



# Rethinking Open Space

new regulations guided by the 2018 comprehensive plan

**Summary of Changes / Full Text Filed**  
**Planning Commission Work Session**  
**October 20, 2022**

**Valerie Friedmann, LFUCG Senior Planner & Greenspace Planner, Long Range Planning**

**[vfriedmann@lexingtonky.gov](mailto:vfriedmann@lexingtonky.gov)**

Check out the **[open space project page](#)** for the latest information and full draft text.

# Timeline Update

---

## **September 15<sup>th</sup> Work Session – Presented Revised Draft Text**

Shared Article 20 text, 2+ years in the making

Collected your feedback

## **September 23<sup>rd</sup> meeting with Builders & Developers (BIA)**

Collected feedback & discussed language changes

## **Staff discussed all feedback**

Integrated changes to Article 20

Finalized clean up items to other Articles

## **October 3<sup>rd</sup> Open Space ZOTA filed**

# Summary of changes

<b>Article 1: Definitions</b>	
<b>Suggested Edits / Concerns</b>	<b>Staff Response</b> (new changes in purple)
<b>Definition of <i>Common Area</i>.</b> BIA group concerned that “openly accessible” could be interpreted as “open to public”.	Adjusted language to remove “openly accessible”.  <u><i>Common area</i> 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 <del>must be openly accessible and viewable</del> to enhance the visual character of the area, protect public safety, and minimize conflicts with adjacent land uses.</u>
<b>Definition of <i>Walkable Route</i>.</b> BIA group concerned that “protection from motor vehicles” is too restrictive.	Adjusted language to remove “protection from motor vehicles”.  <u><i>Walkable route</i> means the route that a pedestrian may travel between origins and destinations without obstruction and with clear delineation through vehicle use areas <del>protection from motor vehicles</del>. 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.</u>

# Summary of changes

---

<b>Article 20 - General</b>	
<b>Suggested Edits / Concerns</b>	<b>Staff Response</b> (new changes in purple)
<b>Sec. 20-2.</b> BIA group requested language to clarify where Article 20 applies/does not apply.	Added text to Sec 20-2:  <u>Where not regulated elsewhere in the Zoning Ordinance, open space shall be provided in accordance with the provisions of this Article.</u>
<b>Sec. 20-2(b).</b> BIA group concerned that 5% vegetated area requirement would prevent full lot build out in downtown zones.	Changed requirement from 5% to 0% for downtown zones.

# Summary of changes

---

<b>Article 20 - General</b>	
<b>Suggested Edits / Concerns</b>	<b>Staff Response</b> (new changes in purple)
<b>Sec. 20-5(b)-(c).</b> BIA group requested that “common area dimensional standards” be moved before “development standards” for clarity.	Moved and renumbered text, clarified language.
<b>Sec. 20-5(d).</b> BIA group requested clarification that common area “development standards” apply only to required portions of common area.	Added “required” to 20-5(d)(1) and 20-5(d) (4) to clarify intent.

# Summary of changes

---

<b>Article 20 - General</b>	
<b>Suggested Edits / Concerns</b>	<b>Staff Response</b> (new changes in purple)
<b>Sec. 20-5(d)(3).</b> BIA group expressed concern over showing common area physical improvements on DPs.	Revised language in 20-5(d)(3) to include, but not limit to, improvements that should be shown on DPs where provided.  <u><i>Physical improvements. Common areas must include physical improvements and amenities including but not limited to such as walking paths, tables, seating, gardens, play areas, swimming pools, fitness equipment, sports facilities, and the like to support passive and/or active uses.</i></u>
<b>Sec. 20-5(d)(4).</b> BIA group expressed concern that only large canopy trees could be used to meet requirements of 20-5(d)(4).	Revised language in 20-5(d)(4) to include small and medium trees in certain situations.  <u><i>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.</i></u>

# Summary of changes

---

<b>Article 20 - General</b>	
<b>Suggested Edits / Concerns</b>	<b>Staff Response</b> (new changes in purple)
<p><b>Sec. 20-5(e).</b> BIA group concerned about designating common areas on development plans. Specific concerns is if the common area needs to shift due to utilities, grading, etc. that an amended plan would be necessary.</p>	<p>Sec. 20-5(e)(2) requires common areas to be “generally located and dimensioned” on Preliminary DPs.</p> <p>Sec. 20-5(e)(3) requires common areas to be “clearly designated and dimensioned” on Final DPS and Preliminary Subdivision DPs.</p> <p>These requirements are in keeping with existing Article 21 requirements for plan contents. Staff recommends no change.</p>

# Summary of changes

Article 20 - General	
Suggested Edits / Concerns	Staff Response (new changes in purple)
<p><b>Sec. 20-7(b).</b> BIA group concerned about required public access where shared-use paths pass through HOA areas.</p>	<p>Staff simplified the language while also referencing the established regulations in the LSRs.</p> <p><u>Shared-use paths: When a shared-use path that is part of the public transportation network is provided through or along a common area, it shall be regulated in accordance with the Land Subdivision Regulations.</u> <del>When a shared use path, as defined in the Land Subdivision Regulations, passes through or is accessed via a common area, an appropriate easement shall be provided. Shared use paths that connect to or are classified as a main line path, major path, or minor path that will be maintained by LFUCG shall be in the form of a dedicated easement. Shared use paths that connect to or are classified as a main line path, major path, or minor path that are maintained by others and local or minor paths shall be in the form of an access easement. Access to shared use paths shall be available for twenty four (24) hours of the day seven (7) days of the week.</del></p>



# Summary of changes

---

<b>Article 20 - General</b>	
<b>Suggested Edits / Concerns</b>	<b>Staff Response</b> (new changes in purple)
<p><b>Sec. 20-8.</b> BIA group expressed concern about providing amenities and timing of amenity construction. They noted that often HOA or tenant associations want to be involved in decisions about common area amenities and layout.</p>	<p>Staff proposes new language that is more flexible in timing, tying completion of what is shown on the development plan to the final building's certificate of occupancy to make sure the common areas and improvements get built.</p> <p><u>(c) All common areas and improvements shall be completed prior to the issuance of a certificate of occupancy for the final building.</u></p> <p><del>(c) For commercial, industrial, and mixed use development all common areas and associated improvements shall be completed at the time of fifty (50) percent buildout.</del></p> <p><del>(d) For residential development all common areas and associated improvements shall be completed at the time that fifty (50) percent of dwelling units have been constructed.</del></p>

# Summary of changes

<b>Article 20 - Green Infrastructure Table</b>	
<b>Suggested Edits / Concerns</b>	<b>Staff Response (new changes in purple)</b>
Planning Commissioner Michler requested access to a water source for community gardens.	Added access to watering source to requirement in the footnotes of Table 20-4(b).  2. As defined by the LFUCG Code of Ordinances and must also include access to a watering source.
Planning Commissioner Michler concerned that “Tree Preservation Area” does not meet the significant investments of other listed green infrastructure types.	Removed “Tree Preservation Area” from Table 20-4(b), but left “Tree Stand”.
Planning Commissioners Nicol and Davis suggested incentivizing native plantings through Table 20-4(b).	Staff recommends no change. Staff determined that the better location to incentivize native plants is in the acceptable plant materials list of the LFUCG Planting Manual and/or in an update to Article 18 Landscape and Land Use Buffers of the Zoning Ordinance.

# Summary of changes

<b>Article 23 - Expansion Area Common Open Space</b>	
<b>Suggested Edits / Concerns</b>	<b>Staff Response</b> (new changes in purple)
Planning Commissioner Davis requested a signage requirement for expansion area common open spaces.	Revised text to include signage requirement in zones EAR-1, EAR-2, EAR-3, CC, and ED.  <u>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.</u>
Planning Commissioner Michler voiced support for adding a frontage percentage requirement along the roadway for common open spaces in the Expansion Area zones.	Staff discussed options to address increased visibility and access of common open space in the Expansion Area and determined that, while a frontage requirement would be beneficial for access and visibility, a change of that extent should be part of specific update to the Expansion Area Master Plan and Expansion Area zoning categories.



Orenco Station  
Hillsboro, Oregon

48 ac  
330 dwelling units



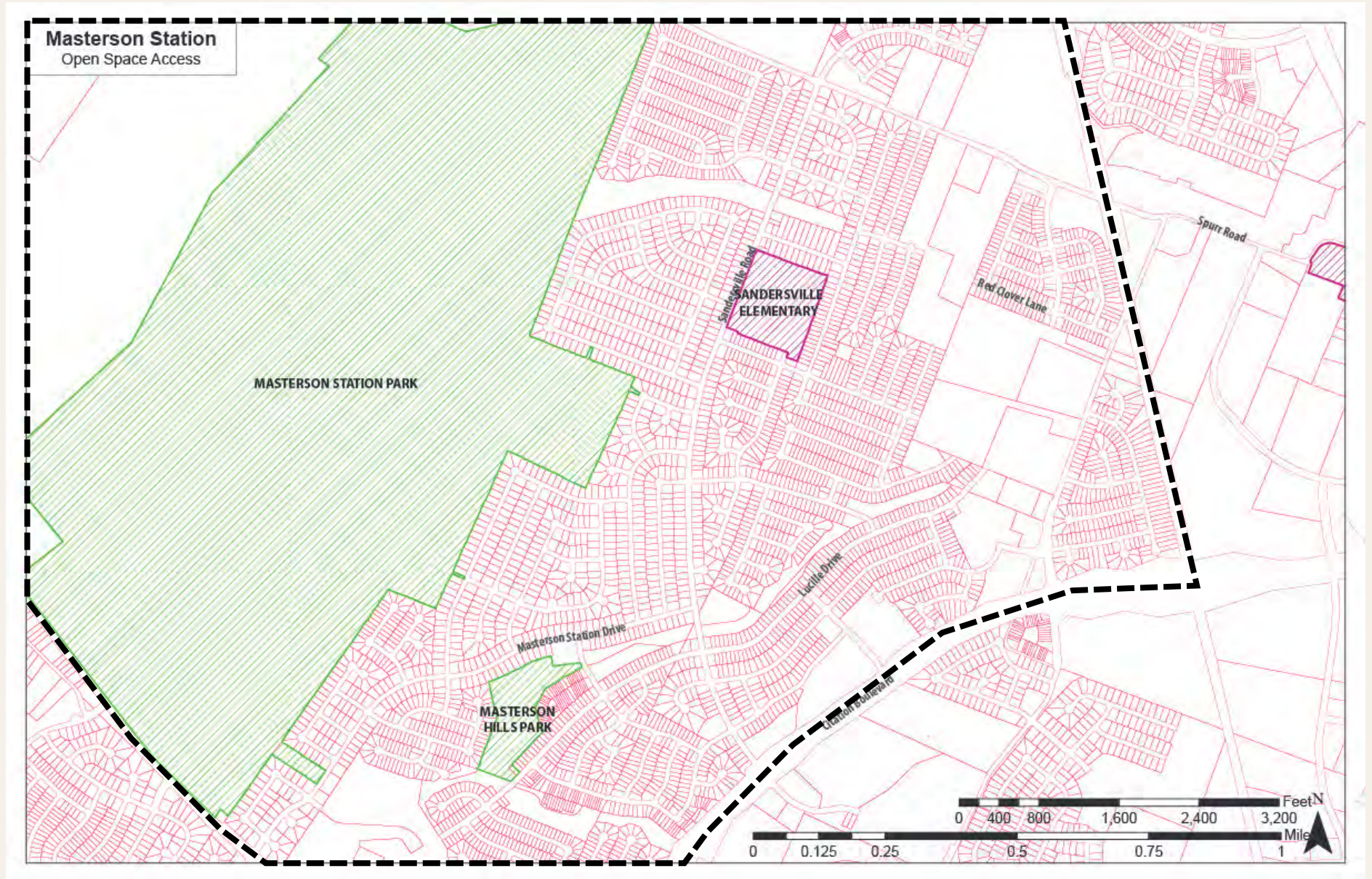


# Masterson Station





# Masterson Station





# Masterson Station

## Park Access

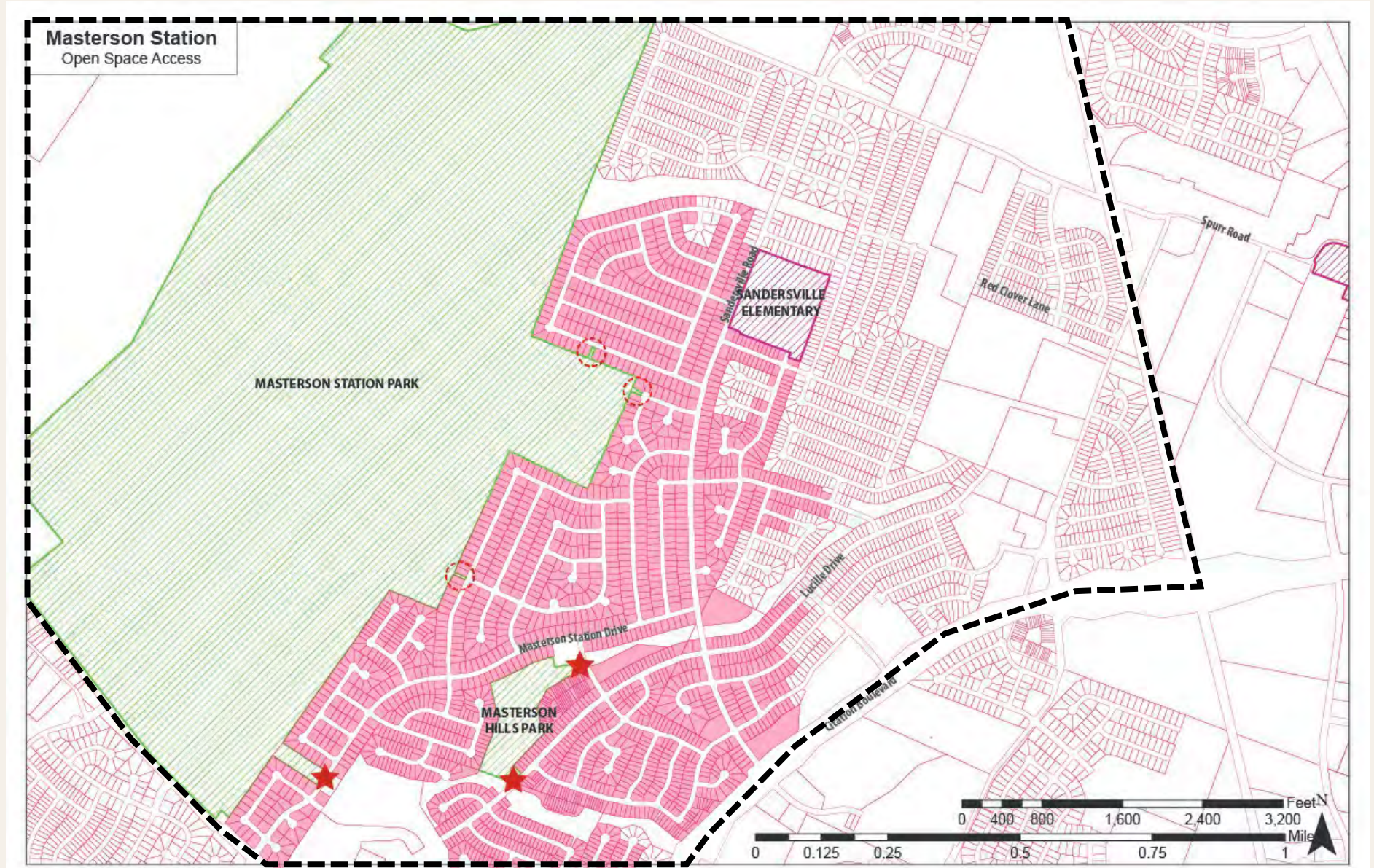
- Masterson Station Park
- Masterson Hills Park

## LFUCG Parks Exemption

- ½ mile walk of an entrance to a LFUCG park

## Park Access

- ★ Access points with a minimum 5' sidewalk
- Substandard access points (e.g. narrow parcel width, sidewalks less than 5', no trail connection within the park)





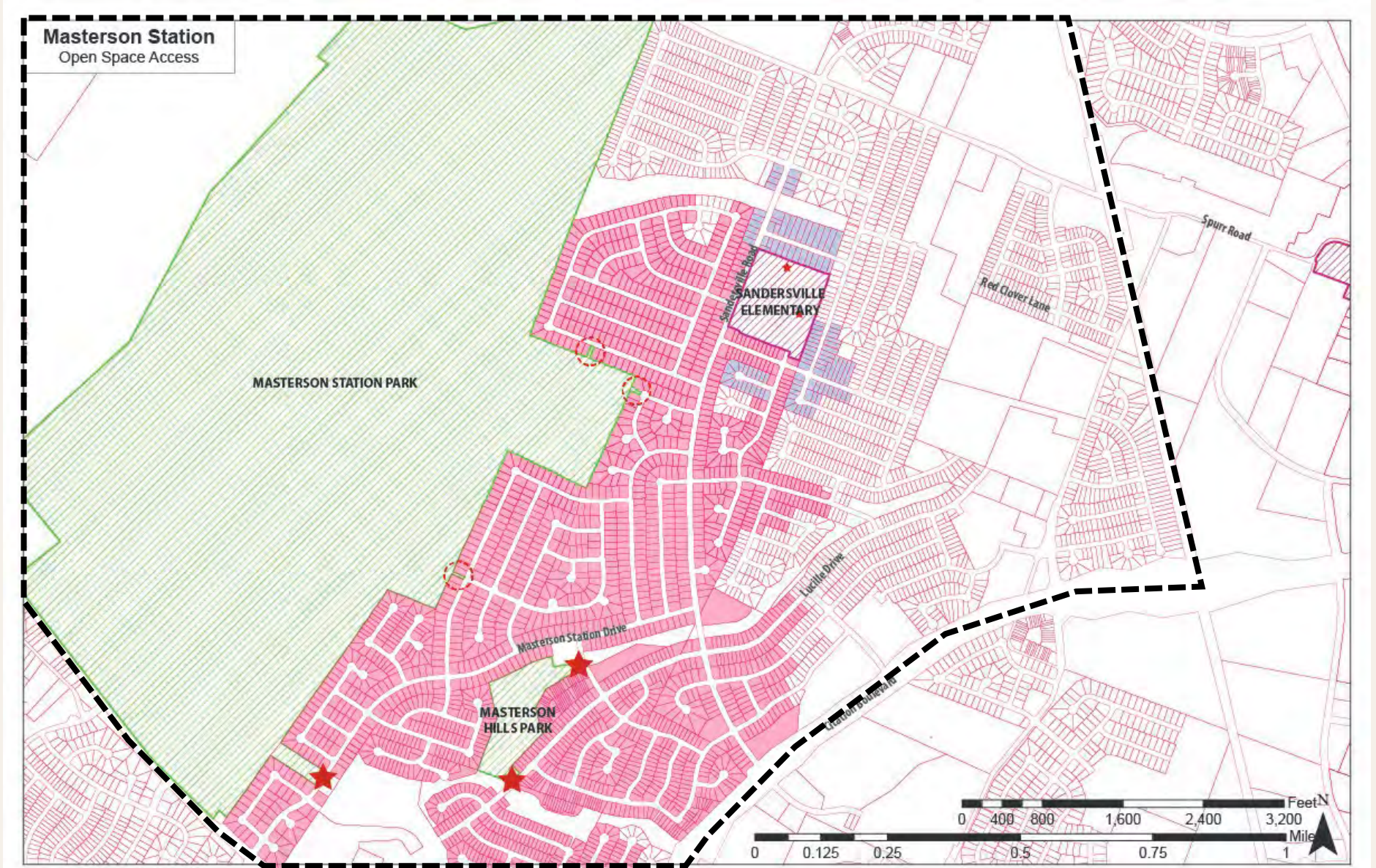
# Masterson Station

## Park Access

- Masterson Station Park
- Masterson Hills Park
- **Sandersville Elementary**

## Publicly Accessible Open Space Exemption

- **¼ mile walk of an entrance to another existing publicly accessible open space which meets common area requirements**





# Masterson Station

## Park Access

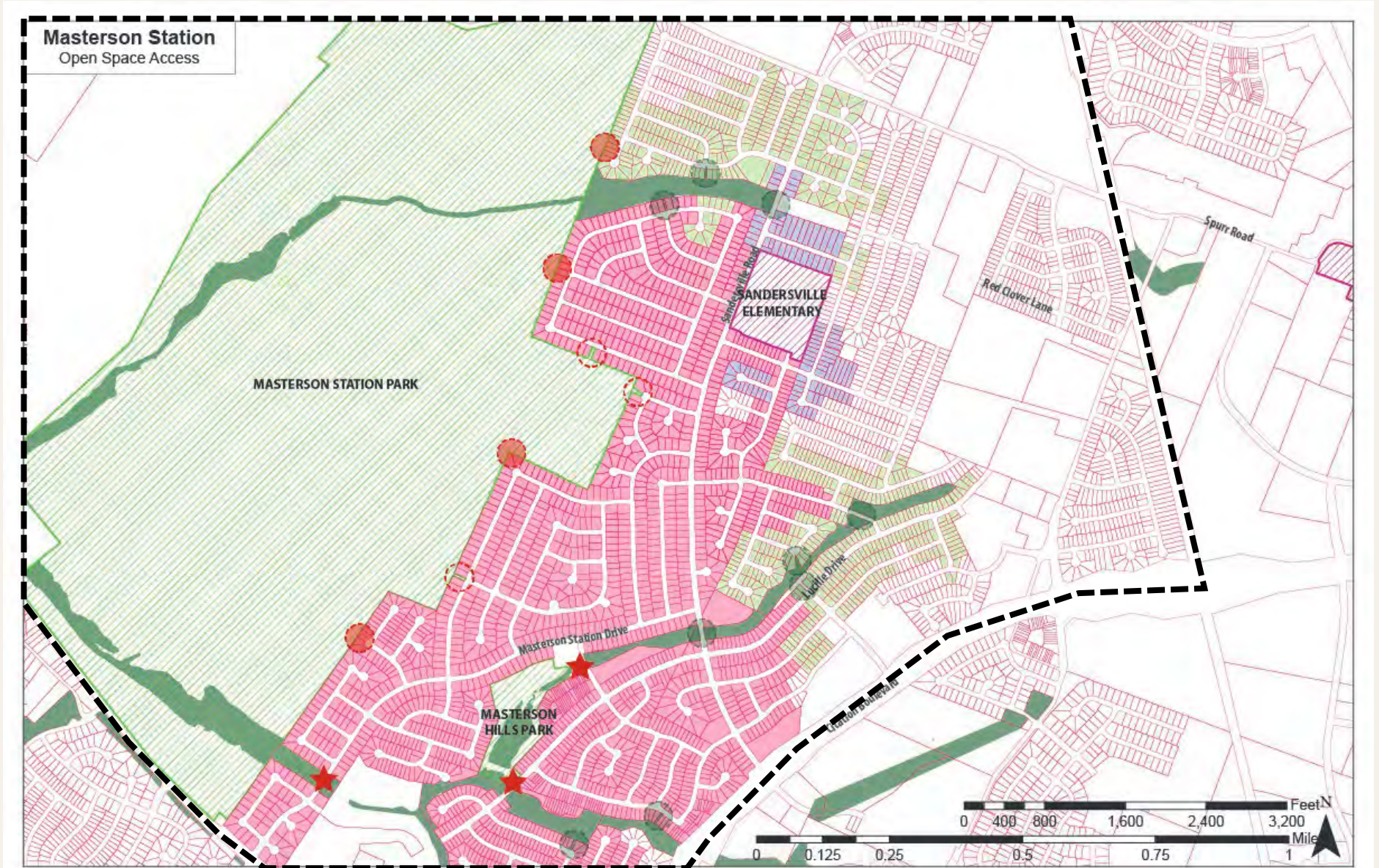
- Masterson Station Park
- Masterson Hills Park
- Sandersville Elementary
- Existing Greenways (many undeveloped)

## Greenway Access Exemption

- ¼ mile walk of an entrance to a portion of a greenway which meets common area requirements

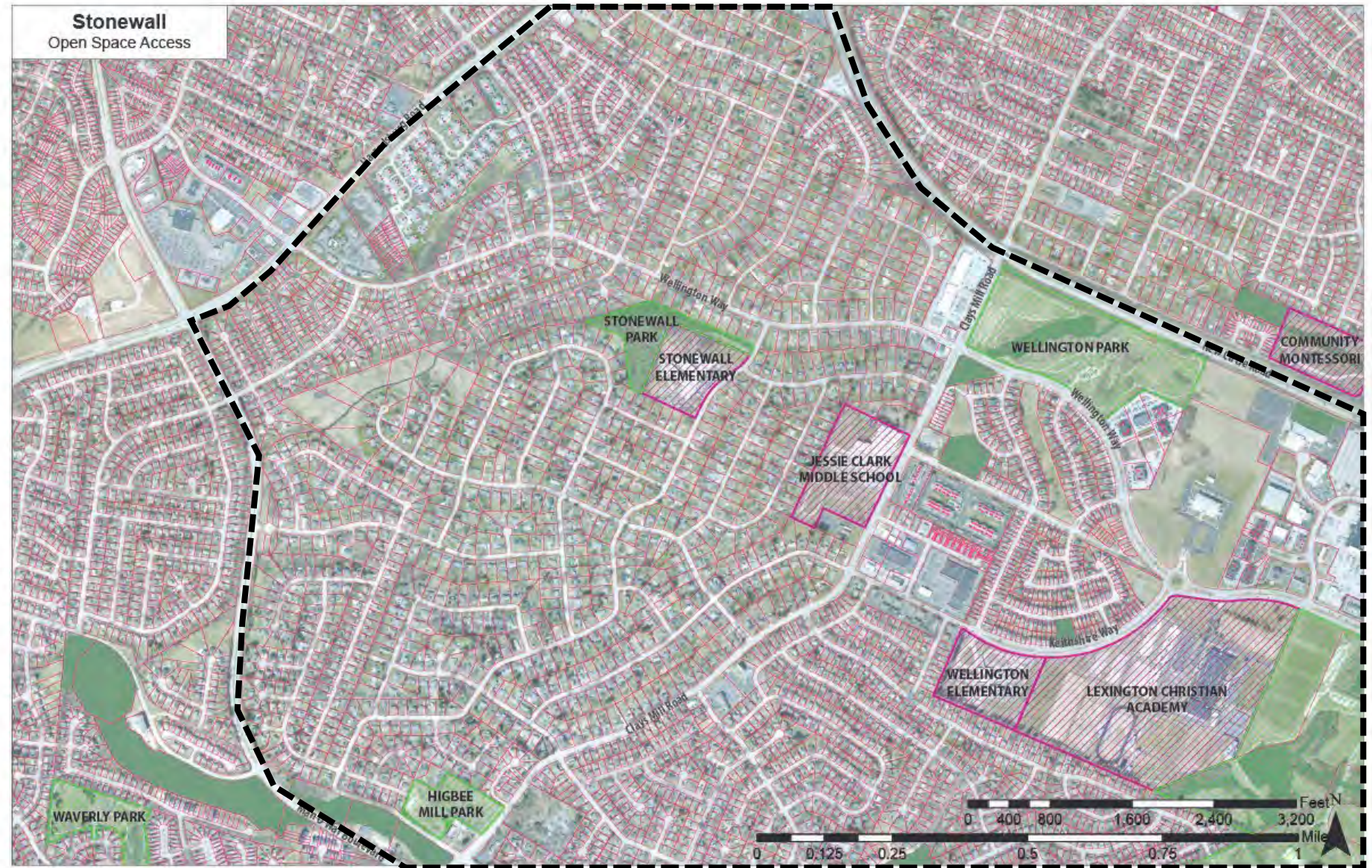
## Greenway Access

- Potential greenway access point



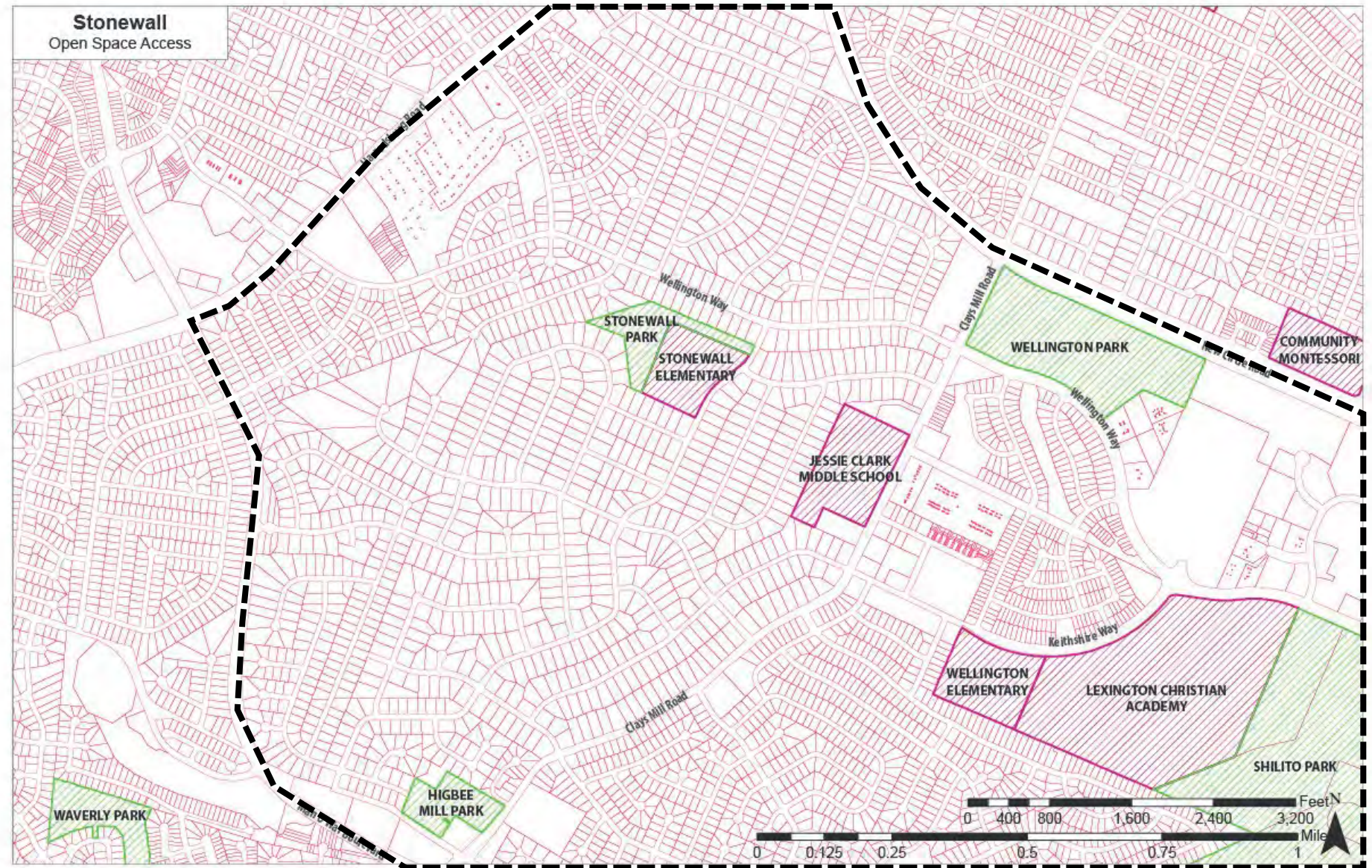


# Stonewall Neighborhood





# Stonewall Neighborhood





# Stonewall Neighborhood

## Park Access

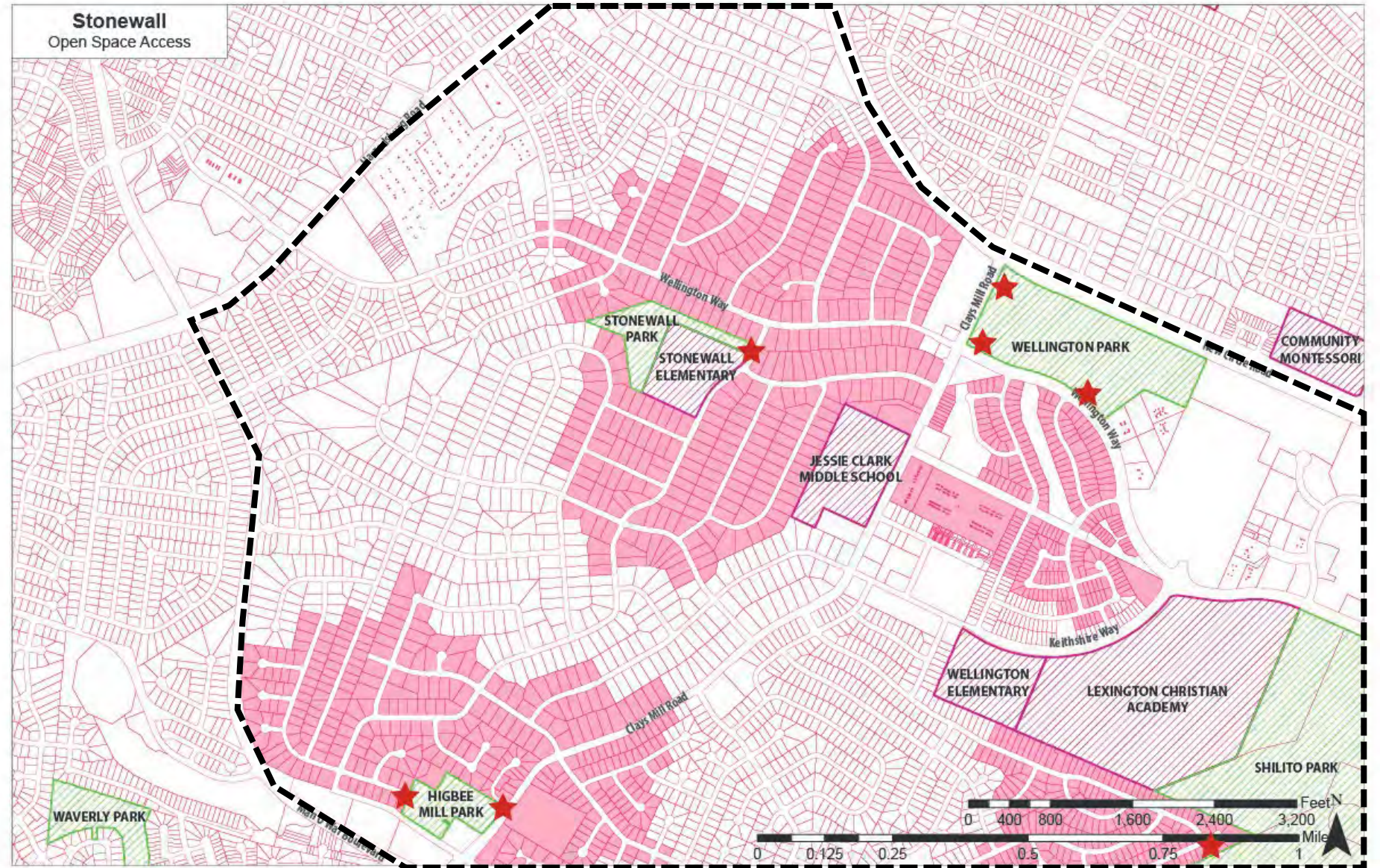
- Stonewall Park
- Wellington Park
- Higbee Mill Park
- Shilito Park

## LFUCG Parks Exemption

- ½ mile walk of an entrance to a LFUCG park

## Park Access

- ★ Access points with a minimum 5' sidewalk





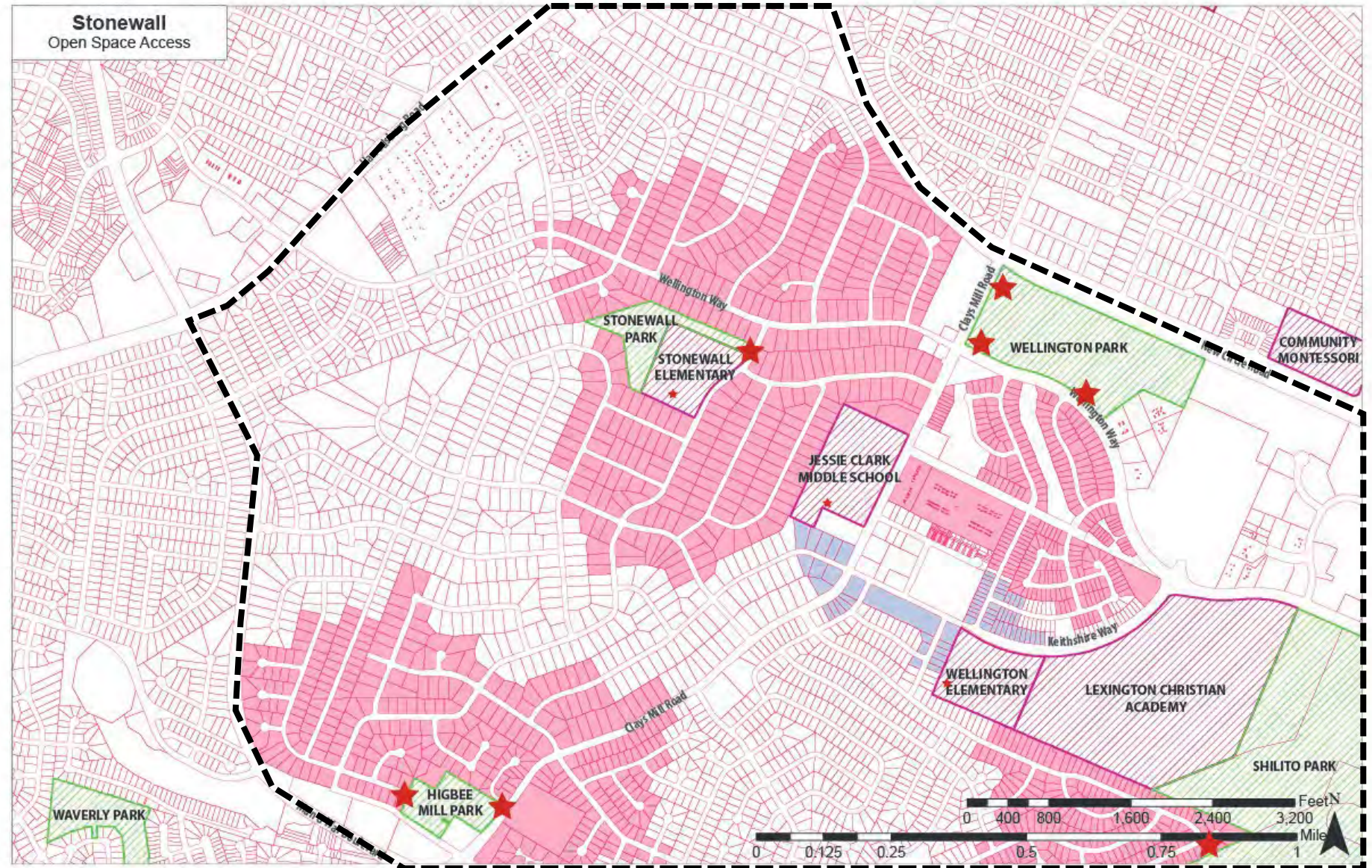
# Stonewall Neighborhood

## Park Access

- Stonewall Park
- Wellington Park
- Higbee Mill Park
- Shilito Park
- Stonewall Elementary
- Wellington Elementary
- Jessie Clark Middle

## Publicly Accessible Open Space Exemption

- ¼ mile walk of an entrance to another existing publicly accessible open space which meets common area requirements





# Stonewall Neighborhood

## Park Access

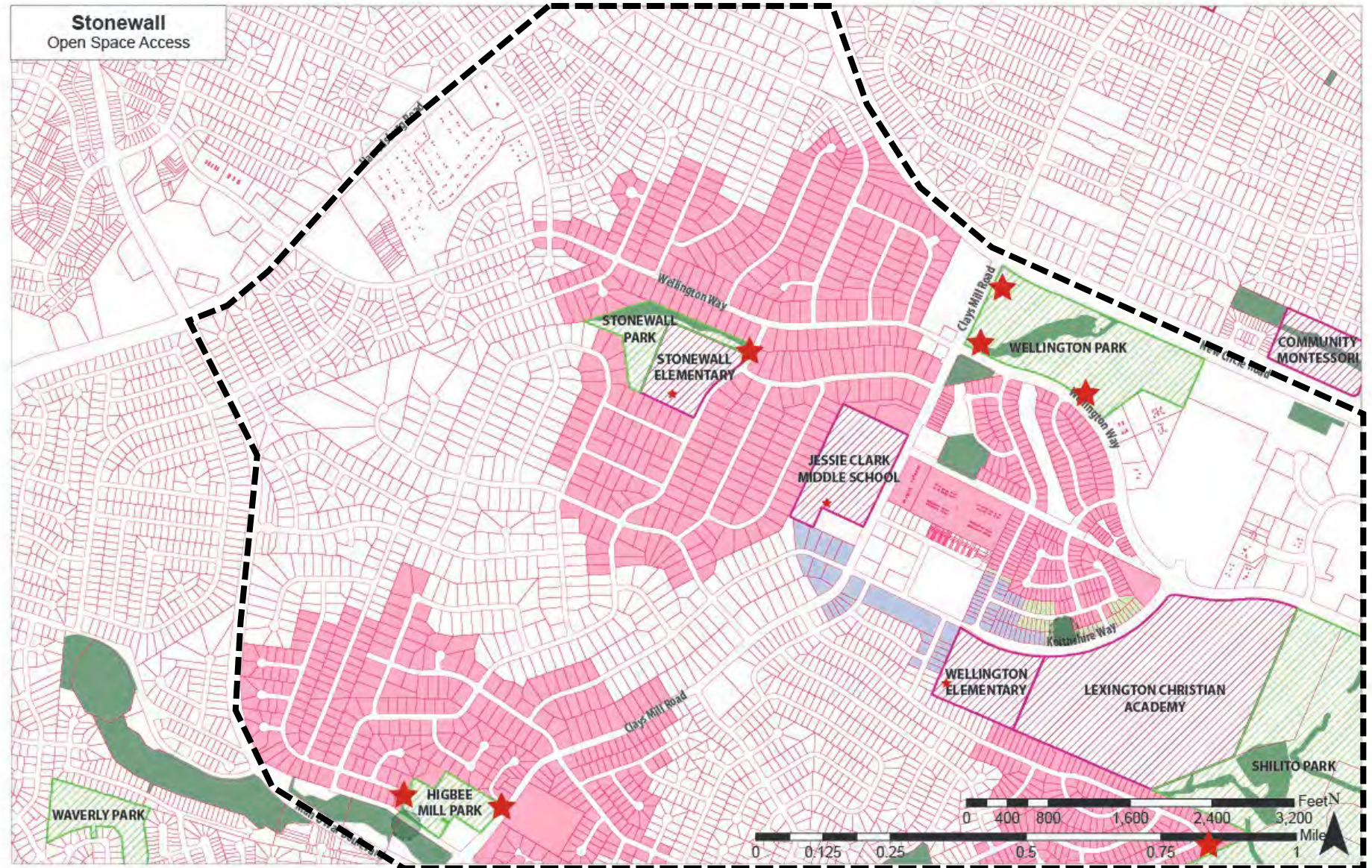
- Stonewall Park
- Wellington Park
- Higbee Mill Park
- Shilito Park
- Stonewall Elementary
- Wellington Elementary
- Jessie Clark Middle
- Existing Greenways (many undeveloped)

## Greenway Access Exemption

- ¼ mile walk of an entrance to a portion of a greenway which meets common area requirements

## Greenway Access

- Potential greenway access point





# **The goal:**

**Incorporate intentionally designed and equitably distributed open space and green space into all development projects.**

---

**Not more quantity, just better quality.**

# **Questions & Comments?**

---

Send an email to be added to the notification list for this ZOTA, or check out the project page for the latest information—including a link to our feedback form.

[vfriedmann@lexingtonky.gov](mailto:vfriedmann@lexingtonky.gov)

[https://imaginelexington.com/ZOTA\\_Open-Space](https://imaginelexington.com/ZOTA_Open-Space)