

ARTICLE 20

STANDARDS FOR OPEN SPACE

20-1 PURPOSE

The Urban County Government recognizes that intentionally designed, equitably distributed, and well-connected open spaces are fundamental to the public health, safety, welfare, and quality of life in Lexington. The open spaces required by this Article provide the physical setting for people to gather and establish social connections, create a sense of community and social cohesion, and encourage health through outdoor activity. These open spaces also provide green areas to offset the impacts of development, beautify our city, and preserve and grow our natural resources while offsetting our carbon footprint. The requirements herein further encourage well-planned contributions to Lexington's overall open space system, which is integral to the development of complete neighborhoods and communities, to the future economy, and to the environmental quality and climate resiliency of Lexington and the entire Bluegrass region.

The purpose of this Article is to establish standards and procedures for open space in support of the benefits listed below:

Benefits to the Overall Economy:

- Encourages tourism.
- Supports business attraction and retention.
- Catalyzes downtown revitalization.
- Builds value of private property.

Benefits to Environmental Quality:

- Safeguards air and water quality.
- Reduces heat island effects and promotes carbon sequestration.
- Supports biodiversity and habitat in urban and rural areas.
- Educates present and future stewards of the environment.

Benefits to Community Planning:

- Contributes to a safe bicycling and pedestrian system.
- Provides more diverse recreation opportunities.
- Supports the development of complete neighborhoods.

Benefits to Public Health and Community Wellbeing:

- Provides the physical setting for people to gather and establish social connections.
- Creates a sense of community and social cohesion.
- Encourages health through physical activity, exposure to nature, and opportunities for neighborhood gardening.

20-2 DEFINITIONS

The provisions of this Article shall be construed so as to carry out its purpose in the creation and enhancement of open space in Lexington-Fayette County. Words used in this Article shall be construed as having their common meaning or, when specified, as defined in other Articles in this Zoning Ordinance; except as they may be defined herein below:

COMMON AREA - Outdoor area of a lot or tract which is intentionally designed and planned to be usable by groups of people such as homeowners' and renters' associations, tenant associations, the general public and the like. Common areas must be easily accessible and open to public view so as to benefit area residents, enhance the visual character of the area, protect public safety, and minimize conflicts with adjacent land uses. Common Areas shall be preserved for the perpetual benefit of the community.

OPEN SPACE - Land or water area not covered by enclosed structures, vehicle use areas, or streets.

OPEN SPACE SYSTEM - A diverse spectrum of public and private lands spread across a rural and urban continuum, on large and small scales, that together create the natural and constructed landscape. This includes public parks, local and regional trail systems, wetlands and water bodies, wilderness lands, resource lands for agriculture and timber production, as well as urban open

spaces and green spaces like parkways, rain gardens, and green roofs.

PRIVATE OPEN SPACE - A usable open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

VEGETATED AREA - Outdoor ground-level or roof-level area of a lot or tract which consists of preserved existing vegetation or new vegetation. At least seventy five (75) percent of the area must be covered by live plant material. Interior landscaping for vehicular use areas is not included.

20-3 COMBINED OPEN SPACE

The total open space requirements, including Vegetated Area(s), Common Area(s), and Private Open Space(s) are listed as minimum requirements in Table 20-3(a).

Table 20-3(a) Combined Open Space Required, continued on next page.				
Uses	Zones	Vegetated Area	Common Area	Private Open Space
Single Family Residential	R-1A, R-1B, R-1C, R-1D, R-1E, R-2, R-3, R-4, M-1P, R-1T	No limitation.	Ten thousand (10,000) square feet for development with twenty five (25) or greater principal primary dwelling units.	No limitation for detached single family dwelling units. For townhouses, private open space shall be provided for each individual townhouse. The private open space shall be: (a) sized with a least dimension of eight (8) feet; and (b) be physically delineated from other private open space or common open space by plantings, fences, grade, or walls.
	R-3	20% of lot.	Eight thousand five hundred (8,500) square feet for development with twenty five (25) or greater principal primary dwelling units. For sites less than one (1) acre: (a) Private open space which abuts a common area or public right-of-way may be included in the Common Area calculation; or (b) Private open space which is physically delineated by grade, plantings, fences, or walls exceeding four (4) feet in height may be included in the Common Area calculation at a rate of fifty (50) percent.	No limitation.
	R-4	15% of lot.		
R-5	10% of lot.			

--	--	--	--	--

DRAFT

Table 20-3(a) Combined Open Space Required, continued from previous page.

Uses	Zones	Vegetated Area	Common Area	Private Open Space
Mixed Use / Commercial	MU-1	10% of lot.	Eight thousand five hundred (8,500) square feet for development that: (a) Exceeds twenty five (25) principal primary dwelling units; or (b) the Development Plan exceeds three (3) net acres.	No limitation.
	MU-2	10% of lot.		
	MU-3	15% of lot.		
	P-1	10% of lot.		
	P-2	40% of lot.		
	B-1	10% of lot.		
	B-2	No limitation.		
	B-2A	5% of lot.		
	B-2B	No limitation.		
	B-3	10% of lot.		
	B-4	10% of lot.		
	B-5P	10% of lot.		
	B-6P	15% of lot.		
	I-1	10% of lot.		
	I-2	10% of lot.		
	PUD-1	See Article 22		
	PUD-2	See Article 22		

20-3(b) APPLICABILITY OF STANDARDS – These standards shall be applied to all major development and preliminary subdivision plans. No development plan or preliminary subdivision plan shall be approved unless it is in compliance with the standards herein.

20-3(c) OVERLAP IN USE AND PURPOSE – It is recognized that Vegetated Areas, Common Areas, and Private Open Space may overlap in use and purpose. The square footage of one type of open space may be counted toward the minimum requirement of another in these two instances:

1. Where all or a portion of a Vegetated Area meets the applicable requirements of sections 20-5(a) through 20-5(d), those areas may also be included in the Common Area calculation.
2. Where all or a portion of a Common Area or Private Open Space meet the definition of Vegetated Area as stated in section 20-4, those areas may also be included in the Vegetated Area calculation.

20-3(d) REVIEW FOR COMPLIANCE – Review for compliance shall occur with the submittal of preliminary and final development plans and preliminary subdivision plans.

20-4 VEGETATED AREA STANDARDS

20-4(a) CALCULATION AND DOCUMENTATION – Vegetated Area is calculated as the total ground-level area for those portions of the lot or tract which meet the requirements set forth in the definition. Vegetated Areas must be clearly designated on the planting plan and should appear visually distinct from non-qualifying areas, such as pavement. The sum of Vegetated Area(s) must be listed as a percentage of the developable area of the lot in the site statistics table on the planting plan and the preliminary and final development plans or preliminary subdivision plan. Where a Vegetated Area Type listed in Table 20-4(b)

is used, hatching or other means of visually designating the area must be shown on the planting plan and the development or preliminary subdivision plan and the square footage and multiplier rate used must be included in the site statistics tables.

20-4(b) EXCEPTIONS AND REDUCTIONS – For sites that provide twenty five (25) dwelling units or more on one (1) acre or less, a net decrease in the required Vegetated Area may be achieved by providing a Vegetated Area Type listed in the table below. The ground-level or roof-level area of the following Vegetated Area Types may be multiplied by the associated rate to achieve a net decrease in total Vegetated Area required:

Vegetated Area Type	Multiplier Rate
Vegetable Garden	1.15
Tree Stand ¹	1.5
Vegetated Green Infrastructure ²	1.75
Green Roof ²	2
Riparian Buffer Restoration/Preservation ³	2
Tree Preservation Area ⁴	2
Innovation Options	1.15

1. As defined by Article 26 of the LFUCG Zoning Ordinance.
2. Must meet requirements of the LFUCG Stormwater Manual.
3. 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.
4. Must be accompanied with a note on the plan: “The Tree Preservation Area shall remain undisturbed and shall be permanently preserved. No significant tree removal, grubbing or clearing shall be allowed without the future amendment of this plan.”

20-5 COMMON AREA STANDARDS

20-5(a) LOCATION CRITERIA – Common Areas(s) shall conform to the following:

1. The location of Common Areas(s) shall be readily accessible and useable for all residents and users of the development;
2. The Common Areas(s) shall be located within the development to connect to each other and the larger open space system via a walkable route.

20-5(b) MINIMUM STANDARDS FOR THE DEVELOPMENT OF COMMON AREAS

1. **Accessibility** – 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 to ninety (90) percent of proposed dwelling units entrances or other applicable building entrances.
2. **Median Size** – Developments larger than 10 acres must have a median Common Area size of at least 1 acre (43,560 square feet). Common areas less than 1/2 acre do not count toward the median calculation.
3. **Visibility** – At least seventy five (75) percent of the Common Area perimeter shall have frontage on an approved street or public right-of-way, primary drive aisle, or be directly adjacent to an active building façade(s). An active building façade is accomplished by providing at least one ground level entry linking the building to the Common Area and a minimum ground floor transparency area of twenty five (25) percent for residential uses and sixty (60) percent for non-residential uses as measured between ground level and twelve feet from finished grade where facing the Common Area. Adjacent street and lotting patterns shall be planned to provide visibility into the Common Area.
4. **Adjacent Uses** – For any development that is located adjacent to, connects to, or interacts directly with a Common Area, such development of the site shall orient an active building façade(s) toward the Common Area. See 20-5(b)(3) for a description of active building façade.
5. **Screening** – All inactive and service uses, such as vehicular use areas, blank walls, waste collection areas, and utility equipment must be screened from view from within the Common Area.
6. **Physical Improvements** – Common areas must contain physical improvements and amenities that support passive and/or active uses. Examples of passive use improvements and amenities may include walking paths, tables, seating, and gardens. Examples of active use improvements and amenities may include play areas, swimming pools, fitness equipment, and sports facilities.
7. **Accessibility for Persons with Disabilities** - All site facilities and amenities shall be accessible to people with disabilities in accordance with the provisions of the 2010 Americans Disabilities Act (ADA) or its most recent update and the accessibility standards of the Kentucky Building Code.

8. Heat Reduction – Large trees (Group A species) or other shade providing structures must cover thirty (30) percent of the Common Area.
9. Pedestrian Scale Lighting – Pedestrian scale lighting not to exceed twelve (12) feet in height shall be included along the public right-of-way frontage of the Common Area. Any exterior lighting must be designed to prevent light spillage and glare onto adjacent private spaces.
10. Topography and Soils – No less than seventy five (75) percent of the Common Area shall be at a 1:48 (2.08%) slope, and the topography, soils, hydrography and other physical characteristics of this portion of the Common Area shall be of such quality as to create a flat and dry surface.

20-5(c) ADDITIONAL STANDARDS FOR THE DEVELOPMENT OF COMMON AREAS IN SINGLE FAMILY DEVELOPMENTS

1. Minimum Size – Each Common Area shall be no less than ten thousand (10,000) square feet in area.
2. Proportions – The least dimension of a Common Area shall be one hundred (100) feet.

20-5(d) ADDITIONAL STANDARDS FOR THE DEVELOPMENT OF COMMON AREAS IN MULTI-FAMILY AND MIXED USE AND COMMERCIAL DEVELOPMENTS

1. Minimum Size – Common Areas shall total no less than eight thousand five hundred (8,500) square feet in area.
2. Proportions – The least dimension of a Common Area shall be twenty (20) feet.
3. Connectivity – When multiple Common Areas are provided to meet the minimum size requirement, they must be connected via an internal walkable route.

20-5(e) CALCULATION AND DOCUMENTATION

1. Only the portions of common area(s) that meet the requirements of 20-5(b) and 20-5(c) or 20-5(d); may be included in calculations.
2. Projects larger than ten (10) acres must have a median common area size of at least one (1) acre. When calculating the median size, exclude common areas of one-half (1/2) acre or less. This allows for the inclusion multiple small plazas or pocket parks without being penalized, provided the median threshold is met when the area of the larger spaces is averaged.



3. Common Areas must be clearly designated and dimensioned and should appear visually distinct from non-qualifying areas. The square footage of each Common Area must be listed in the site statistics table on the preliminary and final development plans or preliminary subdivision plan. For projects where the median Common Area size must exceed one (1) acre, calculations shall be provided on the plan. Documentation of walkable route distances, perimeter visibility, adjacent uses, and screening requirements may be requested by the Division of Planning and shall be provided as a visual exhibit at an appropriate scale.

20-5(f) DEVELOPMENT NEAR PUBLICLY ACCESSIBLE OPEN SPACES – Where proposed dwelling unit entrances or other applicable building entrances are located within ¼ mile walking distance of:

1. An existing or proposed LFUCG Park; or
2. An existing or proposed portion of a greenway that meets 20-5(b) and 20-5(c) or 20-5(d); or
3. An existing privately owned publicly accessible open space that meets 20-5(b) and 20-5(c) or 20-5(d);

Those dwelling unit entrances or other applicable building entrances may be exempted from the locational requirements of this Article. Documentation of walking distance shall be provided as a visual exhibit at an appropriate scale submitted to the Division of Planning.

20-5(g) PUBLIC ACCESS

1. Access easements shall be provided where needed to connect Common Areas to a street right-of-way. The minimum width of such access must be at least 40 feet. Should properties abut the access easement fence height shall not be greater than six (6) feet.
2. Shared use trails are a part of Lexington’s transportation network and shall be situated within an easement. Trails that connect to or are classified as a main line trail, major trail or minor trail that will be maintained by LFUCG shall be in the form of a dedicated easement. Trails that connect to or are classified as a main line trail, major trail or minor trail that are maintained by others and local or minor trails shall be in the form of an access easement. Access shall be available for 24 hours of the day 7 days of the week.
3. Signage indicating the hours of operation and ownership or party responsible for maintenance shall be posted at each street frontage primary entrance point to the Common Area. The 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.

20-5(h) PROVISIONS FOR MULTI-PHASE DEVELOPMENTS AND TIMING OF OPEN SPACE

1. Development proposed in phases shall be considered as a single development for the purposes of calculating the Common Area(s).
2. In cases where less than one hundred (100) percent of the total amount of Common Area is provided within the first phase of a multiphase development, the remaining amount shall be apportioned into each of the remaining development phases.
3. For commercial, industrial, and mixed use development all common open spaces and associated improvements shall be completed at the time of 50% buildout.
4. For residential development all common open spaces and associated improvements shall be completed at the time that 50% of dwelling units have been constructed.

20-6 PARK DEVELOPMENT FEE-IN-LIEU OF COMMON AREA

Under review.

Notes to reviewers:

1. A proposed definition of “Walkable Route”, as seen in 20-5(b)1, would be added to Article 1 as part of this ZOTA or the Parking ZOTA, whichever is filed first.

WALKABLE ROUTE - The route that a pedestrian may travel between origins and destinations without obstruction and with clear protection from motor vehicles. The walking route shall 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. The walking route must be drawn from an accessible building entrance to the pedestrian facility in the public right of way. Walking distance is specified as the length of the walkable route.

2. The full text of KY Recreational Use Statute can be found here: [ps://apps.legislature.ky.gov/law/statutes/statute.aspx?id=17787](https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=17787)