

**ARTICLE V
OPEN SPACE STANDARDS**

500 APPLICABILITY

The provisions of this section shall apply to all applications for major subdivision or major development plan approval with a residential land use component.

505 PRESERVATION OF OPEN SPACE

- A. Required open space shall be reserved for any major residential subdivisions or major development plans. The amount of open space to be reserved is based on the gross acres in the proposed development and is set forth Exhibit 5-1.
- B. Exemption. Developments with fewer than 20 lots or dwelling units shall be exempt from the requirements of this section.
- C. Open Space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open-space areas may be owned, preserved, and maintained as determined by the Planning Commission by any of the following mechanisms or combinations thereof:
 - 1. Dedication of open space to the Cities of Georgetown, Stamping Ground or Sadieville, Scott County, an appropriate public agency, or a non-profit entity (such as a land conservancy) if such an agency or entity is willing to accept the dedication and is financially capable of maintaining such open space.
 - 2. Common ownership of the open space by a property Owners Association that assumes full responsibility for its maintenance. The restrictive covenants shall provide that, in the event the Owners Association fails to maintain the open space according to the standards of these Subdivision Regulations, the city or county may, following reasonable notice:
 - a. Demand that deficiency of maintenance be corrected; or
 - b. Enter the open space to maintain same. The cost of such maintenance shall be charged to the Owners Association.

OPEN SPACE CHARACTERISTICS

- A. Any areas reserved, as open space shall be indicated on a Preliminary and Final Subdivision Plat or Preliminary and Final Development Plan. The specific design of open space areas shall be sensitive to the physical characteristics of the site. Open space areas shall be designated as passive or active. Passive and active open space are defined as:
1. Active Open Space- Any park and recreational facility that is not dependent upon a specific environmental or natural resource, which is developed with recreational and support facilities that can be provided anywhere for the convenience of the user. Activity-based recreation areas include, but are not limited to, playgrounds, golf courses, bicycle trails, baseball or softball fields, football or soccer fields, basketball courts, swimming pools, clubhouses, equestrian facilities, and tennis courts.
 2. Passive Open Space- Areas in and located due to the presence of a particular natural or environmental setting and which may include conservation lands providing for both active and passive types of resource-based outdoor recreation activities that are less formalized or program-oriented than activity-based recreation. Resource-based outdoor recreation means and refers to activities requiring a natural condition that cannot easily be duplicated by man and includes, but is not limited to, boating, fishing, camping, nature trails and nature study. Farms may be considered as passive open space.
- B. Greenways/Trails
1. Greenways connecting residences, schools and recreational areas are required if the proposed property to be developed is shown on the Comprehensive Plan, Georgetown-Scott County Bicycle and Pedestrian Plan, or adjoins a school, public park or recreational area. Pedestrian trails/greenways shall be a minimum of 8' wide.
 2. Additionally, the Planning Commission may require connection to a community open space network and/or trails system if the proposed development is adjacent to the boundary of a trail and/or established recreational facility or greenway. The open space/trail system shall be maintained by the applicant or subsequent owners provided, however, that the applicant may request to publicly dedicate any trail that may advance the creation of a city or countywide greenway trails system.

C. Greenbelts

Greenbelts shall have a minimum width of not less than one-hundred (100) feet.

D. Spacing and Dimensional Limitations

1. In order to ensure that all designated open space has suitable size, location, dimension, topography and general character, and proper road and/or pedestrian access, as may be appropriate, to be usable open space, the following standards shall apply:
 - a. Open space shall be within ½ mile from any lot upon which a dwelling is intended to be built.
 - b. The minimum dimension for usable open space shall be fifteen (15) feet of width.
 - c. The percentage of open space comprised of inaccessible or unusable land shall not exceed the amount set forth in column (C) of Exhibit 5-1.

E. Required Improvements

Subdividers shall be responsible for making certain minimum improvements to the land they dedicate as open space within their development for park, playground and active open space purposes as follows:

1. Provide finish grading and turf establishment for all disturbed areas and provide landscaping and/or screening.
2. Complete, construct, and pave walkways that may be required as a trail link connector in accordance with this Section.
3. Complete and construct any additional features promised as part of either preliminary or final plan approval.

F. Access to Open Space

1. All areas to be preserved for open space are to be accessible to pedestrians by one of the following:
 - a. frontage (width as required in this Section) on a public street right-of-way; or

- b. recorded pedestrian easement (minimum 15 feet wide); or
- c. fee simple property.

515 OPEN SPACE MAINTENANCE PLAN

- A. An Open Space Provision and Maintenance Plan shall be submitted as a part of the application for development approval including the project-phasing schedule and shall be approved prior to Final Subdivision Plat or Final Development Plan approval. This plan shall designate and indicate the boundaries of all open-space areas required by this Article. The plan shall:
 - 1. Designate areas to be preserved as open space.
 - 2. Designate the type of open space that will be provided (passive or active) and the amenities that will be constructed/provided in the open space.
 - 3. Specify the manner in which the open space shall be perpetuated, maintained, and administered.
- B. The types of open space that may be provided to satisfy the requirements of this Article, together with the maintenance required for each type is as follows:
 - 1. Passive open space maintenance is limited to removal of litter, dead tree, and plant materials (that are obstructing pedestrian movement), and brush; weeding and mowing. Natural watercourses are to be maintained as free flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.
 - 2. No specific maintenance is required of agricultural uses.
 - 3. Active open space areas shall be accessible to all residents of the development. Maintenance is limited to insuring that there exist no hazards, nuisances, unhealthy conditions, or obstructions to designed activities.

Exhibit 5-1

(A) Zoning District(s)	(B) Required Percentage of Open Space*	(C) Maximum Percent in Inaccessible and Unusable Land
A-1	N/A	N/A
R-1A/B/C; R-2; R-3	5%	25%
B1-5; I-1; I-2; P-1; P-1B	N/A	N/A
Residential or Mixed Use Residential PUD	15%	25%

* Based on the Gross Density of the Subdivision or Development.

Add the following to Article II (Definitions)

Inaccessible or Unusable Land: Land unsuitable for use as open space as part of a residential or PUD development. Land with a post-development slope greater than 3:1 that severely limits its usefulness as open space, land that is located within sinkhole limits, 1% annual chance flood areas, stormwater drainage or detention/retention areas, wetlands, cave areas, or springs.