

# ACCESSORY DWELLING UNITS ORDINANCE: 1 YEAR UPDATE

Chris Taylor, *Administrative Officer*  
*Long Range Planning*  
*Division of Planning*



**LEXINGTON**

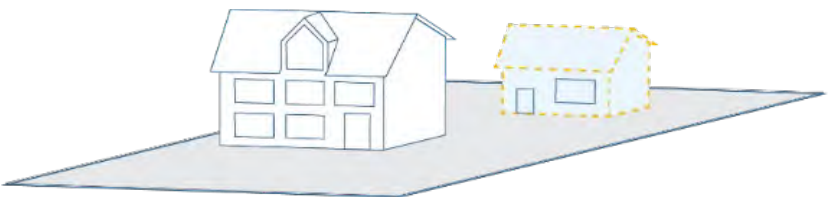
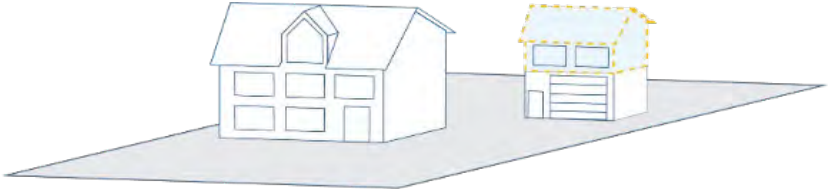
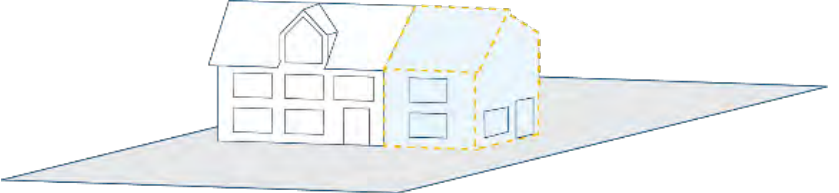
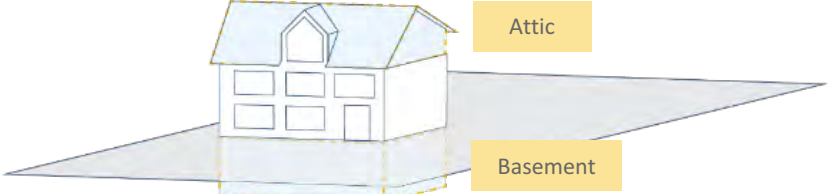


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# One Year Accessory Dwelling Units in Lexington

- What was adopted?
- What has been the response?
- What are applicants concerned about?
- What issues are we seeing?
- How do we meet demand for ADUs?

# Types of ADUs

<p>New construction</p>	 A 3D line drawing of a main house with a gabled roof and a dormer. To its right is a smaller, separate structure with a gabled roof, outlined with a dashed yellow border to indicate it is a new addition.
<p>Alteration of existing structure</p>	 A 3D line drawing of a main house. To its right is a smaller structure that appears to be a garage or shed, outlined with a dashed yellow border to indicate it is an alteration of an existing structure.
<p>Addition to an existing structure</p>	 A 3D line drawing of a main house. A new section has been added to the right side of the main house, outlined with a dashed yellow border.
<p>Conversion of an existing structure</p>	 A 3D line drawing of a main house. The attic space is highlighted with a dashed yellow border and labeled "Attic" in a yellow box. The basement space is also highlighted with a dashed yellow border and labeled "Basement" in a yellow box.



## Current Ordinance

<b>OWNER OCCUPANCY</b>	The property owner is required to reside in either the main residence or the ADU.
<b>WHERE ALLOWED</b>	Any zone that allows, and any lot that contains, a single family detached structure. Lots that contain attached, or multi-family housing structures do not allow ADUs.
<b>SHORT-TERM RENTAL (AIRBNB, VRBO, ETC.)</b>	The use of an ADU as a short-term rental is not allowed except by Conditional Use as approved by the Board of Adjustment.
<b>MAXIMUM OCCUPANCY</b>	A maximum of 2 persons plus any related children may reside in the ADU.
<b>SIZE</b>	An ADU shall not: <ul style="list-style-type: none"> <li>• Exceed 800 square feet in any instance</li> <li>• Exceed 50% of the total square footage of the main residence, or 625 square feet (whichever is greater)</li> </ul>
<b>NUMBER OF ADUS</b>	A maximum of 1 ADU per lot.
<b>PARKING</b>	No additional parking space is required.
<b>SETBACK</b>	Attached ADUs must comply with the setbacks of the underlying zone for the main residence. Detached ADUs must comply with the setbacks for all accessory structures (18 inches from the property line).
<b>HEIGHT</b>	Attached ADUs must comply with the height of the underlying zone for the main structure. Detached ADUs shall not exceed the height of the main residence.
<b>DEED RESTRICTIONS</b>	Any property with an ADU will have a deed restriction in favor of LFUCG to aid in enforcement efforts, as well as notify new property owner at closing of the requirements for legal ADU ownership.
<b>REQUIRED PRE-APPLICATION MEETING</b>	Before a permit is pulled, the applicant must meet with Planning staff to discuss design consideration, zoning (ND-1 or H-1 overlays), and possible deed restrictions.
<b>COMPLIANCE</b>	No permit shall be issued for an ADU until a Zoning Compliance Permit is issued by the Division of Planning.

## Current Ordinance – Detached Units

- (p) Special Provisions:  
Detached Accessory Dwelling Units are only permitted in detached structures which:
- (1) Were constructed prior to October 31<sup>st</sup>, 2021; or
  - (2) Had on file with the Lexington-Fayette Urban County Government, prior to October 31<sup>st</sup>, 2021, an application for a building permit.



## ADU Timeline

- **March 2018:** Idea of ADUs for Lexington reemerges in Theme A of the 2018 Comprehensive Plan
- **September 26, 2019:** Initial Planning Commission public hearing
- **October 21, 2019:** Staff Response and Planning Commission Action
  - Significant revisions to address public concerns
  - Unanimous Planning Commission approval recommendation
- **November 19, 2019:** Council places ADUs in Planning & Public Safety Committee
- **August 10, 2021:** Planning & Public Safety Committee Presentation
- **October 28, 2021:** Urban County Council adopts revised ADU Ordinance
- **November 2, 2021:** First ADU Pre-application meeting


# Mornings with Planning ADU Conference



**FEB  
1-2  
2022**  
.....  
8:30A-12:00P

## LOUISVILLE & LEXINGTON ADU CONFERENCE


### SESSIONS FROM EXPERTS IN...

 **ARCHITECTURE &  
CONSTRUCTION**



**Bryce Jahner**


Executive Director: Construction +  
New Markets, Haven Developers

 **APPRAISAL**



**Abdur Abdul-Malik**


Owner, A Quality Appraisal  
Portland, OR

 **LENDING**



**Milton Manolis**

National Renovation Sales  
Manager, loanDepot

 **REAL ESTATE**



**Florentine Christian,**

Founder and CEO, Sidekick  
Homes, Los Angeles, CA

# October 2021 Projections and Community Impact

## Existing trends in similar communities:

- Santa Cruz, California
  - ADU reform in 2017
  - Population: 65,000
  - ADU permits post-reform: 38
  - ADU permits per 10,000 people: 5.8
- Durham, North Carolina
  - ADU reform in 2017
  - Population: 275,000
  - ADU Permits post-reform: 16
  - ADU permits/10,000 people: .58

Lexington TWO YEAR projections based on these trends assuming application of current proposal:

At 5.8/10,000 people =  
**~190 ADUs**



At 0.58/10,000 people =  
**~19 ADUs**



## One Year Actual Permitting

Lexington TWO YEAR projections based on these trends assuming application of current proposal:

At 5.8/10,000 people =

**~190 ADUs**



At 0.58/10,000 people =

**~19 ADUs**

### ▪ Louisville, KY

- ADU adoption June 2021
- Population: 633,000
- ADU permits: 40
- ADU permits/10,000 people: .63

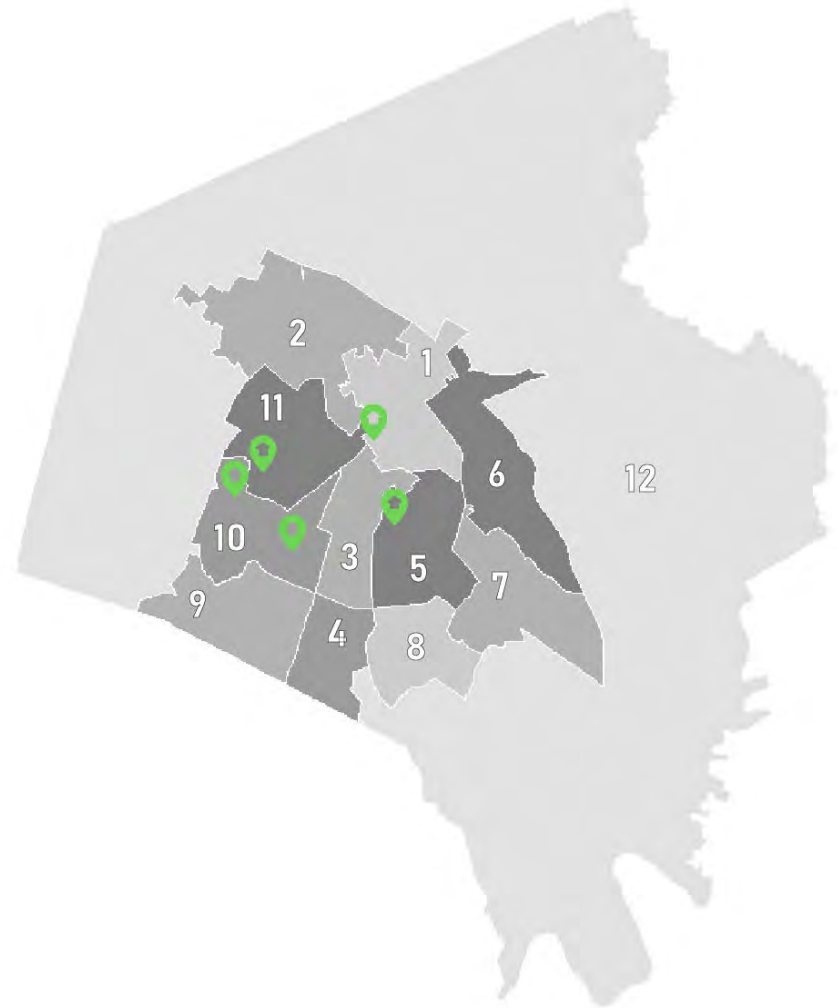
### ▪ Lexington, KY

- ADU adoption October 2021
- Population: 322,000
- ADU Permits: 5
- **ADU permits/10,000 people: .15**


## One Year of ADUs


 **5 Permitted ADUs  
completed or still under  
construction**

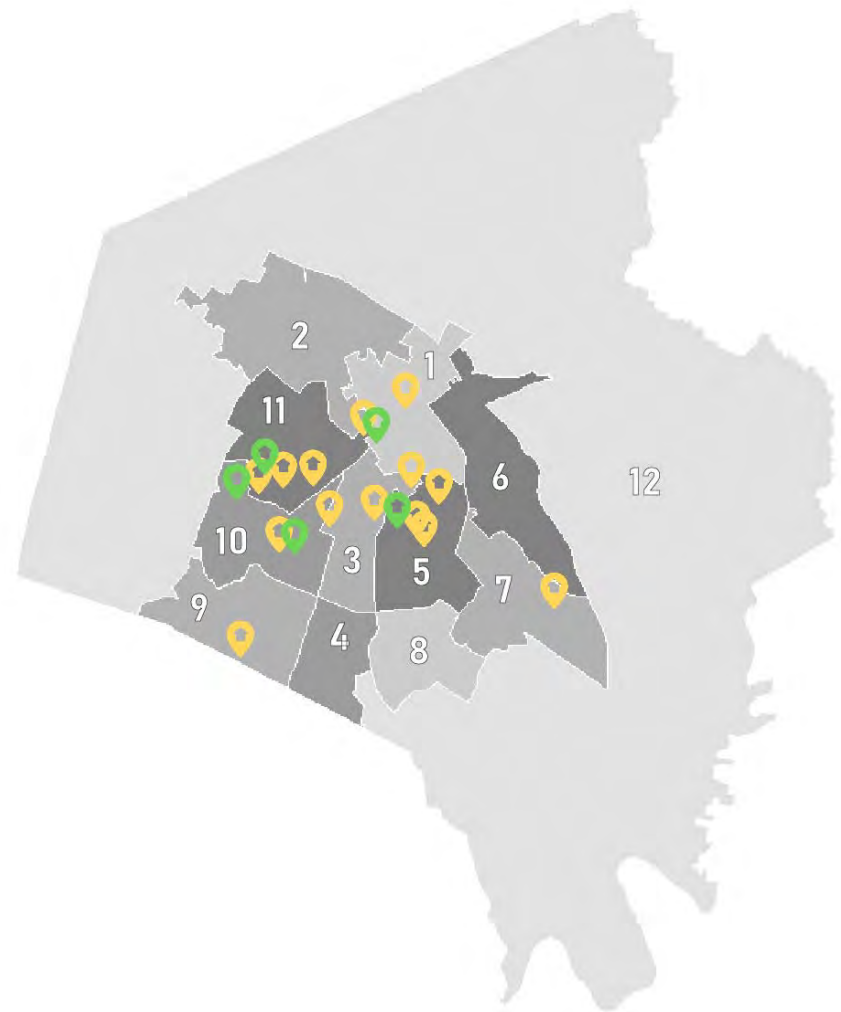
- **4 Detached conversions**
- **1 Addition, previously permitted by BOA in 1995**
- **Average square footage of 489 sq. ft.**
- **All 5 are studio or 1 BR**



## One Year of ADUs




-  **5 Permitted ADUs completed or still under construction**
  - 4 Detached conversions
  - 1 Addition, previously permitted by BOA in 1995
  - Average square footage of 489 sq. ft.
  - All 5 are studio or 1 BR

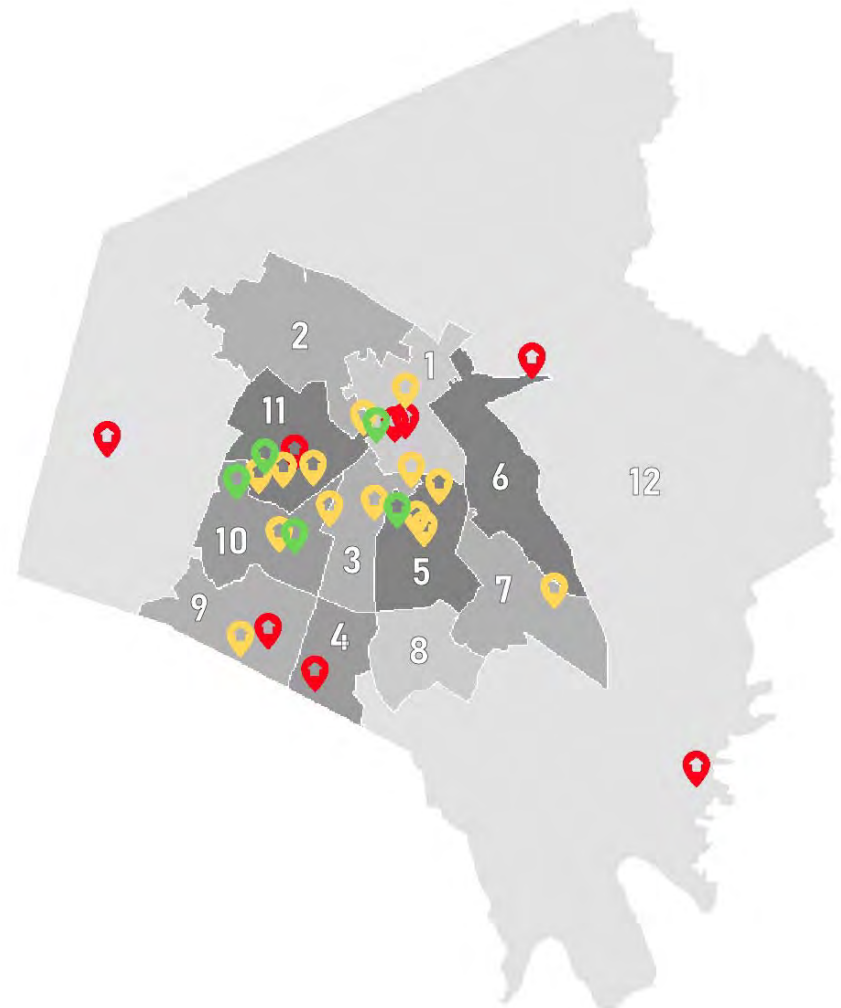
-  **15 Completed Pre-application meeting with intention to move forward**





## One Year of ADUs

-  **5 Permitted ADUs completed or still under construction**
  - 4 Detached conversions
  - 1 Addition, previously permitted by BOA in 1995
  - Average square footage of 489 sq. ft.
  - All 5 are studio or 1 BR
-  **15 Completed Pre-application meeting with intention to move forward**
-  **8 Completed pre-application meeting but regulations prevented moving forward.**





# One Year of ADUs



**First Fully Permitted ADU**



# One Year of ADUs



**First Fully Permitted ADU**



# One Year of ADUs



**Detached Conversion**



## What are applicants concerned about?

- **Cost and availability of contractors / professionals / materials**
- **Preference for new detached ADUs**
- **Lack of flexibility for potential short-term rentals**
- **Water quality permit fee**
- **Owner occupancy requirement**
- **Difficulty for homeowners in permitting and plan review**





# What issues are we seeing?

- **Lack of cohesive distinctions between**
  - **Living Quarters**
  - **Accessory Dwelling Units**
  - **Short Term Rentals**

## What issues are we seeing?



**ADU? Living Quarters? Short term rental?**



## What issues are we seeing?



**ADU? Living Quarters? Short term rental?**



## What issues are we seeing?

- **Building Code – Interior conversions**
  - **Current applicable 2015 International Residential Code**
    - **With 2018 Kentucky Amendments**
    - **No references**
    - **ADUs essentially regulated under duplex code**
      - **Fire Rating**
      - **HVAC Separation**

## Current ordinance is not meeting demand for ADUs

Lexington TWO YEAR projections based on these trends assuming application of current proposal:

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## **How do we meet the demand for ADUs?**

- **Greater education on ADUs as a housing option**
- **Ease the process for homeowners**
  - **Improve/streamline permitting process**
  - **Pre-approved site plans**
  - **Develop LFUCG funding sources for low/moderate income families**
- **Improve/Clarify zoning regulations**
  - **Begin update process with Planning Commission and public outreach**
  - **Timeline for Council review, late Spring 2023**

# Questions?



**LEXINGTON**