



# Lexington-Fayette Urban County Government

200 E. Main St  
Lexington, KY 40507

## Legislation Details (With Text)

<b>File #:</b>	0024-23	<b>Version:</b>	1	<b>Name:</b>	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
<b>Type:</b>	Ordinance	<b>Status:</b>			Approved
<b>File created:</b>	1/6/2023	<b>In control:</b>			Urban County Council
<b>On agenda:</b>	1/31/2023	<b>Final action:</b>			1/31/2023
<b>Enactment date:</b>	1/31/2023	<b>Enactment #:</b>			O-004-2023

**Title:** An Ordinance amending Articles 1-11, 8-1(k), 8-2(k), 8-3(k), 8-4(k), 8-5(k), 8-6(k), 8-7(k) and (o)(1), 8-8(k) and (o)(1), 8-9(k) and (o)(2), 8-10(k), 8-11(k) and (o)(4), 8-12(k) and (o)(4) and (o)(5), 8-13(k), 8-14(k), 8-15(k) and (o)(1), 8-16(k), 8-17(k), 8-18(k) and (m), 8-19(k), 8-20(k), 8-21(k)(4) and (k)(5), 8-22(k), 8-23(k), 8-24(k) and (o)(3), 9-6(h) and (j), 9-7(c), 10-8(c), 11-7(f), 12-8(d)(3), 21-6(a)(7), 23a-5(j)(1), 23a-6(k)(2), 23a-7(k)(2), 23a-9(k)(1), 23a-10(j)(1), 28-3(f)(6), 28-4(f)(6), 28-5(f)(6) and (h)(6); deleting Article 8-10(o)(3) and renumbering and amending Article 8-10(o)(4); deleting Article 8-15(o)(2); deleting Article 8-16(o)(2) and renumbering Sections; and creating Article 20 Open Space Standards of the Zoning Ordinance to update and clarify open space standards to more clearly align with the Adopted Comprehensive Plan. (Urban County Planning Commission). Approval 9-0 [Div. of Planning, Duncan]

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Final Report Packet, 2. 00771694.pdf, 3. O-004-2023

Date	Ver.	Action By	Action	Result
1/31/2023	1	Urban County Council	Approved	Pass
1/19/2023	1	Urban County Council	Received First Reading	

An Ordinance amending Articles 1-11, 8-1(k), 8-2(k), 8-3(k), 8-4(k), 8-5(k), 8-6(k), 8-7(k) and (o)(1), 8-8(k) and (o)(1), 8-9(k) and (o)(2), 8-10(k), 8-11(k) and (o)(4), 8-12(k) and (o)(4) and (o)(5), 8-13(k), 8-14(k), 8-15(k) and (o)(1), 8-16(k), 8-17(k), 8-18(k) and (m), 8-19(k), 8-20(k), 8-21(k)(4) and (k)(5), 8-22(k), 8-23(k), 8-24(k) and (o)(3), 9-6(h) and (j), 9-7(c), 10-8(c), 11-7(f), 12-8(d)(3), 21-6(a)(7), 23a-5(j)(1), 23a-6(k)(2), 23a-7(k)(2), 23a-9(k)(1), 23a-10(j)(1), 28-3(f)(6), 28-4(f)(6), 28-5(f)(6) and (h)(6); deleting Article 8-10(o)(3) and renumbering and amending Article 8-10(o)(4); deleting Article 8-15(o)(2); deleting Article 8-16(o)(2) and renumbering Sections; and creating Article 20 Open Space Standards of the Zoning Ordinance to update and clarify open space standards to more clearly align with the Adopted Comprehensive Plan. (Urban County Planning Commission). Approval 9-0 [Div. of Planning, Duncan]

[An Ordinance amending Articles 1, 8, 9, 10, 11, 12, 20, 21, 23 & 28 to consolidate open space regulations into Article 20. Approval 9-0 [Div. of Planning, Duncan]]

WHEREAS, the Lexington-Fayette Urban County Planning Commission considered and adopted text amendments to Articles 1-11, 8-1(k), 8-2(k), 8-3(k), 8-4(k), 8-5(k), 8-6(k), 8-7(k) and (o)(1), 8-8(k) and (o)(1), 8-9(k) and (o)(2), 8-10(k), 8-11(k) and (o)(4), 8-12(k) and (o)(4) and (o)(5), 8-13(k), 8-14(k), 8-15(k) and (o)(1), 8-

16(k), 8-17(k), 8-18(k) and (m), 8-19(k), 8-20(k), 8-21(k)(4) and (k)(5), 8-22(k), 8-23(k), 8-24(k) and (o)(3), 9-6 (h) and (j), 9-7(c), 10-8(c), 11-7(f), 12-8(d)(3), 21-6(a)(7), 23A-5(j)(1), 23A-6(k)(2), 23A-7(k)(2), 23A-9(k)(1), 23A-10(j)(1), 28-3(f)(6), 28-4(f)(6), and 28-5(f)(6) and (h)(6); deleting Article 8-10(o)(3) and renumbering and amending Article 8-10(o)(4); deleting Article 8-15(o)(2); deleting Article 8-16(o)(2) and renumbering Sections; and creating Article 20 Open Space Standards of the Zoning Ordinance, to update and clarify open space standards to more clearly align with the adopted comprehensive plan. The Planning Commission did recommend approval by a vote of 9-0; and

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

WHEREAS, the recommendation 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 1-11 of the Lexington-Fayette Urban County Government Zoning Ordinance is hereby amended in pertinent part as follows:

**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.

*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* 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 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.

Section 2 - That Article 8-1(k) of the Lexington-Fayette Urban County Government Zoning Ordinance is hereby amended as follows:

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

(k) *Minimum Open Space.* No limitation.

Section 3 - That Article 8-2(k) of the Lexington-Fayette-Urban County Government Zoning Ordinance is hereby amended as follows:

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

(k) *Minimum Open Space.* No limitation.

Section 4 - That Article 8-3(k) of the Lexington-Fayette Urban County Government Zoning Ordinance is hereby amended as follows:

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

(k) *Minimum Open Space.* No limitation.

Section 5 - That Article 8-4(k) of the Lexington-Fayette Urban County Government Zoning Ordinance is hereby amended as follows:

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

- (k) *Minimum Open Space.* No limitation.

Section 6 - That Article 8-5(k) of the Lexington-Fayette Urban County Government Zoning Ordinance is hereby amended as follows:

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

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

Section 7 - That Article 8-6(k) of the Lexington Fayette Urban County Government Zoning Ordinance is hereby amended as follows:

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

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

Section 8 - That Articles 8-7(k) and (o) of the Lexington-Fayette Urban County Government Zoning Ordinance are hereby amended in pertinent part as follows:

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

- (k) *Minimum Open Space.* See Article 20 for open space regulations.  
(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 open space: See Article 20 for open space regulations.
  - 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 open space: See Article 20 for open space regulations.
  - c. Where existing lot frontage is fifty (50) feet or greater, the provisions of Section 15-7 and the following shall apply:

6. Minimum open space: See Article 20 for open space regulations.

Section 9 - That Articles 8-8(k) and (o) of the Lexington-Fayette Urban County Government Zoning Ordinance are hereby amended in pertinent part as follows:

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

(k) *Minimum Open Space.* See Article 20 for open space regulations.

(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 open space: See Article 20 for open space regulations.
  - 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 open space: See Article 20 for open space regulations.
  - c. Where existing lot frontage is fifty (50) feet or greater, the provisions of Section 15-7 and the following shall apply:
    6. Minimum open space: See Article 20 for open space regulations.

Section 10 - That Articles 8-9(k) and (o) of the Lexington-Fayette Urban County Government Zoning Ordinance are hereby amended in pertinent part as follows:

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

(k) *Minimum Open Space.* See Article 20 for open space regulations.

(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 open space: See Article 20 for open space regulations.
  - b. Where existing lot frontage is forty (40) feet or greater, the provisions of Section 15-7 and the following shall apply:
    6. Minimum open space: See Article 20 for open space regulations.

Section 11 - That Article 8-10(o)(3) be and hereby is deleted, renumbering Sections, and

amending 8-10(k) and (o) of the Lexington-Fayette Urban County Government Zoning Ordinance in pertinent part as follows:

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

- (k) *Minimum Open Space.* See Article 20 for open space regulations.
- (o) *Special Provisions.*
  - 3. 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 open space: Article 20 for open space regulations.

Section 12 - That Articles 8-11(k) and (o) of the Lexington-Fayette Urban County Government Zoning Ordinance are hereby amended in pertinent part as follows:

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

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

Section 13 - That Articles 8-12(k) and (o) of the Lexington-Fayette Urban County Government Zoning Ordinance are hereby amended in pertinent part as follows:

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

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

Section 14 - That Article 8-13(k) of the Lexington-Fayette Urban County Government Zoning Ordinance is hereby amended as follows:

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

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

Section 15 - That Article 8-14(k) of the Lexington-Fayette Urban County Government Zoning Ordinance is hereby amended as follows:

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

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

Section 16 - That Article 8-15(o)(2) be and hereby is deleted, and amending Articles 8-15(k) and (o) of the Lexington-Fayette Urban County Government Zoning Ordinance in pertinent part as follows:

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

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

Subdiv. 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, 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 subdiv..
- 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.

Section 17 - That Article 8-16(o)(2) be and hereby is deleted, renumbering Sections, and Articles 8-16 (k) and (o) of the Lexington-Fayette Urban County Government Zoning Ordinance are hereby amended in pertinent part as follows:

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

(k) *Minimum Open Space.* See Article 20 for open space regulations.

(o) *Special Provisions.*

2. 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-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.

Section 18 - That Article 8-17(k) of the Lexington-Fayette Urban County Government Zoning Ordinance is hereby amended as follows:

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



(k) *Minimum Open Space*. See Article 20 for open space regulations.

Section 19 - That Articles 8-18(k) and (m) of the Lexington-Fayette Urban County Government Zoning Ordinance are hereby amended in pertinent part as follows:

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

(k) *Minimum Open Space*. See Article 20 for open space regulations.

(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.

Section 20 - That Article 8-19(k) of the Lexington-Fayette Urban County Government Zoning Ordinance is hereby amended as follows:

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

(k) *Minimum Open Space*. See Article 20 for open space regulations.

Section 21 - That Article 8-20(k) of the Lexington-Fayette Urban County Government Zoning Ordinance is hereby amended as follows:

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

(k) *Minimum Open Space*. See Article 20 for open space regulations.

Section 22 - That Articles 8-21(k)(4) and (k)(5) of the Lexington-Fayette Urban County Government Zoning Ordinance are hereby amended in pertinent part as follows:

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

(k) *Minimum Open Space*. See Article 20 for open space regulations.

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).
  - viii. 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).
      - viii. Community garden space (1).
      - ix. Innovation Credit (1) - Provide a high degree of innovative modification of quality of life components.

Section 23 - That Article 8-22(k) of the Lexington-Fayette Urban County Government Zoning Ordinance is hereby amended as follows:

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

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

Section 24 - That Article 8-23(k) of the Lexington-Fayette Urban County Government Zoning Ordinance is hereby amended as follows:

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

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

Section 25 - That Articles 8-24(k) and (o) of the Lexington-Fayette Urban County Government Zoning Ordinance are hereby amended in pertinent part as follows:

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

- (k) *Minimum Open Space.* 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 spaces.

Section 26 - That Articles 9-6(h) and (j) of the Lexington-Fayette Urban County Government Zoning Ordinance are hereby amended in pertinent part as follows:

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

- (h) *Open Space.* See Article 20 for open space regulations.
- (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 spaces, a Home Owners' Association, or other mechanism for the provision of maintenance, improvement, and operations for all common 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.

Section 27 - That Article 9-7(c) of the Lexington-Fayette Urban County Government Zoning Ordinance is hereby amended as follows:

**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 of an existing LFUCG park, the minimum required useable open space shall be reduced by fifty percent (50%).

Section 28 - That Article 10-8(c) of the Lexington-Fayette Urban County G

Government Zoning Ordinance is hereby amended as follows:

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

- (c) Minimum open space. See Article 20 for additional open space regulations.

Section 29 - That Article 11-7(f) of the Lexington Fayette Urban County Government Zoning

Ordinance is hereby amended as follows:

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

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

Section 30 - That Article 12-8(d)(3) of the Lexington Fayette Urban County Government Zoning

Ordinance is hereby amended as follows:

**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 Open Space: See Article 20 for open space regulations.

Section 31 - That Article 20 of the Lexington Fayette Urban County Government Zoning

Ordinance ("OPEN SPACE STANDARDS") be and hereby is created to read as follows:

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:*

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

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

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 subdiv. 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 publicly 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 Subdiv. 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 multi-phase 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.

Section 32 - That Article 21-6(a)(7) of the Lexington Fayette Urban County Government

Zoning Ordinance is hereby amended as follows:

**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).

Section 33 - That Article 23A-5(j)(1) of the Lexington Fayette Urban County Zoning Ordinance is hereby amended as follows:

**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.

Section 34 - That Article 23A-6(k)(2) of the Lexington Fayette Urban County Zoning Ordinance is hereby amended as follows:

**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.

Section 35 - That Article 23A-7(k)(2) of the Lexington Fayette Urban County Government Zoning Ordinance is hereby amended as follows:

**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.

Section 36 - That Article 23A-9(k)(1) of the Lexington Fayette Urban County Zoning Ordinance hereby amended as follows:

**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.

Section 37 - That Article 23A-10(j)(1) of the Lexington Fayette Urban County Zoning Ordinance is hereby amended as follows:

**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.

Section 38 - That Article 28-3(f)(6) of the Lexington Fayette Urban County Government Zoning Ordinance is hereby amended as follows:

**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.

Section 39 - That Article 28-4(f)(6) of the Lexington Fayette Urban County Government Zoning Ordinance is hereby amended as follows:

**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.

Section 40 - That Articles 28-5(f)(6) and (h)(6)(a) of the Lexington Fayette Urban County Government Zoning Ordinance are hereby amended in pertinent part as follows:

**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.

(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) Subdiv. 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, 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 subdiv..
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.

Section 41 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CLERK OF URBAN COUNTY COUNCIL  
PUBLISHED:

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