1,320 feet). Access points shall be a minimum of forty (40) feet wide and contain a minimum five (5) foot wide sidewalk that connects to adjacent pedestrian facilities. Incidental signs indicating the hours of operation and ownership or party responsible for maintenance shall be posted at all access points to the common open space. Signage may also reference the Kentucky Recreational Use Statute (KRS 411.190), which encourages owners of land to make land and water areas available to the public for recreational purposes by limiting their liability toward persons entering thereon for such purposes.

### Sec. 23A-10. Economic Development (ED) Zone.

(j) *Special Provisions.*

1. At least 25% of the net developable acreage of any development within an ED zone shall be open space. Such open space may be clustered across multiple lots or tracts to facilitate the common use of the land. Common open space shall be accessible from a public right-of-way or access easement with pedestrian facilities at intervals not to exceed 1/4 mile (1,320 feet). Access points shall be a minimum of forty (40) feet wide and contain a minimum five (5) foot wide sidewalk that connects to adjacent pedestrian facilities. Incidental signs indicating the hours of operation and ownership or party responsible for maintenance shall be posted at all access points to the common open space. Signage may also reference the Kentucky Recreational Use Statute (KRS 411.190), which encourages owners of land to make land and water areas available to the public for recreational purposes by limiting their liability toward persons entering thereon for such purposes.

## Article 28 MIXED USE ZONING CATEGORIES

### Sec. 28-3. Mixed use 1: Neighborhood Node Zone (MU-1).

(f) *Lot, Yard, and Height Requirements.* Lot, yard, and height requirements shall be as follows:

6. Minimum Open Space: See Article 20 for open space regulations. ~~Ten percent (10%)~~

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**Sec. 28-4. Mixed use 2: Neighborhood Corridor Zone (MU-2).**

(f) *Lot, Yard, and Height Requirements.* Lot, yard, and height requirements shall be as follows:

6. Minimum Open Space: See Article 20 for open space regulations. ~~Ten percent (10%).~~

**Sec. 28-5. Mixed use 3: Mixed use Community Zone (MU-3).**

(f) *Lot, Yard, and Height Requirements.* Lot, yard, and height requirements shall be as follows:

6. Minimum Open Space: See Article 20 for open space regulations. ~~Fifteen percent (15%).~~

(h) *Special Provisions.* Special provisions shall be as follows:

6. An Entertainment Mixed use Project may be permitted by the Planning Commission for a tract of land with a minimum of ten (10) acres, and recommended by the adopted Comprehensive Plan for mixed use or a nonresidential land use, upon the approval of a preliminary development plan and a final development plan as provided in Article 21 herein. In its approval of such a development plan, the Commission shall find that the location is both appropriate for the use, and compatible with neighboring land uses. The parcel shall be subject to the MU-3 zone regulations above and the following requirements:

(a) Subdivision of land in an Entertainment Mixed use Project is permitted, subject to the following regulations:

1. There shall be no minimum lot size, lot frontage, yard ~~or open space~~, nor maximum lot coverage or height requirements for each subdivided lot; however, all said requirements for the approved final development plan shall be applicable to the subdivision.
2. Each subdivided lot shall have access to adjacent streets or joint parking areas, as provided by appropriate easements shown on the final development plan and the final record plan.
3. For the overall project area, open space shall be governed by Article 20. Open space may be clustered across multiple lots to facilitate the common use of the land.



**STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT**

**PLN-ZOTA-22-00017: AMENDMENT TO UPDATE OPEN SPACE REQUIREMENTS AND REVISE ARTICLES 1, 8, 9, 10, 11, 12, 20, 21, 23 and 28 OF THE LFUCG ZONING ORDINANCE**

APPLICANT: URBAN COUNTY PLANNING COMMISSION

PROPOSED TEXT: SEE ATTACHED  
(Note: Text underlined indicates an addition to the existing Zoning Ordinance; text ~~stricken through~~ indicates a deletion.)

**STAFF REVIEW:**

The 2018 Comprehensive Plan calls for the Planning Commission to examine and modernize the LFUCG Zoning Ordinance. In particular, the Plan states “amend the zoning ordinance to redefine open space requirements.” Additionally, Lexington has committed to the goal of making sure everyone has access to community-focused open space within a 10-minute walk. In response, this proposed amendment updates open space regulations, consolidates regulations to one location (Article 20), provides clearer definitions for open space types based on land use, incorporates location, design, and access standards, and incentivizes green infrastructure best management practices.

Safe and accessible open space and greenspace is critical infrastructure that adds to the quality of life for everyone in Lexington. Intentionally-designed and equitably-distributed open spaces provide the physical setting for people to gather and establish social connections. Walkable open spaces support public health through increased outdoor activity and recreation. Proximity to trees, natural areas, and urban greenspace supports mental health and increases environmental resiliency within the built environment. However, Lexington’s current open space regulations are outdated and fall short of achieving these adopted goals.

Lexington’s current open space regulations were introduced in the 1965 Zoning Ordinance, and have not been updated since that time. Current regulations require “minimum usable open space” by zoning category; however, the requirements focus solely on the *quantity* of open space provided, but lack standards to ensure that open space has the *quality* of being useful to the population it is intended to serve.

Currently, most zoning categories require a percentage of land be set aside as open space; however, the existing regulations are not delivering consistently good results:

- There are no standards in place that ensure open space is walkable, accessible, or useable by people.
- There are no requirements for common open space to serve single-family residential development.
- Commercial and industrial zones have minimal open space or greenspace requirements to offset the impacts of the built environment.



- There are no incentives for open space to include environmentally sustainable landscaping and green infrastructure.

The updates proposed through this text amendment address the issues listed above by providing focused yet flexible regulations to support open space and greenspace goals consistently across Lexington. This is achieved through a requirement for new developments to include small-scale, developer-provided open spaces. The proposed regulations establish design and location standards to ensure developer-provided open spaces are visible, walkable, and usable.

The proposed text also requires a percentage of vegetated open space in most zones. The vegetation requirement increases the quality and purpose of Lexington's urban open spaces and encourages mitigation of the built environment's negative environmental impacts, such as stormwater runoff and heat island effect. For infill projects of less than three (3) acres, development incentives are available in exchange for innovative green infrastructure like green roofs and rain gardens, which provides added flexibility for challenging infill sites.

Along with new regulations, there are also new incentives in the form of exemptions and reductions to required common open space when development is within walking distance of an LFUCG park, greenway, or other publicly accessible open space which meets the applicable requirements. In this way, the proposed regulations incentivize walkable development near public assets while maximizing the developable area of property near other existing or planned open spaces.

A foundational goal of this text amendment is to encourage the best use of land within the Urban Service Area boundary by focusing on the accessibility and quality of open spaces, not increasing the quantity of open space. This text amendment works in tandem with recent regulation changes to reduce parking requirements and increase Floor Area Ratio allowances.

The proposed text amendment is consistent with and supported by many of the Themes, Policies, Goals and Objectives of the 2018 Comprehensive Plan, as follows:

### **APPLICABLE GOALS, OBJECTIVES, AND POLICIES:**

#### **Policies:**

**Theme A, Design Policy #3:** Multi-family residential developments should comply with the multi-family design standards in Appendix A.

**Theme A, Design Policy #9:** Provide adequate greenspace for all neighborhoods within walking distance.

**Theme A, Design Policy #10:** Provide neighborhood focal points accessible to all residents.

**Theme A, Design Policy #11:** Single loaded streets should be utilized in order to establish clear public access to neighborhood focal points.





**Theme A, Equity Policy #7:** Community facilities should be well integrated into their respective neighborhoods.

**Theme B, Protection Policy #7:** Protect sensitive natural habitats and wildlife in the Urban Service Area, protect the urban forest, and significant tree canopies in crucial ecological networks.

**Theme B, Sustainability Policy #4:** Make recommendations to locate new development within walking distance of existing greenspace / community centers, or create greenspace / community centers within walking distance of residential uses.

**Theme B, Sustainability Policy #11:** Require green infrastructure elements for new development, and require during redevelopment where appropriate.

**Theme B, Restoration Policy #2:** Use green infrastructure to bridge gaps in the greenspace network.

**Theme B, Restoration Policy #3:** Support community gardens and urban agriculture to restore natural resources within the Urban Service Area.

**Theme C, Livability Policy #8:** Promote quality of life aspects, including greenspace, as an attraction to new businesses and residents.

**Theme D, Placemaking Policy #2:** Retrofit incomplete suburban developments, incorporating elements that create complete neighborhoods.

**Theme D, Placemaking Policy #3:** Establish design standards for placemaking.

**Theme D, Placemaking Policy #4:** Create quality and useable open space for all developments over one acre.

**Theme E, Stewardship Policy #8:** Address economic, environmental, and social sustainability of new development to thoughtfully utilize Lexington's resources for present needs while considering those of future generations.

**Theme E, Growth Policy #3:** Provide varied, abundant, and connected greenspaces throughout Lexington's urban and rural areas.



## Goals and Objectives:

**Theme A, Goal #1:** Expand housing choices.

**Theme A, Goal #1.a:** Pursue incentives and regulatory approaches that encourage creativity and sustainability in housing development.

**Theme A, Goal#2:** Support infill and redevelopment throughout the Urban Service Area as a strategic component of growth.

**Theme A, Goal #2.c:** Incorporate adequate greenspace and open space into all development projects, which serve the needs of the intended population.

**Theme A, Goal #3:** Provide well-designed neighborhoods & communities.

**Theme A, Goal #3.a:** Enable existing and new neighborhoods to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expand options for mixed-use and mixed-type housing through Lexington-Fayette County.

**Theme A, Goal #3.b:** Strive for positive & safe social interactions in neighborhoods, including, but not limited to, neighborhoods that are connected for pedestrians & various modes of transportation.

**Theme A, Goal #3.c:** Minimize disruption of natural features when building new communities.

**Theme A, Goal #3.d:** Promote, maintain, and expand the urban forest throughout Lexington.

**Theme B, Goal #2:** Reduce Lexington-Fayette County's carbon footprint.

**Theme B, Goal #2.b:** Anticipate the community's needs by encouraging environmentally sustainable uses of natural resources.

**Theme B, Goal #2.c:** Provide incentives for green building, sustainable development, and transit-oriented development with civic agencies leading by example through the use of green building standards.

**Theme B, Goal #3:** Apply environmentally sustainable practices to protect, conserve & restore landscapes & natural resources.

**Theme B, Goal #3.c:** Incorporate green infrastructure principles in new plans and policies, including, but not limited to, land use and transportation.

**Theme B, Goal #3.d:** Coordinate interrelated planning, programs and activities that impact the protection, conservation and restoration of landscapes and natural resources.

**Theme C, Goal #2:** Attract the world's finest jobs, encourage an entrepreneurial spirit, and enhance our ability to recruit and retain a talented, creative workforce by establishing opportunities that embrace diversity with inclusion in our community.



**Theme C, Goal #2.d:** Provide entertainment and other quality of life opportunities that attract young, and culturally diverse professionals, and a work force of all ages and talents to Lexington.

**Theme D, Goal #2:** Support a model of development that focuses on people-first to provide accessible community facilities and services to meet the health, safety and quality of life needs of Lexington-Fayette County's residents and visitors.

**Theme D, Goal #2.a:** Encourage public safety and social sustainability by supporting Secured-by-Design concepts and other policies and programs for the built and natural environments of neighborhoods to help reduce opportunities for crimes.

**Theme E, Goal #1:** Uphold the Urban Service Area concept.

**Theme E, Goal #1.b:** Ensure all types of development are environmentally, economically, and socially sustainable to accommodate the future growth needs of all residents while safeguarding rural land.

The Staff Recommends: **Approval** of the proposed Text Amendment to the Zoning Ordinance, for the following reasons:

1. The proposed text amendment supports and implements the 2018 Comprehensive Plan, in the following ways:
  - a. The amendment supports infill and redevelopment throughout the Urban Service Area by incorporating adequate greenspace and open space into all development projects, which serve the needs of the intended population (Theme A, Goal #2.c).
  - b. The amendment provides well-designed neighborhoods and communities by ensuring all new development includes walkable, accessible open space and greenspaces which lead to positive and safe social interactions (Theme A, Goal #3.b).
  - c. The amendment promotes improvements for quality of life by putting standards in place that ensure open space is walkable, accessible, and usable, which attracts new businesses and residents (Theme C, Livability Policy 8).
  - 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) though reductions in vegetated area in exchange for green infrastructure, green roofs, tree stands, and other innovative designs.
  - e. The amendment upholds the Urban Service Area concept (Theme E, Goal #1) by accommodating additional development, in exchange for more intentionally designed open space, and maximizing the developable area of property near other existing or planned open spaces.

VF/CW/TLW/HB  
10/31/2022

Planning Services/Staff Reports/ZOTA/2022/PLN-ZOTA-22-00017 Open Space Staff Report.doc



2. **PLN-ZOTA-22-00017: AMENDMENTS TO ARTICLES 1, 8, 9, 10, 11, 12, 20, 21, 23 & 28 UPDATING AND CONSOLIDATING OPEN SPACE REGULATIONS INTO ARTICLE 20** – a petition for a Zoning Ordinance text amendment to amend Articles 1, 8, 9, 10, 11, 12, 20, 21, 23 & 28 to consolidate open space regulations into Article 20.

INITIATED BY: URBAN COUNTY PLANNING COMMISSION

PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: **No Recommendation.**

The Staff Recommends: **Approval,** for the following reasons.

1. The proposed text amendment supports and implements the 2018 Comprehensive Plan, in the following ways:
  - a. The amendment supports infill and redevelopment throughout the Urban Service Area by incorporating adequate greenspace and open space into all development projects, which serve the needs of the intended population (Theme A, Goal #2.c).
  - b. The amendment provides well-designed neighborhoods and communities by ensuring all new development includes walkable, accessible open space and greenspaces which lead to positive and safe social interactions (Theme A, Goal #3.b).
  - c. The amendment promotes improvements for quality of life by putting standards in place that ensure open space is walkable, accessible, and usable, which attracts new businesses and residents (Theme C, Livability Policy 8).
  - 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 reductions in vegetated area in exchange for green infrastructure, green roofs, tree stands, and other innovative designs.
  - e. The amendment upholds the Urban Service Area concept (Theme E, Goal #1) by accommodating additional development, in exchange for more intentionally designed open space, and maximizing the developable area of property near other existing or planned open spaces.

Staff Text Amendment Presentation – Ms. Valerie Friedmann presented and summarized the staff report and recommendations for this text amendment. Ms. Friedmann began by stating the goal of this text amendment, to incorporate intentionally designed and equitably distributed open space into all development projects. Additionally, Ms. Friedmann emphasized that this text amendment is about having quality open and greenspace, and not the quantity of the spaces. Ms. Friedmann continued, giving a timeline of events that led to this text amendment and stated that Planning Staff had been working on the text for over two years. In that time, staff conducted a tremendous amount of research, reviewed other similar cities from all across the county, and used that information to inform the text amendment. Ms. Friedmann also highlighted over 20 meetings with different organizations and the public to further update the text.

Ms. Friedmann noted that having adequate greenspace and open space was an integral part of the 2018 Comprehensive Plan and its policies. Ms. Friedmann continued stated that the current open space regulations are out-of-date, they are unfocused, there are no requirements for open space to be visible, and the standards do not apply in some areas where they should.

Ms. Friedmann explained the new updates to the text, which include a new definition for green infrastructure, three subsets of the definition of open space, and a new definition for walkable route. Additionally, Ms. Friedman noted the consolidation of Articles 8, 9, 10, 11, 12, 21, and 28 into one place, Article 20. Ms. Friedmann displayed an exhibit depicting various zones, and what effect the regulation changes would have on them, emphasizing density, and less in exchange for better open space.

Ms. Friedmann concluded her presentation by stating that this text amendment, and the recently passed parking text amendment will work in tandem to make more room for development in exchange for purposeful open space and greenspace.

Commission Questions – Ms. Meyer asked if there is any maintenance plan in the text amendment. Ms. Friedmann indicated that is something that needs to be addressed, through the Landscape Examiner position in the Division of Environmental Services.

Ms. Meyer asked if there is encouragement in the text for naturalized areas. Ms. Friedmann indicated that was the case, especially for smaller sites. Additionally, Ms. Friedmann thought that the text amendment would allow for more creativity with these naturalized sites.

Ms. Worth commented that she thought that Staff had done great work on this, and loved that Staff is encouraging open space and greenspace.

Public Comment – Walt Gaffield, 2001 Bamboo Drive, thanked the Staff for communicating this text amendment well and stated that the Staff was obtained the best result. Additionally, he asked the Planning Commission to take a look back at this text amendment and see how it is working in a year.

Zoning Action – A motion was made by Mr. Michler, seconded by Ms. Worth and carried 9-0 (Davis and Nicol absent) PLN-ZOTA-22-00017: AMENDMENTS TO ARTICLES 1, 8, 9, 10, 11, 12, 20, 21, 23 & 28 UPDATING AND CONSOLIDATING OPEN SPACE REGULATIONS INTO ARTICLE 20 to approve for reasons provided by Staff.