



Agenda Abstract

JOINT PUBLIC HEARING

Meeting Date: April 18, 2024
 Department: Planning and Economic Development Division
 Agenda Section: Public Hearing Items
 Public hearing: Yes
 Date of public hearing: April 18, 2024

PRESENTER/INFORMATION CONTACT

Molly Boyle, Planner II
 Shannan Campbell, Planning and Economic Development Manager

ITEM TO BE CONSIDERED

- Subject:** Unified Development Ordinance (UDO) text amendment (staff initiated):
- Table 5.1.7 *Use Table for Residential Districts*
 - Section 5.2.8.1 – 5.2.8.2 *Dwelling, Accessory*
 - Section 5.2.18.1 *Home Occupation*
 - Section 5.2.39.1 *Planned Development – Standards of Evaluation*
 - Section 5.2.46 *Short-Term Rental* (new section)
 - Section 9.1.5.2 *Permissible Encroachment into Required Setbacks*
 - Section 9.2 *Definitions*

Attachments:

1. UDO sections listed above, as proposed to be amended

Summary:

- Accessory Dwelling Units (ADUs):
 The UDO currently caps the size of accessory dwelling units (ADUs) at 50% of the primary dwelling’s heated living area or 800 square feet, whichever is less. This creates a “small house penalty.” In other words, the regulation works well for larger primary homes but is less accommodating to smaller ones as shown below:

Examples of Maximum ADU Sizes (Current UDO)	
Primary Dwelling Size	Max. ADU Size
1,000 sq. ft.	500 sq. ft.
1,200 sq. ft.	600 sq. ft.
1,500 sq. ft.	750 sq. ft.
2,000 sq. ft.	800 sq. ft.
2,500 sq. ft.	800 sq. ft.

This amendment proposes changes to ADU regulations to create more flexibility for smaller primary homes. It follows recommended practices from AARP, the American Planning Association, and the Land of Sky Regional Council.

- Home Occupations and Short-Term Rentals:
 The amendment also includes changes to home occupation regulations and new regulations on short-term rentals. The revisions put the standards for ADUs, home occupations, and short-term rentals into

alignment. Staff believes this is important given the link between the three land uses; home occupations are allowed in ADUs, and residents often seek to use their ADUs as short-term rentals.

The amendment does not allow short-term rentals in the multi-family (MF) district, the mobile home park (MHP) district, or residential special use districts¹. However, the board may wish to discuss allowing short-term rentals in those districts as well.

- Correction to Planned Development Standards of Evaluation:
The Planning Manager recently discovered a scrivener error in the UDO. Specifically, UDO Section 5.2.39.1 *Planned Development – Standards of Evaluation* sets a residential density maximum of 13 persons per acre. When the Board of Commissioners adopted the regulations on planned developments in October 2022, the residential density maximum was not part of the adopted amendment. This error is corrected in the current amendment.

Comprehensive Sustainability Plan goals:

- Land Use and Development Goal 1:
Ensure that future growth and development, including infill and redevelopment, are aligned with smart growth principles and consider infrastructure constraints such as water and wastewater system capacity.
- Strategy:
Ensure that land use and redevelopment regulations are aligned with preferred future land use and growth patterns.

Financial impacts:

None.

Staff recommendation and comments:

Staff recommends approval of the text amendment as written.

Action requested:

Hold the public hearing, after which the Planning Board may A) make its recommendation, or B) table making a recommendation until its meeting on May 16, 2024.

¹ Effective July 1, 2021, special use zoning districts are no longer allowed in North Carolina. These special use zoning districts existed before that date and are now considered conditional zoning districts per the North Carolina General Statutes.