



February 26, 2020

Statement

As part of the City of Louisville's continuous efforts to protect open space properties, the Director of Parks, Recreation, and Open Space has adopted an administrative regulation to clarify and supplement the City's Municipal Code.

The administrative regulation states:

Access to open space lands abutting private property shall be limited to those access points established by the City. Fences constructed along private property that abuts City open space lands may not include gates or other openings that would provide direct access to City open space lands.

This regulation is effective immediately.

The adoption of this regulation will begin a formal process to update the City code related to fencing guidelines and new permits for fences to be constructed along private property that abuts City open space lands in which gates or other openings that would provide direct access to City open space lands are not permitted.

City Council received notice of the administrative regulation on February 26, 2020. Unless earlier rescinded by the City Council, the regulation will remain in effect for 90 days, allowing for a formal process in which permanent changes to the City code will be brought forward to the City Council for consideration.

This update only applies to properties that abut properties zoned as open space. It does not include properties that abut to parks, rights of way, or other City properties. Please click [HERE](#) for a map of open space properties.

For more information, please see the FAQ's below or contact the Planning Department at 303-335-4592 or the Parks, Recreation, and Open Space Department at 303-335-4735.



FAQ

What is an administrative regulation?

Pursuant to Louisville Municipal Code (LMC) 4.04.060, the Director of Parks, Recreation and Open Space, as the City Manager's designee, is authorized to adopt administrative rules and regulations consistent with and that supplement the provisions of Chapter 4.04 when such rules or regulations when it is determined necessary for wildlife, vegetation, or public safety concerns. Administrative regulations shall remain in effect for 90 days after their adoption, unless sooner rescinded by City Council.

When does an administrative regulation go into effect?

The regulation went into effect on February 26, 2020 and remains in effect for 90 days. The Director of Parks, Recreation and Open Space, must notify City Council within 2 days of adopting any administrative rules. City Council may rescind or modify administrative regulations.

Why did the City implement an administrative regulation?

An administrative regulation restricting private access points to open space was adopted in an effort to preserve such land. Staff had concerns that without this restriction the City would see additional private access points onto open space that would continue to negatively impact such lands by degrading vegetation, degrading wildlife habitat, creating social trails, creating erosion problems, and impacting the users' experience through open spaces.

Will the administrative regulation apply to existing fences with gates?

The administrative rule prohibits access from private properties abutting open space. Currently the Municipal Code already prohibits private improvements such as paths and this rule seeks to clarify the City's code by explicitly prohibiting gates in fences abutting open space properties. Residents will not be required to remove their existing gates from their fences, but they should discontinue use of them. Any new permits for fences to be constructed along private property that abuts City open space lands may not include gates or other openings that would provide direct access to City open space lands.



Who does the administrative regulation apply to?

The administrative regulation applies to any private fence adjacent to a City open space property. This does not apply to parks, rights-of-way or other City-owned properties.

What is the process to formalize the administrative regulation?

The process to formalize the administrative regulation includes formal meetings with the Planning Commission and City Council related to any changes to the City's Municipal Code. These meetings will occur within the 90 days that the administrative regulation is in effect.

The City's Open Space Advisory Board will also discuss the issue and provide a recommendation to staff and Planning Commission/City Council on changes to the Municipal Code.

How can I voice my opinion on this issue?

Residents can reach out to their Council representatives to ask questions and share comments on this issue. Residents may also attend any of the public meetings, including the Open Space Advisory Board, Planning Commission and City Council, and provide feedback during public comment. All public meetings are noticed in compliance with City and State law at:

<https://www.louisvilleco.gov/government/agendas-minutes>