

ORDINANCE NO. \_\_\_\_-2022

AN ORDINANCE AMENDING SECTION 2-335 OF THE CODE OF ORDINANCES RELATED TO THE GREENSPACE TRUST TO DELETE THE EXISTING SECTION AND REPLACE IT WITH DEFINITIONS OF APPLICATION, COMPREHENSIVE PLAN, CONSERVATION EASEMENT, GREENSPACE, GREENSPACE MANAGEMENT PLAN, AND GREENSPACE TRUST STAFF; AMENDING SECTION 2-336 OF THE CODE OF ORDINANCES RELATED TO THE GREENSPACE TRUST TO DELETE THE EXISTING SECTION AND REPLACE IT WITH THE CREATION OF THE ORGANIZATION AND LIST THE PURPOSES OF THE TRUST; AMENDING SECTION 2-337 OF THE CODE OF ORDINANCES RELATED TO THE GREENSPACE TRUST TO DELETE THE EXISTING SECTION AND REPLACE IT WITH BOARD MEMBERSHIP STRUCTURE AND QUALIFICATIONS; AMENDING SECTION 2-338 OF THE CODE OF ORDINANCES RELATED TO THE GREENSPACE TRUST TO DELETE THE EXISTING SECTION AND REPLACE IT WITH TERM LENGTH, VACANT POSITIONS AND REMOVAL OF BOARD MEMBERS; AMENDING SECTION 2-339 OF THE CODE OF ORDINANCES RELATED TO THE GREENSPACE TRUST TO DELETE THE EXISTING SECTION AND REPLACE IT WITH OFFICER, QUORUM AND STAFF REQUIREMENTS FOR THE BOARD; AMENDING SECTION 2-340 OF THE CODE OF ORDINANCES RELATED TO THE GREENSPACE TRUST TO DELETE THE EXISTING SECTION AND REPLACE IT WITH LISTING OF BOARD POWERS AND DUTIES.

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

WHEREAS, it is the desire of Council to abolish the Greenspace Commission and transfer all members and duties to the Greenspace Trust.

Section 1- That Section 2-335 of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is amended to read as follows:

**Greenspace Trust Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

- (1) *Application* shall mean the documentation and information submitted to the greenspace trust staff by a landowner on the approved application form offering to transfer to the greenspace trust or the Lexington-Fayette Urban County Government a conservation easement in eligible land.
- (2) *Comprehensive plan* shall mean the land use plan, and amendments thereto, adopted by the Lexington-Fayette Urban County Government pursuant to KRS 100.197.
- (3) *Conservation easement* shall mean a non-possessory interest in real property, which is acquired in perpetuity for the purpose of retaining and enhancing greenspace within the urban service boundary or expansion areas; preserving natural, scenic, open space or greenspace values of real property; preserving areas or structures of architectural or historical interest; or other like or similar purposes.

- (4) *Greenspace* shall mean open-space areas reserved for parks and other “green spaces”, including plant life, water features - also referred to as blue spaces – and other kinds of natural environment.
- (5) *Greenspace management plan* shall mean the element of the comprehensive plan adopted by the planning commission of the Lexington-Fayette Urban County Government and shall include any future portions of the comprehensive plan, and amendments thereto, pertaining to the urban service and expansion areas.
- (6) *Greenspace Trust staff* shall mean the personnel within the Lexington-Fayette Urban County Government charged by the council with the duty to administer this trust.
- (7) *Reserved.*

Section 2- That Section 2-336 of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is amended to read as follows:

**Greenspace Trust—Organization; purpose.**

- (1) Horst Schach and Fred Duerson, both being residents of Fayette County, are hereby authorized and requested to serve as incorporators for and to organize a non-profit, nonstock Kentucky corporation under the provisions of Chapter 273 of the Kentucky Revised Statutes to be named "Lexington-Fayette Urban County Greenspace Trust, Inc." and hereinafter referred to as the "Greenspace Trust."
- (2) The purpose of the Greenspace Trust is to (1) preserve, maintain and enhance the county's unique and special character for the economic, education and general health, safety and welfare of the citizens; (2) apply for and receive funds, contributions and donations, to further the purposes of the Greenspace Trust, including donation of real property and easements; (3) to develop a comprehensive greenspace management plan; and (4) to preserve, protect and enhance open space in the urban service and expansion area(s).
- (3) The Greenspace Trust is enabled to:
  - (a) Identify the following resources and seek to protect and preserve them and, where appropriate, to enhance them:
    - I. Those greenspaces within the county which possess the characteristics which give the Bluegrass Region its unique identity:

- II. Those visual elements (scenic areas, scenic vistas, and scenic corridors) which contribute to the unique scenic beauty of the Bluegrass Region:
  - III. Those elements of our historic and cultural heritage as they exist in relation to greenspace:
  - IV. Natural areas:
  - V. Environmentally sensitive areas:
  - VI. Geologically hazardous areas:
  - VII. Greenspace for passive recreational use, including, parkways, and greenways:
  - VIII. Water resources.
- (b) Utilize and manage greenspace in a comprehensive and systematic manner which shall:
    - I. Shape and reinforce the urban service area concept:
    - II. Encourage more efficient and sensitive use of the land, improving the quality of life and landscape, by providing patterns for development, hence, making development and conservation of open space mutually beneficial:
    - III. Help achieve an ecologically sustainable relationship between humans and their uses and the environment:
    - IV. Stimulate economic growth by channeling and encouraging development in a manner conducive to the preservation of the character of this region:
    - V. Strengthen tourism and related business and attract new businesses through the preservation of our unique character: and
    - VI. Provide an accessible system of open spaces which offer significant educational value and opportunities.
  - (c) Encourage cooperation and communication with surrounding counties as regards the promotion of greenspace, protection of the environment, and land conservation.

Section 3- That Section 2-337 of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is amended to read as follows:

**Board; membership.**

- (1) The greenspace trust shall consist of eighteen (18) members. Fifteen (15) members shall be voting members and three (3) shall be ex-officio non-voting members.
- (2) The fifteen (15) voting members shall work or live in Fayette County and shall have demonstrated an interest in greenspace; conservation of natural areas and; protecting and preserving the Bluegrass Region unique characteristics.
- (3) Three (3) non-voting members shall be ex-officio, members of the greenspace trust and shall consist of the following positions:
  - (a) one (1) designee from the Urban County Division of Parks and Recreation
  - (b) one (1) designee from the Urban County Division of Planning
  - (c) one (1) designee from Urban County Division of Environmental Quality and Public Works
- (4) All voting members shall work or live in Fayette County with a demonstrated interest in the purposes and goals of the greenspace trust and shall be appointed by the mayor and approved by majority vote of the urban county council. The members of the greenspace trust shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties.

Section 4- That Section 2-338 of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is amended to read as follows:

**Terms of board members.**

- (1) All board members shall serve two (2) years from the date of appointment, provided that the terms shall be staggered in the manner required by section 7.02 of the Urban County Charter. Vacancies shall be filled for the unexpired term in the manner prescribed for the original appointment. Any greenspace trust member may be reappointed for additional terms.
- (2) Vacancies in the voting membership shall be filled for an unexpired term in the manner prescribed for the original appointment. The membership of the ex officio non-voting members shall be terminated upon leaving the specified offices.
- (3) A voting member of the greenspace trust shall be removed only by a majority vote of the council, and only for cause, except that a member of the board shall

automatically be removed by operation of law in the event of three (3) unexcused absences, whether consecutive or non-consecutive, in any two (2) year period or in the event of absence from twenty-five (25) percent of the meetings in any two (2) year period. An unexcused absence is any absence in which the chair of the board or the greenspace trust staff is not notified of the intended absence at least twenty-four (24) hours in advance of a regularly scheduled meeting. In the event of three (3) unexcused absences or the absence from twenty-five (25) percent of the meetings over any two (2) year period, within the meaning of this section, the greenspace trust staff shall notify the mayor and council administrator that a vacancy exists on the greenspace trust.

Section 5- That Section 2-339 of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is amended to read as follows:

**Board; officers; quorum; staff.**

- (1) The officers of the greenspace trust shall consist of a chair, a vice-chair, and other officers elected from the membership as set forth in the bylaws. They shall take office at the first meeting of the greenspace trust after their election. The duties of the officers shall be as specified in the bylaws. The greenspace trust shall determine its own rules and order of business and so provide for keeping a record of its proceedings.
- (2) A majority of the voting members of the greenspace trust, shall constitute a quorum for transaction of business at any meeting of the greenspace trust. The acts of a majority of those voting members present at any regular or special meeting of the greenspace trust shall be the acts of the greenspace trust.
- (3) Regular meetings shall be held at least once quarterly, and special meetings may be held as specified in the bylaws. All meetings shall be open to the public in a manner consistent with KRS 61.805—61.810. Full and complete minutes of all meetings and records of all proceedings, including the number of votes for and against each motion and the record of the vote of each member, shall be kept and made available for public inspection.
- (4) The urban county government shall provide an executive director and staff as needed. The greenspace trust staff shall serve as staff to the greenspace trust and shall be

responsible for coordinating agendas, preparing minutes and handling logistical matters in order to expedite the board's function. Within the limits of the funds appropriated by the council in the annual budget, the other offices and agencies of the government shall provide the greenspace trust, either directly or by contract or agreement, with the facilities, materials, supplies, and staff needed for the conduct of its business.

- (5) All members of the greenspace trust shall be subject to the code of ethics contained in article 16 of the Urban County Charter.

Section 6- That Section 2-340 of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is amended to read as follows:

**Board power and duties.**

The powers and duties of the greenspace trust include the following:

- (1) Develop a greenspace management plan for the entire urban county, concentrating on urban service and expansion areas, within twenty-four (24) months after the first official meeting of the greenspace trust. This plan should be developed for review and adoption by the planning commission as an amendment to the comprehensive plan. This plan should subsequently be reviewed and updated every 5 years concurrent with the comprehensive plan.
- (2) Make specific recommendations to the mayor and council on actions, including but not limited to the following:
  - (a) The sale of land or any interest therein held by the urban county government.
  - (b) The acquisition of conservation easements, scenic easements and nature preserve land.
  - (c) The acceptance of property interests acquired by gift.
- (3) Educate citizens about greenspace preservation and maintenance.
- (4) Negotiate the conveyance of property interests.
- (5) Monitor land contained in the greenspace program and conduct annual on-site inspections. Recommend enforcement of greenspace agreements.
- (6) Hold title to and convey interests in real property.
- (7) Hold title to and convey interest in conservation easements

- (8) Encourage economic development and tourism consistent with the goals of this article.
- (9) Promote and cooperate development and tourism consistent with the goals of this article.
- (10) Prepare and present to the mayor and council an annual, written report which summarizes the previous year's activities.
- (11) Apply for and receive funds from any state, federal or public entity appropriate to the goals of the trust.
- (12) Solicit and receive contributions and donations from individuals and groups for the purpose of carrying out its duties as set forth herein.
- (13) Solicit financial and other contributions to the urban county government or to the Greenspace Trust, including but not limited to donations of money, services and real property.
- (14) Adopt bylaws, rules and regulations as are necessary to carry out its duties and purposes as set forth in this article.

Section 7- That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

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MAYOR

ATTEST:

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CLERK OF THE URBAN COUNTY COUNCIL  
PUBLISHED:

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