

ORDINANCE NO. 76 - 2019

AN ORDINANCE AMENDING ARTICLES 6-8(i), 6-8(n), 6-8(n)(1), 6-8(n)(2), 6-8(n)(3), 6-8(p), 6-8(p)(1) AND 6-8(p)(2) OF THE LAND SUBDIVISION REGULATIONS TO UPDATE THE REQUIREMENTS FOR SIDEWALKS AND SHARED-USE PATHS. (PLANNING COMMISSION).

WHEREAS, the Lexington-Fayette Urban County Planning Commission has initiated a text amendment to Articles 6-8(i), 6-8(n), 6-8(n)(1), 6-8(n)(2), 6-8(n)(3), 6-8(p), 6-8(p)(1) and 6-8(p)(2) of the Land Subdivision Regulations to update the requirements for sidewalks and shared-use paths; and

WHEREAS, the Planning Commission has considered a text amendment to Articles 6-8(i), 6-8(n), 6-8(n)(1), 6-8(n)(2), 6-8(n)(3), 6-8(p), 6-8(p)(1) and 6-8(p)(2) of the Land Subdivision Regulations to update the requirements for sidewalks and shared-use paths. The Planning Commission did recommend APPROVAL of the alternative text by a vote of 9-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated by reference herein.

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

Section 1 – That Article 6-8(i) of the Land Subdivision Regulations of the Lexington-Fayette Urban County Government is hereby amended as follows:

6-8(i) BICYCLE ROUTE STANDARDS – Where indicated in the Comprehensive Plan, the Planning Commission shall require the construction of the appropriate a bicycle facility in the vehicular right-of-way as determined by the design matrix outlined in the Lexington Area MPO Bicycle and Pedestrian Master Plan in accordance with the Roadway Manual.

Section 2 – That Article 6-8(n) of the Land Subdivision Regulations of the Lexington-Fayette Urban County Government is hereby amended as follows:

6-8(n) SIDEWALK AND SHARED-USE PATH STANDARDS - All sidewalks and shared-use paths primarily provided as a part of the transportation system shall conform to the following standards and shall be designed in accordance with the Division of Engineering Roadway Manual, the Division of Engineering Standard Drawings, and in conformance with the Americans with Disabilities Act (ADA).

Section 3 - That Article 6-8(n)(1) of the Land Subdivision Regulations of the

CERTIFICATE

I do hereby certify that the title to this enactment contains an accurate synopsis of the contents thereof and may be used to satisfy the reading and publication requirements of law.

Pracy M. Jones
DEPARTMENT OF LAW

Lexington-Fayette Urban County Government is hereby amended as follows:

6-8(n)(1) SIDEWALK STANDARDS - Conventional pedestrian sidewalks shall be required on both sides of all roads unless the street is specifically exempted by these Subdivision Regulations, or a specific waiver is granted by the Planning Commission. A meandering sidewalk alignment may be approved by the Planning Commission to save trees or other major plantings, avoid rock outcroppings, or to avoid other physical conditions. Sidewalks shall be constructed of concrete and shall be four and one-half (4½) inches in thickness and a minimum width of five (5) feet. Sidewalks shall be placed adjacent to the street right-of-way line, except as noted in Exhibit 6-7 for cul-de-sacs. Slope toward curb shall be one-quarter (¼) of an inch to the foot. Sidewalks shall include a curb ramp wherever an accessible route crosses a curb. Where sidewalks are required on bridges, they shall have a minimum, barrier-free, width of eight (8) feet. The Standard Sidewalk Alignment width shall be determined by the project road classification at the full build as described in Table A.

Section 4 – That Article 6-8(n)(2) of the Land Subdivision Regulations of the Lexington-Fayette Urban County Government is hereby amended as follows:

6-8(n)(2) OTHER PEDESTRIAN WALKWAYS- In addition to the sidewalks paralleling streets, the Commission also may require pedestrian walkways, with at least a 10-foot easement, at mid-block or other locations, to provide better pedestrian access to parks, schools, cemeteries, greenways or other land uses.

TABLE A: STANDARD SIDEWALK ALIGNMENT

STREET CLASSIFICATION	WIDTH (FEET)	
	DISTANCE FROM ROADWAY	WIDTH OF SIDEWALK
Non-Residential and Industrial Collectors/Connectors (40' Street Width)	10.5	6.0
Non-Residential and Industrial Collectors/Connectors (51' Street Width)	5.0	6.0
Residential Collectors/Connectors and Industrial Locals	5.5	6.0, 8.0 in high use area*
Local Residential	5.5	5.0
Local Residential Cul-de Sac	7.0	5.0
Arterial Major and Minor	7.0	6.0, 8.0 in high use area*

* Downtown and urban environments, near shopping centers, schools, civic centers, etc.

Section 5 – That Article 6-8(n)(3) of the Land Subdivision Regulations of the Lexington-Fayette Urban County Government is hereby amended as follows:

6-8(n)(3) SHARED-USE PATH STANDARDS - Where these paths are indicated in the Comprehensive Plan as outlined in the Lexington area MPO Bicycle and Pedestrian Master Plan and where existing trails provide opportunities for connections, the Commission shall require the dedication of right-of-way, or an easement of sufficient width for the construction and use of the path. If a shared-use path is required by the Commission in lieu of a sidewalk, the developer shall build the shared-use path at a minimum width of ten (10) feet. The shared-use path shall be designed and constructed in conformance with the Roadway Manual.

Section 6 – That Article 6-8(p) of the Land Subdivision Regulations of the Lexington-Fayette Urban County Government is hereby amended as follows:

6-8(p) STREET IMPROVEMENT REQUIREMENTS FOR DEVELOPMENT ADJOINING EXISTING ROADWAYS – Any substantial development of subdivided property may reasonably be anticipated to create a burden on existing public roads, thereby posing a congestion and safety hazard for motorists, pedestrians or bicyclists. In order to ameliorate that hazard and to advance the public's interest in having a safe, equitable and adequate

transportation system, the following requirements shall apply whenever a subdivision is proposed for property abutting an existing public roadway which does not meet the right-of-way and pavement width standards for the functional classification of that street:

Section 7 – That Article 6-8(p)(1) of the Land Subdivision Regulations of the Lexington-Fayette Urban County Government is hereby amended as follows:

6-8(p)(1) PROPOSED SUBDIVISION OF PROPERTY ABUTTING AN ARTERIAL STREET - Whenever a subdivision is proposed for property which abuts a local or collector/connector street, as defined in these Land Subdivision Regulations, the developer shall be required to dedicate right-of-way along the entire street frontage to a width which will provide one-half of the total right-of-way necessary to comply with the standards as set out in Exhibit 6-1 of these Land Subdivision Regulations. It is assumed that the same right-of-way dedication will be required on the opposite side of the roadway at such time as that property develops, thereby providing the full necessary right-of-way width. Construction of roadway widening improvements (including paving, curb, gutter, sidewalk and shared-use path, where appropriate) shall also be required as necessary to bring the roadway up to full cross-section requirements as set forth in Exhibits 6-1 and 6-3 of these Land Subdivision Regulations. Upon the recommendation of the Commissioner of Public Works, the Commission may permit a long-term surety to be posted in lieu of construction of such improvements where such are intended to augment programmed improvements to be made by the government.

Section 8 - That Article 6-8(p)(2) of the Land Subdivision Regulations of the Lexington-Fayette Urban County Government is hereby amended as follows:

6-8(p)(2) PROPOSED SUBDIVISION OF PROPERTY ABUTTING AN ARTERIAL STREET - Whenever a subdivision is proposed for property that abuts an arterial street which is, or is proposed to be, four lanes or more in width, the developer may be required to dedicate sufficient right-of-way to permit any necessary widening. In consideration of the fact that such dedication requirement may exceed that which would ordinarily be required for subdivisions abutting local or collector/connector streets, the developer shall not be required to construct roadway widening improvements for the full road frontage; but rather, improvements such as turn lanes for new intersecting streets or other access points may be required when necessary to provide as safe a situation as possible under the circumstances. Construction of sidewalks or shared-use paths shall be required to provide an accessible route in the public right-of-way.

Section 9- - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: October 10, 2019


MAYOR

ATTEST:


Clerk of Urban County Council

Recd by 1/6
Date: 9/16/19


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

IN RE: SRA 2019-1: UPDATE ARTICLE 6 FOR SIDEWALKS AND SHARE-USE PATHS –
petition for a Subdivision Regulation Amendment to Article 6 to update the requirements for
sidewalks and shared-use paths.

Having considered the above matter on **August 22, 2019**, 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** of alternate text for this matter for the following reasons:

1. The proposed amendment to Article 6 of the Land Subdivision Regulations to update the requirements for
sidewalks and shared-use paths will provide a more diverse transportation network with options for
residents and visitors to our community, while also promoting economic growth, public health, and the
quality of life of the Lexington's current and future residents.
2. The proposed text amendment will work to achieve an effective and comprehensive transportation
network (Theme D, Goal #1), by supporting the Complete Streets concept, prioritizing a pedestrian-first
design that also accommodates the needs of bicycle, transit and other vehicles (Theme D, Goal #1.a).
3. The proposed text amendment meets the minimum design standards established by the Kentucky
Transportation Cabinet, the United States Access Board, and the Americans with Disabilities Act (ADA).

ATTEST: This 16th day of September, 2019.



Secretary, Jim Duncan

MIKE OWENS
CHAIR

At the Public Hearing before the Urban County Planning Commission, this petition was represented by **Hal
Baillie, Senior Planner, Division of Planning, Planning Services Section.**

OBJECTIONS
● None

OBJECTORS
● None

VOTES WERE AS FOLLOWS:

AYES: (9) de Movellan, Forester, Mundy, Nicol, Owens, Penn, Plumlee, Pohl, and Wilson

NAYS: (0)

ABSENT: (2) Bell and Brewer

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **Approval** of **SRA 2019-1** carried.

Enclosures: Recommended Text
Application
Staff Report
Applicable excerpts of minutes of above meeting.

VII. **COMMISSION ITEMS** – The Chair will announce that any item a Commission member would like to present will be heard at this time.

- a. **INITIATION OF SUBDIVISION REGULATION TEXT AMENDMENT TO UPDATE ARTICLE 6-8 FOR SIDEWALKS AND SHARE-USE PATHS** – The staff will request that the Planning Commission initiate amendments to Article 6-8 of the Land Subdivision Regulations to update the requirements for sidewalks and shared-use paths. If initiated, the requisite public hearing would be held this fall, after mailed notices are sent.

Staff Presentation – Ms. Wade distributed the staff alternative text of to the Planning Commission. She asked the Planning Commission to initiate this text. She said that the next step is to continue to work with stakeholders related to this change to address the concerns about costs and to assure the proposed changes are understood.

Commission Questions: Mr. Berkley said that he is concerned about the six-foot minimum width for sidewalks. He said that he spoke with the Builders Association and they said that it costs approximately \$800.00 to construct sidewalks on a 45-foot lot. He said that he would like to know the justification for the need to go over and beyond the National ADA requirements. He also said that he would like justification for Non-Residential and Industrial Collectors to increase their sidewalk widths from four-foot to eight-foot. He said that the Planning Commission initially were presented, by Mr. Scott Thompson, a five-foot sidewalk, along with a reduction on the width of streets. He said that he is not in favor of advancing this initiation.

Ms. Wade said that the ADA requirement states there be a five-foot clear at landing locations to allow for turning movements of wheelchairs. She said that the desired width of sidewalks is six feet, to allow for two mobility chairs or strollers to pass side-by-side, without one of them going off the sidewalk to allow the other to pass. Mr. Berkley said that five-foot also meets ADA requirements. Ms. Wade stated that a five-foot landing does but six-foot entirely meets the requirements.

Mr. Berkley gave an example of a 45-foot wide lot with a 25-foot wide driveway, why can't the pedestrians pass at the driveways. Ms. Wade said that sidewalks are not only provided in residential areas, sidewalks are also present in apartment, townhomes, commercial developments, and ED land. She said that the staff wants to ensure the sidewalk requirements are being met across all land uses. Mr. Berkley asked why a sidewalk needs to be eight-foot wide along a non-residential and industrial collector. Ms. Wade said that she discussed that with Mr. Thompson and he said that in the industrial and business zones there would be a large number of people working and people coming in to visit, therefore, there would be more people utilizing the sidewalks in those areas. She said that the Lexington Area Bicycle and Pedestrian Master Plan has a matrix system that calculates that higher volume of traffic on a street, necessitates wider to accommodate the pedestrian traffic. Mr. Berkley said that there is no regard to cost, the engineering of the projects, the greater amount of land used, and more non-permeable surfaces. He also stated that the Planning Commission should have been presented the reduction of the streets at the same time. Ms. Wade said that the cross-sections will be updated based upon the final decisions, reflecting what has been adopted. She said that Mr. Thompson said that the less pavement/street reduction is in a result of traffic calming. She said that in some places where the sidewalks are wider, the sidewalk doesn't need to be completely located within the right-of-way, there is an allowance for an easement onto the property, which also allows the setback to remain from the right-of-way, in single family residential areas.

Ms. Mundy asked if there will be accommodations for additional runoff for storm sewer system. Mr. Martin said that all of that is taken into account in new subdivisions. Ms. Mundy asked if the homeowner would be responsible for replacing their sidewalk. Ms. Wade said that the homeowner would be responsible for replacing their existing sidewalk and that they wouldn't have to increase the current sidewalk along their frontage to six feet. Ms. Mundy is concerned that when the homeowner's sidewalk begins to buckle, they would be responsible for replacing a six-foot sidewalk, which will be costly to them. Ms. Wade said that ultimately the homeowner pays for whatever the builder is putting into that lot, which includes sidewalks and other infrastructure. She added that the staff is looking at ways to improve our community's quality of life and that includes wider sidewalks.

Mr. Owens said that the ADA minimum requirement is five feet. Ms. Wade said that it is a minimum of five feet at landings so that people can maneuver and turn around in a wheelchair. Mr. Owens said that he believes a five-foot sidewalk is adequate and that six feet is excessive, as well as an eight-foot sidewalk, unless it will be a shared-use trail. Ms. Wade said that six feet is the minimum to allow two people in mobility challenged situations to pass, which meets ADA requirements. Mr. Owens asked the staff to provide them with examples of other areas that have already made these requirements. Ms. Wade agreed to work with staff to provide such examples.

Mr. Bell said that he is concerned about the passing of two wheelchairs and not having one of them go off the sidewalk to allow the other to pass. He agrees with the staff in trying to anticipate the future of walking and biking.

Ms. Mundy said that she searched the internet for ADA requirements for sidewalks, she said that it states "a defined walkway is required across all driveways, which will consist of a paved four-foot wide, at minimum, with a cross slope of one percent to meet ADA standards." Ms. Wade said that she has been told differently by the Bicycle & Pedestrian Planner.

Mr. Duncan said that the staff isn't asking to approve these changes, at this time. We are asking for the initiation of the discussion so that it can continue through work sessions and meetings. He said that with the Planning Commission initiating the text amendment, there will not be a timeline to address.

Action - A motion was made by Ms. Plumlee, seconded by Mr. Brewer, and carried 6-2 (Berkley and Mundy opposed; Penn absent) to approve INITIATION OF SUBDIVISION REGULATION TEXT AMENDMENT TO UPDATE ARTICLE 6-8 FOR SIDEWALKS AND SHARE-USE PATHS, for the reasons provided by the staff.

STAFF REPORT ON PETITION FOR SUBDIVISION REGULATION AMENDMENT

SRA 2019-1: AMENDMENT TO ARTICLE 6: SIDEWALKS AND SHARE-USE PATHS

INITIATED BY: Urban County Planning Commission

PROPOSED TEXT: See attached. Amendments to Article 6 are shown in red with additions underlined and deletions ~~strikethrough~~.

STAFF REVIEW:

The LFUCG Planning Commission initiated an amendment to Article 6 of the Land Subdivision Regulations in order to update the requirements for sidewalks and shared-use paths at the request of staff. The proposed amendment seeks to provide connectivity and equity as it relates to the transportation network in urbanized areas. As proposed, these amendments promote greater connectivity and will impact how the built environment directly effects economic growth, public health, and the quality of life of Lexington's current and future residents. Sidewalks and shared-use paths are part of the required infrastructure in our community, as they protect the health, safety and welfare of the community. A greater emphasis on connectivity should be applied to future development, taking into account context sensitive design as it relates to multi-modal transportation networks. Design of this infrastructure should include both micro- and macro-views of the context of current and future use, so that more sustainable development patterns are promoted. In an effort to ensure that the preferred types of multi-modal networks become the normal development type, the amendment provides guidance for the development of multi-modal transportation networks.

Over the course of the last 75 years, the Urban County and the development community have designed primarily for the safe and adequate movement of single occupancy vehicles, while providing less attention or diligence for the safe movement of pedestrians and cyclists. Those portions of our transportation network that lack sidewalks or shared-use trails serve as barriers to equitable and safe pedestrian movement unless a traveler is utilizing a vehicle. Additionally, the safety of pedestrians has been overlooked in those areas that have extremely long block lengths, which encourage dangerous mid-block crossings, and highway interchanges in urbanized areas that do not provide adequate or safe connections. By requiring facilities that are sized appropriately at all locations, there will be more diverse transportation options for all residents and visitors.

The proposed amendment incorporates the findings of the Lexington Area MPO Bicycle and Pedestrian Master Plan and increases the width of sidewalks and shared-use paths to provide both safer and more diverse transportation options for the Lexington community. The text proposed for Article 6, includes an increase of sidewalk widths based on the roadway type. By "right sizing" sidewalks based on use of roadways, these facilities will be safer and provide greater separation between pedestrians and vehicles. At a minimum, sidewalks are proposed to increase for local roadways from four (4) feet to five (5) feet, as in accordance with the Americans with Disabilities Act (ADA). Additionally, the amended text defines the minimum width of a shared-use path, as ten (10) feet, which is at a level that alleviates potential safety conflicts between users of shared-use paths.

Bringing the minimum standards for development in line with the Kentucky Transportation Cabinet's Design Guidelines and complying with the United States Access Board's standards for access in the public right-of-way will also comply with federal requirements for accessibility and align with LFUCG efforts to provide a more comprehensive transportation network. The proposed Land Subdivision Regulation changes also support LFUCG's larger safety and transportation goals, which emphasize the well-being of people of all ages and abilities across all modes of transportation operating within the public right-of-way. This text amendment supports development that serves the needs of all people consistent with the community's equity goals.

Lastly, this amendment to the Land Subdivision is in agreement with the 2018 Comprehensive Plan. The proposed text amendment will work to achieve an effective and comprehensive transportation network (Theme D, Goal #1), by supporting the Complete Streets concept, prioritizing a pedestrian-first design that also accommodates the needs of bicycle, transit and other vehicles (Theme D, Goal #1.a).

The Staff Recommends: Approval of the Staff Alternative Text, for the following reasons:

1. The proposed amendment to Article 6 of the Land Subdivision Regulations to update the requirements for sidewalks and shared-use paths will provide a more diverse transportation network with options for residents and visitors to our community, while also promoting economic growth, public health, and the quality of life of the Lexington's current and future residents.

2. The proposed text amendment will work to achieve an effective and comprehensive transportation network (Theme D, Goal #1), by supporting the Complete Streets concept, prioritizing a pedestrian-first design that also accommodates the needs of bicycle, transit and other vehicles (Theme D, Goal #1.a).
3. The proposed text amendment meets the minimum design standards established by the Kentucky Transportation Cabinet, the United States Access Board, and the Americans with Disabilities Act (ADA).

ST/HB/TLW

7/31/2019

Planning Services\Staff Reports\Subdivision Regulation Amendments_SRA\2019\SRA 2019-1 Article 6

SRA 2019-1: ARTICLE 6: SIDEWALKS AND SHARED-USE PATHS

6-8 STREET STANDARDS - All streets (which are classified herein as either expressways, arterials, collectors/connectors or locals) shall conform to the Division of Engineering Roadway Manual, the Standard Drawings and following standards:

6-8(a) STREET GEOMETRICS - All streets shall conform to the applicable geometric, cross-section and sight triangle standards of Exhibits 6-1 through 6-7.

6-8(b) STREET CONTINUITY - Streets shall be related to topography and shall generally provide for the continuation of existing or dedicated streets in adjoining or nearby tracts, and provide for connection to adjoining unsubdivided tracts, especially those which would otherwise be land-locked. Freeways and arterials shall not penetrate or bisect existing or proposed neighborhoods, but rather shall be located as appropriate boundaries for such. Collectors/Connectors shall carry traffic from arterials into neighborhoods. Locals shall carry traffic from collectors into the neighborhood for the primary purpose of access to individual properties.

6-8(c) STREET NAMES - Streets that are obviously in alignment with existing streets shall bear the name of the existing street. Street names, including cul-de-sacs, shall not duplicate or closely approximate the names of other streets in Lexington-Fayette County; and all street names, subdivision names, property and building numbers, etc., shall be as determined by the Planning Commission.

6-8(d) PLANNING FOR CONFLICTING TRAFFIC OR LAND USE - Whenever the proposed subdivision contains, or is adjacent to, a railroad right-of-way, arterial or expressway right-of-way, or conflicting changes in land uses, the Planning Commission shall require service roads; reverse frontage lots; lots with rear service alleys; lots with additional depth; or other such treatment as the Commission finds necessary for protection of abutting properties and to afford separation of conflicting types of traffic or land use.

6-8(e) HALF STREETS AND RESERVE STRIPS - New half or partial streets shall not be permitted. Existing half streets generally shall be completed to full right-of-way requirements. All streets to extend into an adjoining property shall have full right-of-way dedicated and street improvements constructed. When streets are constructed adjacent and parallel to an adjoining property, the right-of-way shall be established at the common property line. Reserve strips shall be prohibited.

6-8(f) CUL-DE-SACS - Cul-de-sacs shall not generally be longer than one thousand (1,000) feet, including the turnaround, which shall be provided at the closed end with a right-of-way radius of fifty (50) feet; curb radius of forty (40) feet; and a transition curve radius of seventy-five (75) feet. Alternate turnaround designs depicted in these regulations (See Exhibit 6-7) shall also be permitted. Longer cul-de-sacs may be

permitted because of unusual topographic or other conditions; and, in such cases, the Planning Commission may require additional paving width if necessary to prevent overloading of street capacity. Temporary turnarounds may be required at the end of stub streets as long as they are retained within the street right-of-way.

6-8(g) RURAL ROADS - Where right-of-way has not been previously dedicated or otherwise acquired along a rural road, the owner shall be requested to dedicate right-of-way from the centerline of the road to meet the rural local right-of-way standard. In all cases, the plan shall show the right-of-way which at least meets the statutory right-of-way minimum. The Planning Commission may require the construction of additional pavement, such as turn lanes when necessary, to provide as safe a situation as possible under the circumstances.

6-8(h) MEDIANS - Medians may be permitted in street cross-sections when approved by the Commission. Medians shall only be allowed when the street cross-section is designed to provide for all necessary traffic movements inherent in the standard cross-sections contained in Exhibits 6-1 and 6-3. Provision for the maintenance of any median areas and associated plantings shall be noted on the final subdivision plat of the property. Plantings shall be of a nature that will not conflict with sight distance or other traffic-related requirements. Location and design of medians and the installation of obstructions in the median shall be subject to the approval of the Planning Commission.

6-8(i) BICYCLE ROUTE STANDARDS - Where indicated in the Comprehensive Plan, the Planning Commission shall require the construction of the appropriate a bicycle facility lane on in the vehicular right-of-way as determined by the design matrix outlined in the Lexington Area MPO Bicycle and Pedestrian Master Plan roadway in accordance with the Roadway Manual.

6-8(j) STREET AND SIDEWALK LIGHTING AND EASEMENTS - All streets, sidewalks, and walkways shall be properly lighted as required by the Commission. Such lighting shall be installed at the direction and expense of the Urban County Government. Easements necessary for provision of such lighting shall be provided and shall be labeled as "street light easement." Release or modifications of street light easements shall require the expressed approval of the Urban County Council. Encroachments and provision of street light facilities shall be at the approval of the Commissioner of Public Works or the Commissioner's authorized agent.

6-8(k) STREET NAME SIGNS - Temporary street name signs shall be provided, installed and maintained by the developer at all intersections, as required by the Department of Public Safety. Permanent signs shall be installed by the Urban County Government, as determined by the Urban County Traffic Engineer.

6-8(l) PRIVATE STREETS - Private streets may be permitted

SRA 2019-1: ARTICLE 6: SIDEWALKS AND SHARED-USE PATHS

by the Planning Commission. Subdivision plans containing private streets shall conform to the same design standards as subdivision plans utilizing public streets and shall conform to all other subdivision regulations, unless different requirements are listed in the following:

(1) NO DISRUPTION TO THROUGH MOVEMENT - Private streets may be permitted only if they meet the definition of "local" streets; if they provide absolutely no present or future impediment to necessary through traffic movement in the general area; and if adjoining properties in the general area already have, or are capable of providing, a proper, efficient and safe street system that will in no way depend upon the private streets.

(2) RIGHT-OF-WAY AND SETBACK - Private street rights-of-way and building setback lines shall be shown on the plat and shall meet at least the minimum requirements of these Subdivision Regulations and the Zoning Ordinance as required for public streets to assure conformance if such streets are ever accepted for public dedication at a later date.

(3) STREET IMPROVEMENT STANDARDS - Any permitted private street also shall conform to the design and improvement standards for public streets. All private street improvements (excepting only the final course of asphalt, as noted below) shall be constructed in compliance with the approved improvement plan before the final subdivision plan is recorded. For the final course of asphalt only, the developer shall be permitted to post a surety in favor of the final maintenance association responsible for the private street, as provided in Article 4 of these Subdivision Regulations, and shall note such requirement on the final plat of the property. The developer shall be required to submit an affidavit to the Division of Planning, attesting that the surety for the private street has been properly posted prior to recording the final record plan.

(4) MAINTENANCE RESPONSIBILITY - A homeowners' association or other mechanism which provides for equitable common responsibility for private street maintenance and repair shall be required to be established by the developer. The developer's responsibility to create such a mechanism shall be noted on the final plat of the subdivision. A requirement that each property owner be individually responsible for maintenance and repair of the portion of the street abutting the lot shall not be considered as acceptable for fulfilling the requirements of this section.

6-8(m) ACCESS EASEMENT STANDARDS - Access easements (as opposed to public or private streets) shall be permitted to provide sole access to a lot only in rare and extreme circumstances where the Commission finds that the application of the requirements and standards for public or private streets

would clearly be excessive or impossible due to existing development or other just cause. Prior to permitting an access easement as sole access to a lot, the Commission shall first thoroughly examine the possibility of utilizing a public or private street as access, and shall give specific reasons for permitting the access easement in its action on the proposed subdivision. The Commission shall have the right to fully regulate such access easements as to width, construction standards, use and any other relevant factor. Nothing within this section shall be construed so as to abrogate the power of the Planning Commission to deny that the easement will not be adequate to satisfy the traffic needs of the proposed subdivision. Access easements which are not for the sole purpose of access to property and are primarily provided for convenience and/or improved flow of traffic between adjoining properties may also be fully regulated by the Commission; however, no special findings shall be required in these cases.

6-8(n) SIDEWALK AND SHARED-USE PATH STANDARDS - All sidewalks and shared-use paths primarily provided as a part of the transportation system for convenience and/or improved flow shall conform to the following standards and shall be designed in accordance with the Division of Engineering Roadway Manual, the Division of Engineering Standard Drawings, and in conformance with the Americans with Disabilities Act (ADA).

6-8(n)(1) SIDEWALK STANDARDS - Conventional pedestrian sidewalks shall be required on both sides of all roads unless the street is specifically exempted by these Subdivision Regulations, or a specific waiver is granted by the Planning Commission. A meandering sidewalk alignment may be approved by the Planning Commission to save trees or other major plantings, avoid rock outcroppings, or to avoid other physical conditions. Sidewalks shall be constructed of concrete and shall be four and one-half (4½) inches in thickness and a minimum width of ~~five~~ five (54) feet. Sidewalks shall be placed adjacent to the street right-of-way line, except as noted in Exhibit 6-7 for cul-de-sacs. Slope toward curb shall be one-quarter (¼) of an inch to the foot. Sidewalks shall include a curb ramp wherever an accessible route crosses a curb. Where sidewalks are required on bridges, they shall have a minimum, barrier-free, width of ~~eight~~ eight (86) feet. The Standard Sidewalk Alignment width shall be determined by the project road classification at the full build as described in Table A.

6-8(n)(2) OTHER PEDESTRIAN WALKWAYS - In addition to the sidewalks paralleling streets, the Commission also may require pedestrian walkways, with at least a 10-foot easement, at mid-block or other locations, to provide better pedestrian access to parks, schools, cemeteries, greenways or other land uses.

SRA 2019-1: ARTICLE 6: SIDEWALKS AND SHARED-USE PATHS

TABLE A: STANDARD SIDEWALK ALIGNMENT

STREET CLASSIFICATION	WIDTH (FEET)	
	DISTANCE FROM ROADWAY	WIDTH OF SIDEWALK
Non-Residential and Industrial Collectors/Connectors (40' Street Width)	10.5	64.0
Non-Residential and Industrial Collectors/Connectors (51' Street Width)	5.0	64.0
Residential Collectors/Connectors and Industrial Locals	5.5	64.0, 8.0 in high use area*
Local Residential	5.5	54.0
Local Residential Cul-de Sac	7.0	54.0
Arterial Major and Minor	7.0	6.0, 8.0 in high use area*

* Downtown and urban environments, near shopping centers, schools, civic centers, etc.

6-8(n)(3) SHARED-USE PATH STANDARDS -

Where these paths are indicated in the Comprehensive Plan as outlined in the Lexington area MPO Bicycle and Pedestrian Master Plan and where existing trails provide opportunities for connections, the Commission shall require the dedication of right-of-way, or an easement of sufficient width for the construction and use of the path. If a shared-use path is required by the Commission in lieu of a sidewalk, the maximum obligation of the developer shall build the shared-use path at a minimum width of ten (10) feet be the cost of a conventional pedestrian sidewalk. The shared-use path shall be designed and constructed in conformance with the Roadway Manual.

6-8(o) STREET CONSTRUCTION - Specifications for streets, including grading and embankments, excavation, subgrade preparation, fill materials, curbs and gutters, and street paving, shall be designed and constructed in conformance with the Division of Engineering Standard Drawings, the Technical Manuals, and these Subdivision Regulations.

6-8(p) STREET IMPROVEMENT REQUIREMENTS FOR DEVELOPMENT ADJOINING EXISTING ROADWAYS - Any substantial development of subdivided property may reasonably be anticipated to create a burden on existing public roads, thereby posing a congestion traffic and safety hazard for motorists, pedestrians or bicyclists. In order to ameliorate that hazard and to advance the public's interest in having a safe, equitable and adequate roadways transportation system, the following requirements shall apply whenever a subdivision is proposed for property abutting an existing public roadway which does not meet the right-of-way and pavement width standards for the functional classification of that street:

(1) PROPOSED SUBDIVISIONS WHICH ABUT LOCAL OR COLLECTOR / CONNECTOR STREETS - Whenever a subdivision is proposed for property which abuts a local or collector/connector street, as defined in these

Land Subdivision Regulations, the developer shall be required to dedicate right-of-way along the entire street frontage to a width which will provide one-half of the total right-of-way necessary to comply with the standards as set out in Exhibit 6-1 of these Land Subdivision Regulations. It is assumed that the same right-of-way dedication will be required on the opposite side of the roadway at such time as that property develops, thereby providing the full necessary right-of-way width. Construction of roadway widening improvements (including paving, curb, gutter, and sidewalk and shared-use path, where appropriate) shall also be required as necessary to bring the roadway up to full cross-section requirements as set forth in Exhibits 6-1 and 6-3 of these Land Subdivision Regulations. Upon the recommendation of the Commissioner of Public Works, the Commission may permit a long-term surety to be posted in lieu of construction of such improvements where such are intended to augment programmed improvements to be made by the government.

(2) PROPOSED SUBDIVISION OF PROPERTY ABUTTING AN ARTERIAL STREET - Whenever a subdivision is proposed for property that abuts an arterial street which is, or is proposed to be, four lanes or more in width, the developer may be required to dedicate sufficient right-of-way to permit any necessary widening. In consideration of the fact that such dedication requirement may exceed that which would ordinarily be required for subdivisions abutting local or collector/connector streets, the developer shall not be required to construct roadway widening improvements for the full road frontage; but rather, improvements such as turn lanes for new intersecting streets or other access points may be required when necessary to provide as safe a situation as possible under the circumstances. Construction of sidewalks or shared-use paths shall be required to provide an accessible route in the public right-of-way.

SRA 2019-1: ARTICLE 6: SIDEWALKS AND SHARED-USE PATHS

6-8(q) INTERSECTION AND ACCESS SPACING

GUIDELINES - The following guidelines shall be the basis for the determination of proper spacing for street intersections and driveway access for subdivisions. It is recognized that these guidelines will not be able to be adhered to in all cases, especially in areas where existing development is present. The Planning Commission shall attempt in all cases, however, to apply these guidelines to the greatest extent feasible in order to create safe and efficient traffic movement systems:

(1) SPACING MEASUREMENT DEFINITION -

Distance shall be defined as the distance between the centerlines of intersecting streets and roads. However, in the case of an interchange, distances shall be measured from the centerline of any intersecting roadway to the closest near edge (projected) of the ramp roadway or, in the case of a free flow ramp terminal, to the gore of the nearest ramp.

(2) ACCESS STANDARDS BY FUNCTIONAL CLASSIFICATION

(a) EXPRESSWAYS - Expressways shall have intersections with arterials and/or other expressways. There shall be no intersections with lower type facilities. All intersections shall be of the grade-separation interchange type. The spacing of interchanges on expressways within the Urban County shall be determined jointly by the Lexington-Fayette Urban County Government and the Kentucky Department of Transportation.

(b) PRINCIPAL ARTERIALS - Principal arterials shall have intersections with expressways, other principal arterials, minor arterials and collector streets. Intersections shall be signalized as warranted. Any access to a principal arterial must be located at a minimum of 1,600 feet from any other access along that principal arterial (i.e., principal arterials, minor arterials, collectors/connectors, major commercial or industrial driveway accesses). No new residential driveway access shall be allowed on a principal arterial. Protected left and right turn lanes with ample storage space must be provided at all intersections. The Kentucky Department of Transportation will be consulted when state maintained roads are involved.

(c) MINOR ARTERIAL - Minor arterials shall have intersections with expressways, principal arterials, other minor arterials and collector/connector streets. Intersections shall be signalized as warranted. No new residential driveway access shall be allowed on a minor arterial. Commercial or industrial driveways shall be treated according

to the non-residential spacing formula. Adequate provisions for left and right turn lanes shall be determined by the Division of Traffic Engineering and the Kentucky Department of Transportation for state maintained facilities. The spacing of intersections along a minor arterial shall be as follows:

1. Between an intersection with an expressway and an intersection with a principal or minor arterial, the distance shall be a minimum of 1,600'.
2. Between an expressway and a collector/connector -- minimum 1,400'.
3. Between one principal or minor arterial and another -- minimum 1,400'.
4. Between a principal or minor arterial and a collector/connector -- minimum 1,200'.
5. Between a collector/connector and another collector/connector -- minimum 1,000'.

(d) COLLECTOR/CONNECTOR STREETS -

Collector/connector streets shall have intersections with arterials, collectors/connectors and locals. Collector/connector streets shall be designed for system continuity and traffic flow. The spacing of intersections along collectors/connectors shall be as follows:

1. Between a principal or minor arterial and another, the distance shall be a minimum of 1,400'.
2. Between a principal or minor arterial and a collector/connector -- minimum 1,000'.
3. Between one collector/connector and another -- minimum 800'.
4. Between one principal or minor arterial and a local -- 500'.
5. Between a collector/connector and a local - - minimum 400'.
6. Between a local and another local -- minimum 250'.

(e) LOCAL STREETS - Local streets shall have intersections with collectors/connectors and other local streets. Some designs may warrant exceptions. The spacing of intersections on local streets shall be as follows:

1. Between one collector/connector and another collector/connector -- minimum 800'.
2. Between a collector/connector and a local - - minimum 250'.
3. Between a local and another local -- minimum 250'.

SRA 2019-1: ARTICLE 6: SIDEWALKS AND SHARED-USE PATHS

6-8(q)(3) LAND USE ACCESS

(a) RESIDENTIAL - All single-family residential structures shall be allowed one access per lot. An additional point of access may be permitted for corner lots, loop driveways, or other instances where public safety will not be impaired by utilizing a second point of access. Duplexes and four-plexes shall be permitted two accesses. Subdivisions shall be designed such that these uses have no direct driveway to either principal or minor arterials.

Apartment complexes, condominium developments, as well as all other developments that are accessed through a common private drive or street system, shall be treated as high density residential developments regardless of the actual overall density of the development. These developments shall not have access to principal arterials. However, they may be allowed access to minor arterials, provided that the private driveways are allowed, consistent with the access spacing standards governing the access of collector/connector streets to minor arterial streets. The access of these private driveways to collector/connector streets shall be spaced according to the minimum distances produced by the following formula: $A = 50 (\sqrt{x})$

Where:

A = the required access spacing in feet from the nearest intersecting street or another high density private driveway. (This figure should be rounded to the nearest 10 feet).

x = the number of units in the development.

50 = the minimum access spacing (in feet).

The minimum spacing requirement shall not exceed the spacing standards established for the spacing of local streets along a collector/connector street. Distances for high density private driveway access shall be measured from the centerline of the driveway to the right-of-way line of the nearest intersecting street or to the centerline of another high density private driveway access. High density private driveways should not intersect local streets. All other residential accesses shall not be less than 25 feet from any local street intersection (whether public or private streets), nor less than 50' from any public collector street intersection.

(b) NON-RESIDENTIAL - All non-residential land uses may have access to principal arterial streets via service roads. Non-residential land uses may also have access to minor arterials and to collector/connector streets. Non-residential land uses shall generally not have access to residential local streets. The spacing of these accesses shall be measured from the right-of-way line of the nearest intersecting street or the centerline of the nearest intersecting non-residential access point (i.e., driveway). The minimum spacing on non-residential access points shall be based upon the maximum potential trip generation of the contiguous area which has been zoned and/or planned for non-residential land use that abuts the subject road facility and encompasses the area which has been proposed for development by the developer. Access to a minor arterial via a service road shall be allowed only in accordance with the spacing standards based upon the trip generation of the total area immediately served by the service road. The determination of potential trip generation shall be made using sources and methods approved by the Lexington-Fayette Urban County Government, Division of Planning. The spacing of access points shall be determined as follows: $D = 1400 - (1000 (1 - TE/3000))$

Where:

D = the required distance between access points (in feet).

TE = the maximum potential trip ends of the area in which the development will take place.

If D exceeds 1,400 feet, then the minimum standard of 1,400 feet shall apply to all access points of that development. D shall be rounded to the nearest 50 feet. For properties fronting along street facilities where the required spacing would not allow an individual access to properties adjacent to the property currently being developed, an arrangement shall be made for the joint use of entrances or the construction of service roads by developers.

VI. **COMMISSION ITEMS** -

A. **PUBLIC HEARINGS ON SUBDIVISION REGULATIONS AMEMENDMENTS**

1. **SRA 2019-1: UPDATE ARTICLE 6 FOR SIDEWALKS AND SHARE-USE PATHS** – The staff will present the proposed amendment to Article 6 of the LFUCG Subdivision Regulations to update the requirements for sidewalks and shared-use paths.

REQUESTED BY: Urban County Planning Commission

PROPOSED TEXT: Copies are available from the staff.

The Subdivision Committee recommended: Referral.

The Staff Recommends: Approval of the Staff Alternative Text for the following reasons:

1. The proposed amendment to Article 6 of the Land Subdivision Regulations to update the requirements for sidewalks and shared-use paths will provide a more diverse transportation network with options for residents and visitors to our community, while also promoting economic growth, public health, and the quality of life of the Lexington's current and future residents.
2. The proposed text amendment will work to achieve an effective and comprehensive transportation network (Theme D, Goal #1), by supporting the Complete Streets concept, prioritizing a pedestrian-first design that also accommodates the needs of bicycle, transit and other vehicles (Theme D, Goal #1.a).
3. The proposed text amendment meets the minimum design standards established by the Kentucky Transportation Cabinet, the United States Access Board, and the Americans with Disabilities Act (ADA).

Staff Presentation – Mr. Baillie presented a PowerPoint presentation, and said that this update is for Article 6 of the Land Subdivision Regulations, which establishes the basic and minimum design and improvement standards, which will be required as a precondition to development or in conjunction with development for lots, streets, utilities, and other physical elements in a subdivision. He added that this is a precondition to construction and not an active change, and that anything that is proposed in this section is focused on new and updated construction. He said that this amendment is to promote development that is most harmonious with the existing environment, while providing guidelines and standards to protect the public health, safety and welfare of the community.

Mr. Baillie said that the focus of these changes is Article 6-8, which provides the elements of Street Standards. The amendments seek to promote connectivity and equity as it relates to the transportation network in urbanized areas. The amendments also promote greater mobility and will impact how the built environment directly affects economic growth, public health, and quality of life of our city's current and future residents.

Mr. Baillie said that the staff has received five letters of support, which he distributed to the Planning Commission. He said that sidewalks and shared-use paths are part of the required infrastructure in our community, and that a greater emphasis on connectivity should be applied to future development taking into account context-sensitive design as it relates to multi-modal transportation networks. Design of this infrastructure should include both micro- and macro-views of the context of current and future use, so that more sustainable development patterns are promoted. In an effort to ensure that the preferred types of multi-modal networks become the normal development type, this amendment provides guidance for the construction of this infrastructure. This will ensure that we are in compliance with Federal Standards while also protecting the health, safety, and welfare of our community. He said there are three changes to Article 6-8. The first is the modification of sidewalk widths for new construction of non-residential, industrial collectors and connectors, residential collectors and connectors and industrial locals, and local residential, local residential cul-de-sac, arterial major and minor roadways. Most sidewalks will be required to be five feet wide. For arterial streets, sidewalks will be increased to a six-foot minimum, with a minimum of 8 feet in high use areas, such as downtown, schools, shopping centers, civic facilities, etc. These proposed changes are in compliance with local, state, and federal guidance, and will enable sidewalk construction that is context sensitive.

Mr. Baillie said the second change is focused on the definition of the shared-use paths, which is where these paths are indicated in the Comprehensive Plan, as outlined in the Lexington area MPO Bike and Pedestrian Master Plan, and where existing trails provide opportunities for connections, the Commission shall require the dedication of right-of-way, or an easement of sufficient width for the construction and use of the path. If a shared-use path is required by the Commission in lieu of a sidewalk, the developer shall build the shared-use path at a minimum width of ten (10) feet. The shared-use path shall be designed and constructed in conformance with the adopted Roadway Manual. He added that these were not defined previously and we have an incredible network of shared-use paths that are developing throughout our community.

Mr. Baillie said that the third change is to the language of this section of the Subdivision Regulations. He said that the Subdivision Regulations and Zoning Ordinances are living documents and require updating to remove outdated terms and to include texts that have been adopted by the Planning Commission, as well as other LFUCG divisions and the Urban County Council.

- Mr. Baillie said that the main reason for these updates are for compliance with the minimum design standards of the federal government, the Kentucky Transportation Cabinet, and the MPO Bicycle and Pedestrian Master Plan. The LFUCG Subdivision Regulations states that "all sidewalks and shared-use paths primarily provided for convenience and/or improved flow shall conform to the following standards and shall be designed in accordance with the Division of Engineering Roadway Manual, the Division of Engineering Standard Drawings, and in conformance with the Americans with Disabilities Act (ADA)." He said that the ADA guidelines minimum requirements state "the minimum clear width of a pedestrian access route shall be 60 inches, or 5 feet, exclusive of the width of the curb. Additional width where possible, especially in high use areas such as in downtown urban environments, near shopping centers, schools, civic facilities, which is recommended that the pedestrian access route be no less than 72 inches wide."

Mr. Baillie then displayed photos of differences of the ability for an individual to maneuver in a wheel chair in areas where sidewalks are three feet, four feet, and five feet. He also displayed photos of an individual riding a motorized wheelchair in the roadway because there is no other way for him to get around town. Another photo of individuals walking on the grass because the sidewalk is too narrow or the sidewalk just terminates.

Mr. Baillie said that it is also important to have facilities that will allow for individuals who have a disability to be accompanied by others. He added that compliance with the ADA standards is also complimentary to bringing the minimum standards for development in line with the Kentucky Transportation Cabinet's design guidelines and comply with the United States Access Board's standards for access in the public right-of-way. He said that compliance with federal requirements for accessibility protects future funding for transportation system projects and aligns with LFUCG's efforts to provide a more comprehensive transportation network. The proposed Land Subdivision Regulation changes also support LFUCG's larger safety and transportation goals, which emphasize the well-being of people of all ages and abilities across all modes of transportation operating within the public right-of-way. This text amendment supports development that serves the needs of all people consistent with the community's equity goals. This amendment to the Land Subdivision Regulations is in agreement with the 2018 Comprehensive Plan. The proposed text amendment will work to achieve an effective and comprehensive transportation network, by supporting the Complete Streets concept, prioritizing a pedestrian-first design that also accommodates the needs of bicycle, transit and other vehicles. He said that the staff is recommending approval of this Land Subdivision Regulation amendment. However, the Subdivision Committee recommended referral to the full Planning Commission due to the concern of members of the Division of Engineering and Traffic Engineering that haven't been involved with this process. He stated while the representative members on the Subdivision Committee were not involved in the outreach process, the managers and directors were, and they agreed with the proposed change. He announced that Scott Thompson, MPO Bicycle and Pedestrian Planner is available for questions.

Commission Question – Mr. Nicol asked if the staff has received any letters of opposition. Mr. Baillie said that there are no letters of opposition. He also said that they reached out to the Builders Association and provided them information and they have not responded in any positive or negative way. He said that they have only asked for more information.

Citizens in Support - Ashley Smith, 1171 Redwood Drive, representing the Fayette Alliance. She said that they are in support of this amendment and commend the staff for amendments that helps our community be more people-centric beyond the automobile. She said that the staff expresses how they will achieve their vision of diversifying transit opportunities and making communities more pedestrian friendly, which will reap benefits in many areas, such as economic development, quality of life, accessibility, and more. Many people prefer to live, work, and shop in walkable places with good transit access. She stated that there is a correlation between transit and property values, which has been shown. Additionally, with demographics continuing to change, a need for better facilities is even more robust. She said that improved design, planning, and building of streets and public spaces are crucial to provide citizens with what they desire from their city, and the proposed amendment is an example of how our planning staff is diligently working toward those goals that our community outlined in the 2018 Comprehensive Plan.

Laura Thomas, 301 Ash Street, said that her neighborhood is not accessible for her. She said that beyond her house are 3-foot sidewalks and they are not wide enough for her wheelchair. She has fallen out of her chair because of this. She travels by paratransit and they are the only reason she gets out because they do door-to-door service. She added that the sidewalks in this city are not adequate.

Sandra Broadus, 441 Kingswood Drive, Chairperson of the Lexington Bicycle & Pedestrian Advisory Committee. She said that the committee supports this amendment. She said that the ability to get around your community creates sense of place.

Kerry Churchill, 2901 Richmond Road, said that she is in support of this amendment. She said that she is a nurse and has helped many people that have sustained a pedestrian accident. She said that the wheelchair and mobility device widths have increased, and the sidewalks are too narrow to travel safely.

Kristy Stambaugh, Director of Aging and Disability Services. She is also in support of this amendment.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Commission Question – Mr. Nicol asked for clarification about how this regulation change will be implemented. Mr. Martin said that it would need to a major redevelopment that would be impacting the public improvements. He added that this is a Land Subdivision Regulation so that it would affect subdivision of properties and not every development plan. Mr. Nicol then asked if there would a retrofit of the 3-foot sidewalks within our city. Mr. Martin said that only if it is a public project.

Action – A motion was made by Mr. Wilson, seconded by Mr. Forester, and carried 9-0 (Bell and Brewer absent) to approve SRA 2019-1: UPDATE ARTICLE 6 FOR SIDEWALKS AND SHARE-USE PATHS, for the reasons provided by the staff.