



FAYETTE ALLIANCE

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Brittany M. Roethemeier, J.D.

September 14, 2021

Dear Councilmembers,

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 celebrating 15 years as a non-profit dedicated to achieving sustainable, equitable 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 support for ZOTA 2019-5.

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, through a rigorous process which involved over 10,000 community members weighing in, 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 community members. 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, as change always is. We know Lexington is up to the challenge.

We also know, as you do, that Lexington is growing. It was estimated that as of 2020, 23.8% of Fayette County would be age 60 or older, and that a significant growth in housing

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

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 research shows more diverse housing options are critical to accommodate these trends.⁴ A recently released study by the National Association of Realtors highlighted the national housing shortage to meet our population growth, which we are seeing impact Lexington as well, and proposed a multi-pronged slate of solutions to address these issues, which include: more and better funding capabilities for housing, changes in zoning to accommodate more units in smaller spaces, and converting underutilized commercial space to residential homes.⁵ These are all solutions that Fayette Alliance advocates for, and will continue to advocate for. The ADU ordinance represents one aspect of these solutions, which must work together to be effective for our future.

In Lexington, as well as across the country, research shows we need to update our zoning to meet our needs. We need to allow new and different types of housing, build housing close to existing jobs, transportation, and amenities, and more efficiently use our existing infrastructure. There is no "silver bullet" to solve our housing needs. It will take a combination of policies and innovation to address these challenges and benefit all of our community members. Creating an option for more diverse housing types in an existing neighborhood, like an ADU, is not intended to destroy the character of the neighborhood; instead, it works to create an opportunity for housing on a smaller and more affordable scale, in a way that allows residents to enjoy the benefits of our established neighborhoods. They are just one opportunity to use the resources at our disposal in an impactful, but incremental, way.

The Planning Staff did extensive research on ADU ordinances around the country before proposing, subsequently revising, and proposing the ordinance again to the Planning Commission in 2019. As with any changes to how our community sees housing development over the past decades, there are challenges. Change can be difficult, and it's critical that we evaluate what unintended consequences those changes may have to the quality of life we enjoy.

Taking into consideration community feedback and valid neighborhood concerns, Fayette Alliance advocated for changes to the original ordinance proposal. To mitigate concerns over student housing and landlords utilizing this tool to increase profits without consideration for services and quality of life, we recommended an owner-occupancy requirement in one of the residences (either

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 Rosen Consulting Group for the National Association of Realtors, 2021, "Housing is Critical Infrastructure: Social and Economic Benefits of Building More Housing", pg. 16.

the ADU or the principal residence), as well as a limit on the maximum capacity of the ADU (max of two adults). We were happy to see these recommendations put into the current proposal and unanimously approved by the Planning Commission. Further, requirements were added for pre-application conferences with Planning staff, restrictions to be filed with the County Clerk to put any future purchasers on notice of the rules to be complied with, and the prohibition of the ADU being used as a short-term rental without obtaining a conditional use permit, an additional approval process. Safeguards were put in place to ensure the benefits were plenty and the risks to existing neighborhoods were significantly reduced.

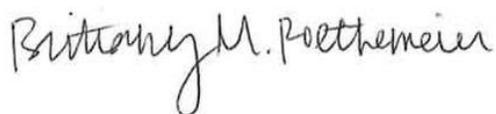
These changes were the benefit of community conversation and the hope all of our residents have of providing new, and more affordable, housing options for those who need them, as well as preserving and protecting our existing neighborhoods. If the restrictions put in place to prevent those unintended consequences do not work as intended, we will happily work with the Planning Staff and other community partners to identify those issues and work toward solutions that continue to enhance our quality of life as Lexingtonians.

It is also important to note that there is broad support for this ordinance among our community members, as well as other innovative updates to our zoning ordinance, much like there was for the vision of smart growth when it was set out in the 2018 Comprehensive Plan. Fayette Alliance is proud to be a part of the **Coalition for a Liveable Lexington**, which supports ADUs, and includes the following organizations: Age Friendly Lexington, Lexington Community Land Trust, Lexington Fair Housing Council, Lexington-Fayette Urban County Human Rights Commission, Lexington United for Liveability, and REACH. We believe that diverse community groups can come together to support forward looking changes to benefit us all, despite our differing missions. Our coalition shows what can be possible, and we look forward to working together on additional solutions to our community's growth needs.

Fayette Alliance believes the ADU ordinance as proposed sets our community up for success to allow ADUs to be utilized for their intended purpose; to responsibly and sustainably provide diverse, more affordable housing options for our fellow Lexingtonians. We are 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 residents and our community.

We know that all of you 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,

A handwritten signature in black ink that reads "Brittany M. Roethemeier". The signature is written in a cursive, flowing style.

Brittany M. Roethemeier, J.D.
Executive Director

Cc: James Duncan/Director of Planning