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Brittany M. Roethemeier, J.D.

September 26, 2019

Dear Chair Owens and Planning Commission Members,

Please accept this letter on behalf of the Fayette Alliance with respect to ZOTA 2019-5: Amendment to Articles 1, 3, 8, 15 and 23 to include general zoning provisions for the incorporation and regulation of Accessory Dwelling Units (“ZOTA 2019-5”).

Founded in 2006, Fayette Alliance is a coalition of citizens dedicated to achieving sustainable growth in Lexington-Fayette County through land use advocacy, education, and research. We believe that preserving our unique and productive Bluegrass farmland, advancing smart growth, innovative development and improving our infrastructure are all essential to Lexington’s continued success.

In furtherance of this mission, we respectfully submit the following with regard to our concerns and recommendations for ZOTA 2019-5.

Zoning is an application regulating the public use of real estate to further responsible development of the community, as well as for the health and welfare of our citizens. How we promote that development is a careful balance between change and growth in the community and the citizens who live within it. The 2018 Comprehensive Plan, Imagine Lexington (“Plan”), identified infill development, land use efficiency, expansion of housing choice and enhancement of existing neighborhoods as primary objectives of our community policies going forward.¹ Our community determined these priorities were necessary to accommodate growth but also maintain our high quality of life, preserve our Bluegrass assets, neighborhoods, and identity. **We must work together to navigate the implementation of these policies in a way that both enhances our city and protects our citizens. For the Plan to be successful, we must be committed as a community to seeing it work by being open to change and progress in ways we haven’t seen in the past. This is difficult work, but we are up to the challenge.**

¹ Imagine Lexington 2018; LFUCG Planning Staff Report on Petition for ZOTA 2019-5, pg. 1.



We know Lexington is growing. By the year 2020, 23.8% of Fayette County will be 60 or older, and a significant growth in housing needs in our near future will be for aging seniors.² Nationally, baby boomers are driving this growth, and the number of households headed by adults between 65-74 rose 26% from 2011-2016; meaning that the number of households in their 70's, 80's and 90's in the coming years is "set to soar".³ Our city's demographics are clearly changing and data shows more diverse housing options are critical to accommodate these trends.⁴ Pursuant to these needs, the Senior Services Commission approached the Planning Staff to codify Accessory Dwelling Units ("ADUs") in our ordinance. Their most basic intent is to provide an alternative housing choice that increases density through infill in an incremental way and by making efficient use of existing infrastructure. Further, they provide the opportunity for "aging in place, while also creating additional housing units that fit within the context of neighborhoods."⁵ It is critical to remember that ADUs will not completely solve our housing needs and **are not intended to do so**. Many efforts and options for housing must be combined to meet our needs, and this is just one opportunity.

Planning Staff has clearly done their research on ADU ordinances around the country and proposed an ordinance which would pave the way for the most likely adoption and utilization of this housing option in Lexington. Fayette Alliance applauds the Staff for their diligence and hard work. Research shows that if a community wants an ADU ordinance to actually provide the housing option it intends to, many restrictions and caveats written into the ordinance only serve to deter this option from being utilized. The ordinance's effectiveness in Lexington, however, depends on ensuring that the mitigation of risks and community support outweighs the potential negative effect it may have in our neighborhoods. We must work *with* our community to take action *for* our community.

While Planning Staff has addressed many risks identified by the public, and while providing diverse housing options and "gentle" infill opportunities are crucial to the implementation of the Plan, outstanding issues that affect our particular community still need to be addressed before moving forward with ZOTA 2019-5. Particularly, the potential for ADUs to be used as unregulated rentals and student housing has the ability to threaten the quality and context of our neighborhoods. In order to better prepare the ordinance for adoption, Fayette Alliance recommends the following be further discussed and incorporated into the draft ordinance prior to its passage by the Planning Commission:

- Owner occupancy for one of the two dwellings (primary or accessory)

² Division of Aging & Disability Services, 2018 Annual Report, pg. 2.

³ Joint Center for Housing Studies of Harvard University: Housing America's Older Adults, 2018, pg. 2.

⁴ Fayette County Housing Demand Study 2017, pg. 2-4.

⁵ LFUCG Planning Staff Report on Petition for ZOTA 2019-5, pg. 3.

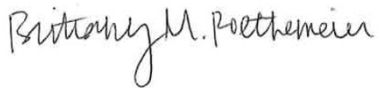
- Expansion of application of limit of four (4) unrelated persons to reside in one single-family dwelling to a limit of four (4) unrelated persons to reside on one lot containing a single-family dwelling
- Enforcement process and resource education for neighborhoods

Fayette Alliance believes additional discussion and incorporation of the above items can work to lessen the potential for negative impact of ADUs on our neighborhoods and better establish an ongoing conversation and relationship between the Planning Commission and our citizens as we move forward in implementation of the Plan.

In addition to the above, doing further research into establishing a process for rental licensing and inspection could reduce the burden of existing rentals on neighborhoods, promoting safe, affordable, appropriately maintained rental units that actually work to enhance neighborhoods and provide their own option for housing diversity. Successfully doing so could negate the need for one or both of the above restrictions in the ADU ordinance at a later date. Leaving open the opportunity to reduce the restrictions and limitations within the ordinance in the future, by establishing infrastructure required to regulate the concerns from which these restrictions arise, Lexington can set itself up for success to have ADUs utilized for their intended purpose; to responsibly and sustainably provide diverse, affordable housing options for our citizens.

Fayette Alliance is committed to being a supportive partner in re-examining this ordinance over time as it may need to change to continue to be in line with the goals and desires of our citizens and our community. We know that all of you, Planning Staff, and all of our community stakeholders have the same goal in mind: a better Lexington. I look forward to continuing to work with you as we move towards achieving it. On behalf of the Fayette Alliance, I sincerely thank you for your consideration.

Respectfully,



Brittany M. Roethemeier, J.D.
Executive Director

CC: Traci Wade, LFUCG Planning Manager
Jim Duncan, LFUCG Director of Planning
Chris Taylor, LFUCG Administrative Officer- Long Range Planning