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# Rethinking Open Space

new regulations guided by the 2018 comprehensive plan

**Planning Commission Hearing**

**November 17, 2022**

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

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

# **The goal:**

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

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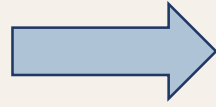
**Not more quantity, just better quality.**

2 +  
years

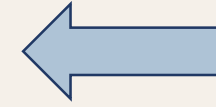
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# National Best Practices



# Lexington Context



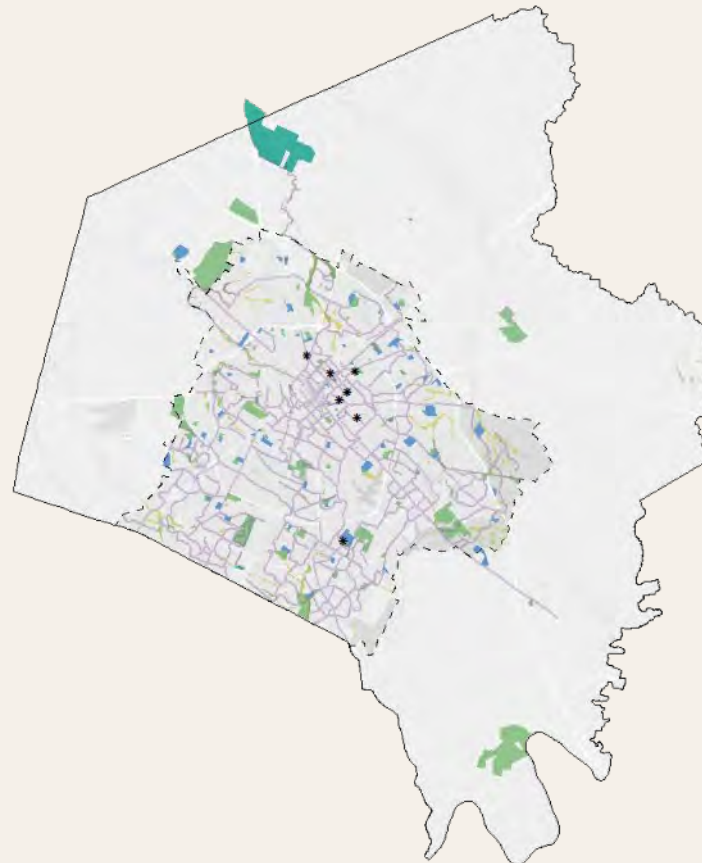
# Peer City Review

**LEED Neighborhood Development Guide**

**National Recreation and Park Association**

**Trust for Public Land**

**Urban Land Institute**



- |                             |                           |
|-----------------------------|---------------------------|
| <b>Austin, TX</b>           | <b>Kansas City, MO</b>    |
| <b>Charlotte, NC</b>        | <b>Lincoln, NE</b>        |
| <b>Chattanooga, TN</b>      | <b>Louisville, KY</b>     |
| <b>Cincinnati, OH</b>       | <b>Madison, WI</b>        |
| <b>Colorado Springs, CO</b> | <b>Minneapolis, MN</b>    |
| <b>Columbus, OH</b>         | <b>Nashville, TN</b>      |
| <b>Durham, NC</b>           | <b>Norfolk, VA</b>        |
| <b>Fort Collins, CO</b>     | <b>Raleigh, NC</b>        |
| <b>Fort Wayne, IN</b>       | <b>Richmond, VA</b>       |
| <b>Franklin, TN</b>         | <b>St. Louis, MO</b>      |
| <b>Greensboro, NC</b>       | <b>St. Paul, MN</b>       |
| <b>Henderson, NV</b>        | <b>Virginia Beach, VA</b> |
| <b>Indianapolis, IN</b>     |                           |

# 20+

# meetings

with public groups,  
organizations & stakeholders

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- 2020** Planning Commission Work Session  
Infill & Redevelopment Steering Committee  
Development and Design Community  
Stormwater Stakeholder Committee
- 2021** BIA  
Public Input Session  
Greenspace Commission  
Parks and Recreation Leadership  
Planning Staff Interim Review  
Parks Advisory Board  
Planning Commission Work Session  
Environmental Commission  
Fayette Alliance Board  
Infill & Redevelopment Steering Committee  
Greenspace Commission  
Parks Advisory Board  
Development and Design Focus Group Session 1  
Development and Design Focus Group Session 2  
FCNC  
Planning Commission Work Session  
Parks Advisory Board
- 2022** Trust for Public Land  
Planning Commission Work Session  
Builders and Developers Group  
Planning Commission Work Session

# 2 focus group workshops

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## Design and Engineering Professionals

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### **Gresham Smith**

Erin Masterson, PLA, ASLA

### **Banks Engineering**

Greg Smorstad, PLA

### **CARMAN**

Jason Hale, PLA, LEED AP

Kevin Warner, PLA

### **Vision Engineering**

Matt Carter, P.E.

### **EA Partners**

Rory Kahly, PLA

### **Earthcycle Design**

Scott Southall, PLA, AICP,  
LEED AP BD+C, ASLA

### **Barrett Partners**

Tony Barrett, PLA, LEED AP

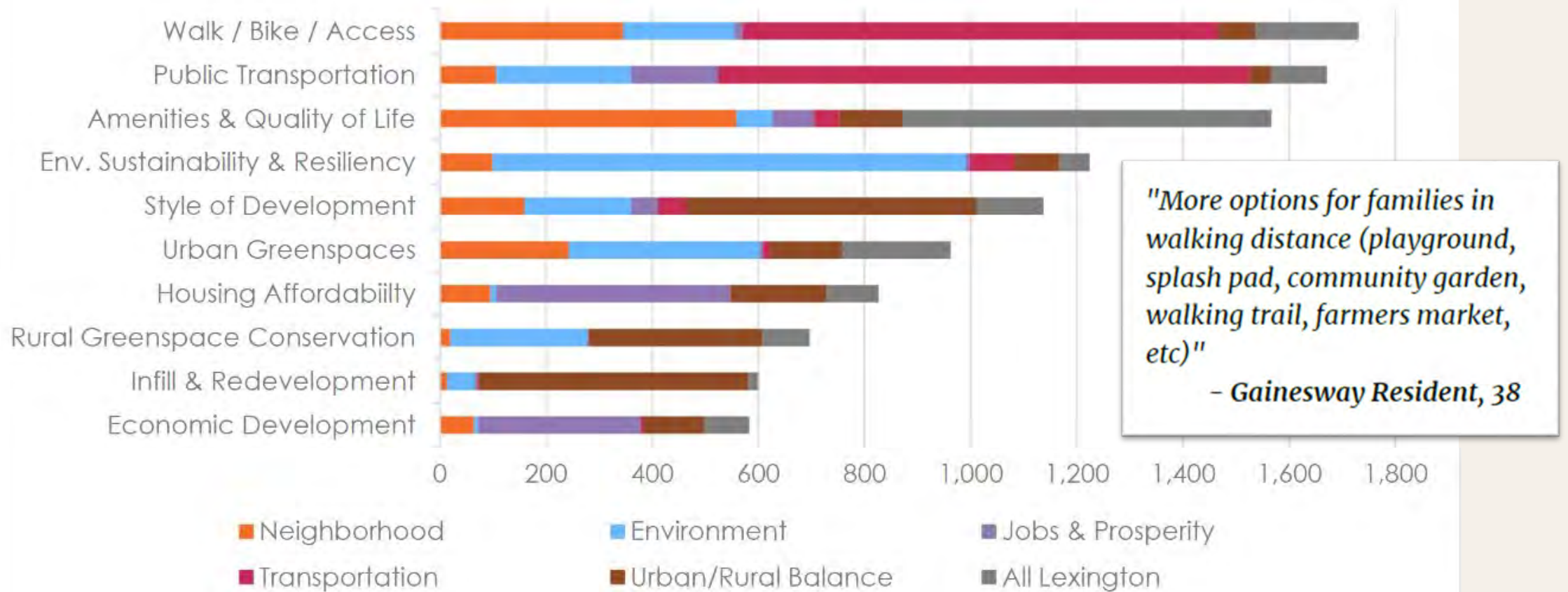
# Coordination with other Divisions

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# On the Table 2022 Public Input

## TOP 10 TOPICS BY THEME





# Comprehensive Plan Goals and Objectives

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## Theme A: Growing successful neighborhoods

Goal 2: Support infill and redevelopment throughout the Urban Service Area as a strategic component of growth.

**Incorporate adequate greenspace and open space into all development projects, which serve the needs of the intended population.**



# Comprehensive Plan Policies

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## Theme A: Growing Successful Neighborhoods

### DESIGN POLICY #9: PROVIDE ADEQUATE GREENSPACE

Provide adequate greenspace for all neighborhoods within walking distance.

**Action Item: Amend zoning ordinance to redefine open space requirements.**

## Theme B: Protecting the Environment

### SUSTAINABILITY POLICY #4: ACCESSIBLE GREENSPACE

Make recommendations to locate new development within walking distance of existing greenspace / community centers, or create greenspace / community centers within walking distance of residential uses.

# Existing Open Space Requirements

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- Out of date – introduced in 1965
- Zoning Ordinance contains ~170 mentions of “open space” scattered across multiple zones/articles
- Lacking direction/incentives for open space to provide environmental benefits/green infrastructure
- Unfocused definition of “useable open space” does not ensure open spaces are actually *useable*
- No requirements for open space to be visible/accessible/walkable
- Standards don’t apply in some areas where they should



# Four main issues with existing open space requirements

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## 1. Inefficient

Definition is unfocused.  
Regulations are scattered across individual zones.

## 2. Multi-family

Current requirements do not ensure common areas planned for use by people; not incentivizing environmental landscaping.

## 3. Single Family

Single family residential developments deserve access to common open space, too.

## 4. Commercial/Industrial

We need consistency across all zones; incentives to address stormwater and heat island effects.

# Trust for Public Land

## 10 Minute Walk Commitment



## Park and Greenspace Access and Equity Accelerator

**10-Minute Walk**  
@10MinWalk

Launched today w/ mayors of 6 US cities, city staff, partners, and @tpl\_org state offices, 10-Minute Walk's #ParkEquityAccelerator will bring focused resources and technical assistance to support local park equity goals through policy change and practical innovation.

**Welcome to our 10-Minute Walk®  
Park Equity Accelerator cities!**

Chattanooga, TN  
Cleveland, OH  
Fort Worth, TX

Lexington, KY  
Los Angeles, CA  
Scranton, PA

#ParkEquityAccelerator

**TRUST FOR PUBLIC LAND™**

#10MinWalk 10minutewalk.org tpl.org

1:19 PM · Jul 7, 2022 · Twitter Web App

# Presence of Open Space Design Standards in Lexington Peer Cities

	Presence of developer-provided open space requirements	Presence of open space design standards	Summary of what's included in open space design standards
<b>Austin</b>	✓	✓	<ul style="list-style-type: none"> <li>• Defines types of open space allowable</li> <li>• Provides location and accessibility requirements</li> <li>• Prioritizes preservation of environmental, cultural, and historical assets</li> <li>• Encourages connections to other civic assets</li> <li>• Provides landscaping requirements</li> </ul>
<b>Cincinnati</b>	✓	✓	<ul style="list-style-type: none"> <li>• Includes frontage requirements</li> <li>• Defines typical amenities in open space</li> <li>• Provides high-level landscaping requirements</li> </ul>
<b>Columbus</b>	✓	✓	<ul style="list-style-type: none"> <li>• Encourages accessibility to residents with frontage requirements and 50% perimeter along a thoroughfare</li> <li>• Includes criteria for landscaping, lighting, amenities required, and parking</li> </ul>
<b>Madison</b>	✓	✓	<ul style="list-style-type: none"> <li>• Provides configuration requirements</li> <li>• Includes grading requirements</li> <li>• Provides location requirements</li> </ul>
<b>Raleigh</b>	✓	✓	<ul style="list-style-type: none"> <li>• Defines types of open space allowable</li> <li>• Prioritizes preservation of environmental, cultural, and historical assets</li> <li>• Provides configuration requirements and specific criteria on accessibility and location</li> <li>• Encourages connections to other open space</li> <li>• Includes specific requirements for resident accessibility</li> </ul>
<b>Richmond</b>	✓	✓	<ul style="list-style-type: none"> <li>• Provides location requirements</li> </ul>
<b>St. Louis</b>	--	--	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
<b>Virginia Beach</b>	✓	✓	<ul style="list-style-type: none"> <li>• Provides location requirements</li> <li>• Includes guidelines surrounding resident accessibility</li> </ul>

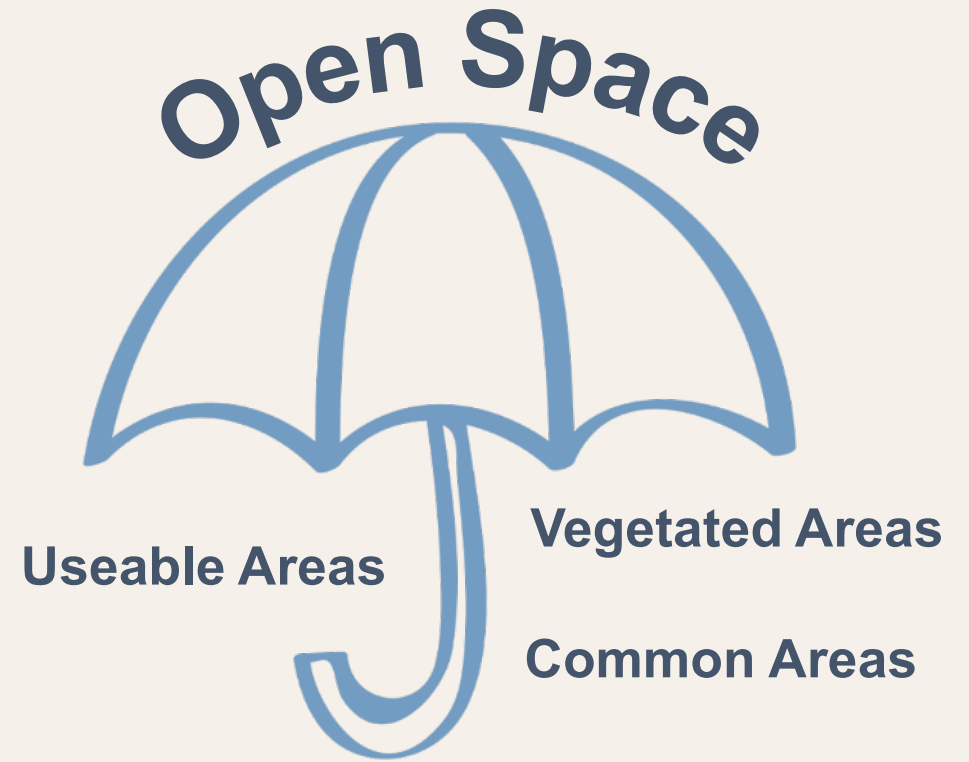
Findings based on publicly-available information via Municode.

# Article 1: Definitions

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- Green Infrastructure (new)
- Open space, useable (deleted)
- Open space (new)
  - Common area (new)
  - Useable area (new)
  - Vegetated area (new)
- Walkable Route (new)

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to link to the full text



# Articles 8, 9, 10, 11, 12, 21, & 28



Article 8: Schedule of Zones

Article 9: Group Residential Projects

Article 10: Mobile Home Park (M-1P)

Article 11: Interchange Service Business (B-5P)

Article 12: Commercial Center (B-6P)

Article 21: Development Plans

Article 28: Mixed Use Zoning Categories



## **Directs to Article 20**

“See Article 20 for open  
space regulations.”



# Article 20: Open Space Standards

## ARTICLE 20

(Reserved for future use)

“Reserved for Future Use”



## Article 20 OPEN SPACE STANDARDS

### 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.

(a) **Overlap in use and purpose of open space types.** Usable 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 of open space requirements.**

Single Family Residential	Usable Area	Vegetated Area	Common Area(s)
R-1A, R-1B, R-1C, R-1D, R-1E, R-1F, R-1G, R-1H, R-1I, R-1J, R-1K, R-1L, R-1M, R-1N, R-1O, R-1P, R-1Q, R-1R, R-1S, R-1T, R-1U, R-1V, R-1W, R-1X, R-1Y, R-1Z	Not required	Not required	Not required
Multi-Family Residential / Group Residential Projects	Usable Area	Vegetated Area	Common Area(s)
R-2T	10%	10%	Required for > 25 dwelling units
R-3	20%	20%	Required for > 10 dwelling units
R-4	15%	15%	Required for > 10 dwelling units
R-5	10%	10%	Required for > 10 dwelling units
Mixed Use / Commercial	Usable Area	Vegetated Area	Common Area(s)
B-1, P-1, B-2, B-3, B-4, B-5P, MU-1, MU-2, MU-3, MU-4	10%	10%	Required for sites > 3 net acres and/or > 25 dwelling units
B-2, B-2A, B-2B	5%	5%	
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.

Standards for Open Space (5 pages)

# Sec 20-1. Intent.

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**The intent of this Article is to incorporate intentionally designed and equitably distributed open space into all development projects.**

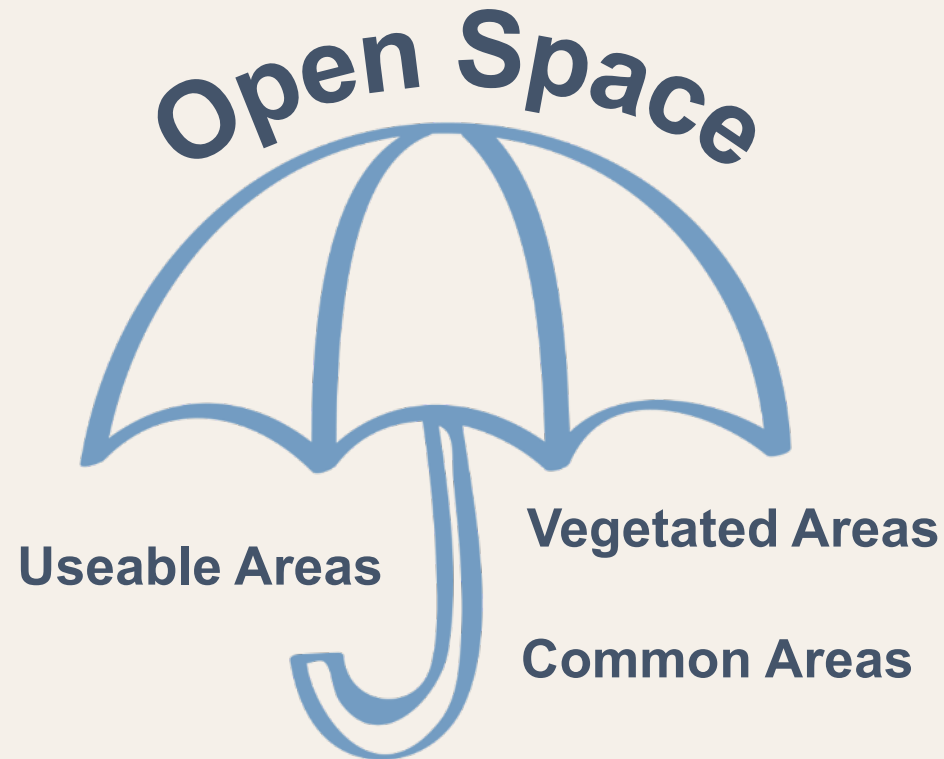
The regulations contained in this provision are intended to:

- 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.
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- 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.**

**Overlap in use and purpose of open space types.**



# Vegetated Area

Existing or new vegetation.



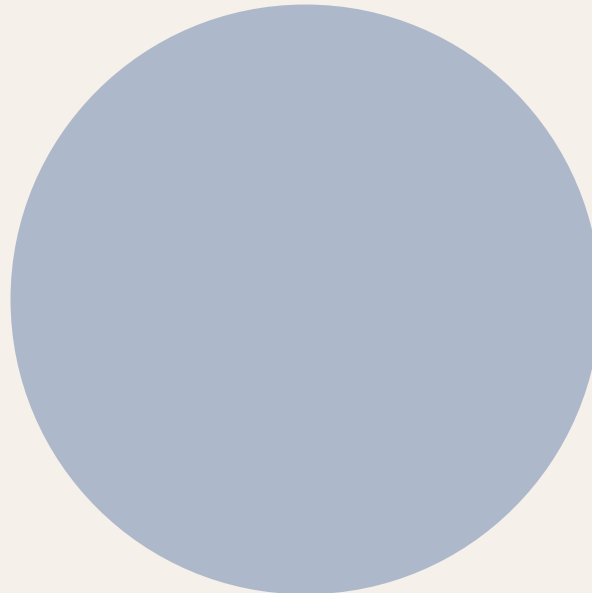
# Useable Area

Outdoor living and pedestrian access  
(i.e. balconies, patios, walkways)



# Common Area

Intentionally planned for  
outdoor gathering.



# Sec 20-2. Open Space Requirements.

## Summary table of open space requirements.

Single Family Residential	Useable Area (See Article 1)	Vegetated Area (See Articles 1, 20-3 to 20-4)	Common Area(s) (See Articles 1, 20-5 to 20-8)
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
Multi-Family Residential / Group Residential Projects	Useable Area	Vegetated Area	Common Area(s)
R-1T	10%	10%	Required for > 25 dwelling units
R-3	20%	20%	
R-4	15%	15%	
R-5	10%	10%	
Mixed Use / Commercial	Useable Area	Vegetated Area	Common Area(s)
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%	

	Zone	Existing	Proposed	Change	Common Area <sup>1</sup>
<b>Single Family Residential</b>	R-1A, R-1B, R-1C, R-1D, R-1E, R-1T, R-2, R-3, R-4, M-1P	0%	0%	--	✓
	R-1T (subdivided)	10% <sup>2</sup>	0%	↓	✓
<b>Multi-Family &amp; Group Residential</b>	R-1T (group)	20%	10%	↓	✓
	R-3	20%	20%	--	✓
	R-4	20%	15%	↓	✓
<b>Consumer &amp; Service Commercial</b>	R-5	20%	10%	↓	✓
	B-1	0% <sup>3</sup>	10%	↑	✓
	P-1	0% <sup>3</sup>	10%	↑	✓
	B-3	0%	10%	↑	✓
	B-5P	0%	10%	↑	✓
	B-6P	15%	15%	--	✓
<b>Industry &amp; Employment</b>	MU-1	10%	10%	--	✓
	B-4	0%	10%	↑	✓
	I-1	0%	10%	↑	✓
	I-2	0%	10%	↑	✓
<b>Downtown</b>	P-2	40%	40%	--	✓
	B-2	0%/10% <sup>4</sup>	5%	↑↓	✓
	B-2A	0%/10% <sup>4</sup>	5%	↑↓	✓
	B-2B	0%/10% <sup>3</sup>	5%	↑↓	✓
	MU-2	10%	10%	--	✓
	MU-3	15%	15%	--	✓

## Existing / Proposed Open Space Required



Everyone deserves access within a 10-Minute Walk



Less in exchange for better.



Baseline consistency across all zones, address stormwater and heat island effects.



Ease of use, improvements in quality and access.

<sup>1</sup> When DU/Size threshold met; <sup>2</sup> Private useable open space; <sup>3</sup> 10% of lot where residences provided;

<sup>4</sup> 10% of residential floor area

# Sec 20-3. Vegetated Area Standards.

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## Requirements.

- 75% ground coverage
- Excludes *required* vehicular use area interior landscaping (but includes VUA perimeter landscaping)
- Excludes invasive tree and plant species
- Clear instructions for different Development Plans



## Sec 20-4. Vegetated Area Incentives for Green Infrastructure.

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Sites 3 acres or less can provide green infrastructure to reduce required vegetated area.

Green Infrastructure Type	Multiplier Rate
Innovative Design	1.15
Community Garden	1.15
Tree Stand	1.5
Vegetated Green Infrastructure	1.75
Vegetated Roof	2
Riparian Buffer Restoration/Preservation	2





# Sec 20-5. Common Area Standards.

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## Location Criteria

- 10 minute walk to 90% of entrances
- Connected to other open spaces



# Sec 20-5. Common Area Standards.

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## Dimensional Standards:

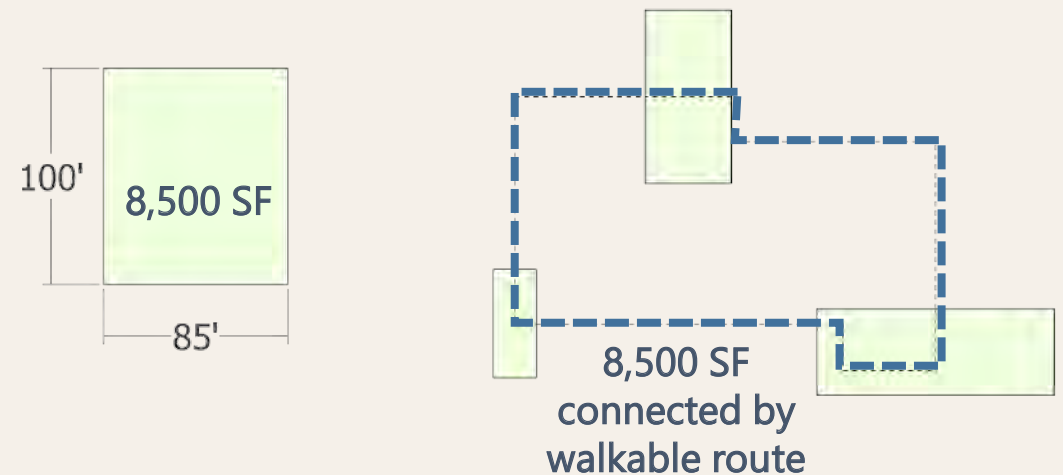
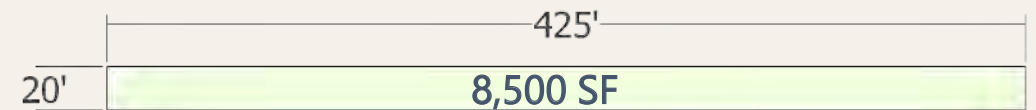
### Single Family Context

10,000sf, 100' minimum width



### Multi-family / Mixed-use / Commercial Context

8,500sf, 20' minimum width



# Sec 20-5. Common Area Standards.

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## Development Standards

### - Health, Safety, Welfare -

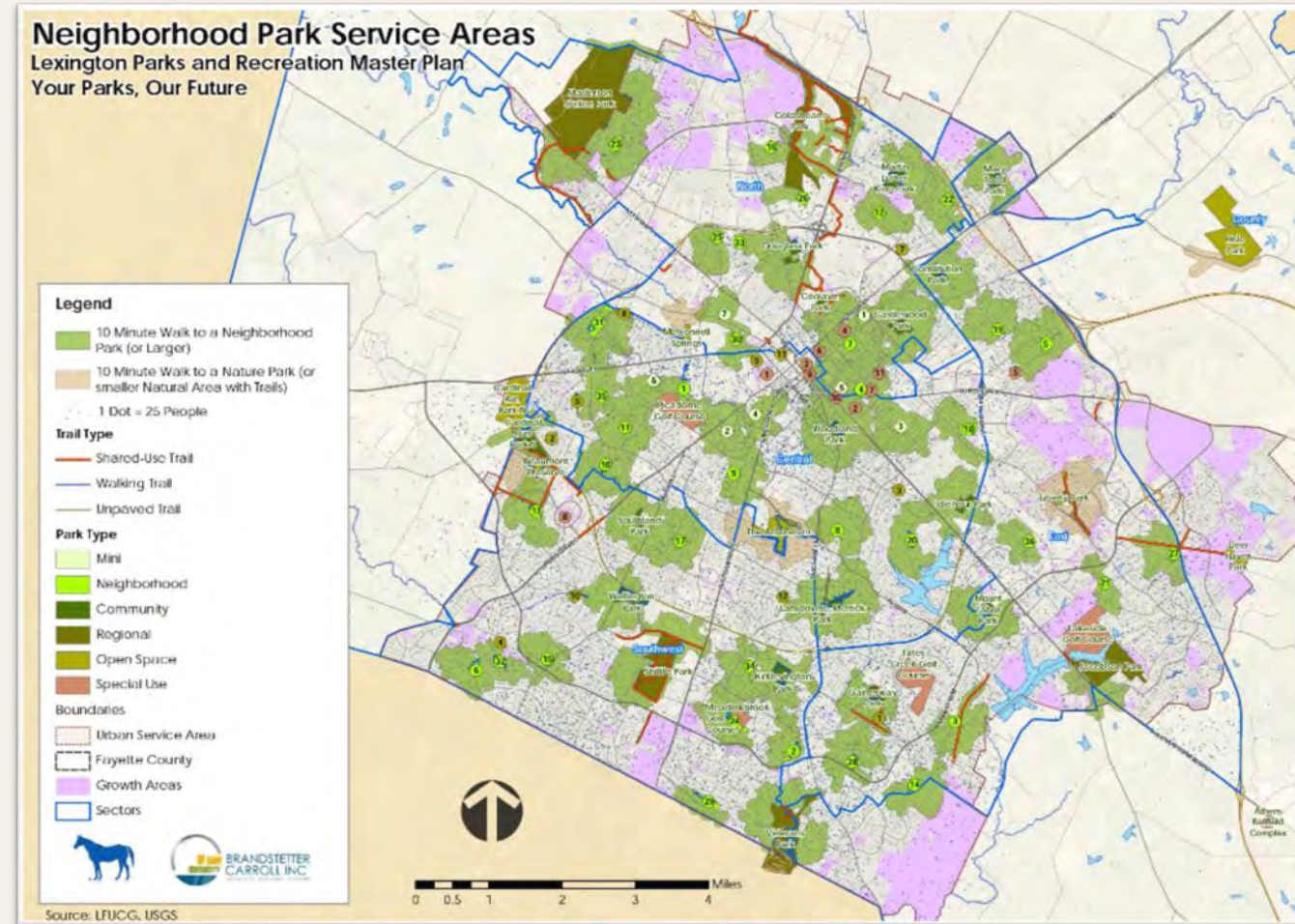
1. Primary access and visibility
2. Secondary entry points
3. Physical improvements
4. Canopy coverage and shading
5. Topography and hydrology



# Sec. 20-6. Common area exemption for development near publicly accessible open spaces.

## Common areas not required in the following instances:

1. ½ mile walk of an entrance to a LFUCG park
2. ¼ mile walk of an entrance to a portion of a greenway which meets common area requirements
3. ¼ mile walk of an entrance to another existing publicly accessible open space which meets common area requirements



## **Sec. 20-7. Common area signage and shared use path access.**

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### **Signage**

- Incidental signs - hours of operation, maintenance contact
- May reference KRS 411.190 - limits owner's liability when land is used for recreational purposes

### **Shared use path access**

- Appropriate easement shall be provided per the LFUCG Land Subdivision Regulations



## **Sec. 20-8. Multiphase developments and timing.**

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- Common area(s) calculated based on total development
- Build common(s) area in phase one or subsequent phases
- Common area(s) and associated improvements must be completed prior to the certificate of occupancy for final building



## **Sec. 23A. Expansion Area Zones.**

**EAR-1 / EAR-2 / EAR-3 / CC / ED**

25% of the net developable acreage shall be open space. (existing)

**New:**

Common open space access point every 1/4 mile.

Access point minimum of 40 feet wide with 5 foot sidewalk.

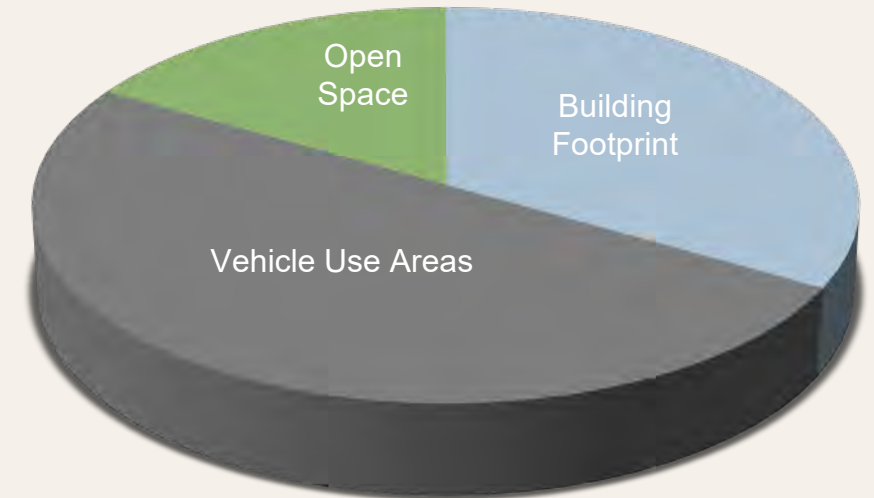
Sign posted at access point.



# Coordinated Regulation Updates

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- The Open Space ZOTA works in tandem with the Parking ZOTA (reduced parking requirements) and the F.A.R. ZOTA (increased density)
- The three things that constitute a site: building footprint, parking areas, and open space
- Parking ZOTA and F.A.R. ZOTA make more room for development
- ...in exchange for more purposeful open space and greenspace





# **Questions & Comments?**

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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)