



## Agenda Abstract

### JOINT PUBLIC HEARING

Meeting Date:	August 15, 2024
Department:	Planning and Economic Development Division
Agenda Section:	5D
Public hearing:	Yes
Date of public hearing:	August 15, 2024

#### PRESENTER/INFORMATION CONTACT

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

#### ITEM TO BE CONSIDERED

**Subject:** Unified Development Ordinance (UDO) text amendment to Section 5.2.8, *Dwelling, Accessory* (applicant-initiated)

##### Attachments:

1. Submitted application materials, including applicant's proposed amendment and justification
2. UDO Section 5.2.8, *Dwelling, Accessory*, as currently written in the UDO
3. Staff Analysis
4. Minutes from previous meetings discussing attached ADUs on private streets
5. Map of single-family parcels on private streets in town's planning jurisdiction
6. Examples of private streets in town's planning jurisdiction

##### Background:

On April 18, 2024, a joint public hearing was held for a staff-initiated UDO text amendment on accessory dwelling units (ADUs). The main goal of the text amendment was to increase the maximum size of ADUs.

A resident, Natalie Dolgireff, spoke at the hearing. She and her husband live on the private portion of Daphne Drive (originally platted as Daphne Court). She asked that the amendment be revised to allow freestanding (*i.e.*, detached) ADUs on private streets so they could build a freestanding ADU; currently, the UDO allows freestanding ADUs only on lots with direct access to a public street.

On June 10, 2024, the Board of Commissioners adopted the text amendment as originally proposed by staff (*i.e.*, Ms. Dolgireff's request was not included). When making its recommendation in May 2024, the Planning Board asked staff to investigate the feasibility of allowing freestanding ADUs on private streets and to report back to the board. Before the Planning Board met again, the applicant submitted their own request to amend the UDO.

##### Proposal:

The applicant is proposing to amend UDO Section 5.2.8, *Dwelling, Accessory* to allow freestanding ADUs on private streets. The applicant's proposed amendment and justification are enclosed with the application materials.

##### Comprehensive Sustainability Plan goals:

- Land Use & 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 development regulations are aligned with preferred future land use and growth patterns.

**Financial impacts:** None.

**Staff comments and recommendation:**

See the enclosed Staff Analysis for comments from Planning and Utilities.

Staff does not support the proposed text amendment as written. Staff has many concerns about increasing residential density on private streets as outlined in the Staff Analysis. If the boards wish to allow freestanding ADUs on private streets, staff recommends including the following limitations:

- A platted, deeded public utility easement shall be required and existing utility lines shall be upsized, if deemed necessary by the Utilities Department; and
- The private street providing access to the ADU must conform to UDO Section 6.21.4, *Design Standards – Private Streets*.

Note this would necessitate additional amendments to Section 6.21.4. For example, subsection 6.21.4.5.b prohibits “any other residential use or nonresidential use that would tend to generate more traffic than that customarily generated by four (4) single-family residences” on private streets. This language would need to be revised.

**Action requested:**

Hold the public hearing and indicate if allowing freestanding ADUs on private streets is desired.

If so, staff will coordinate with the applicant to make the boards’ requested revisions, if any. The item will then go to the Planning Board for recommendation on September 19, 2024.