



## Agenda Abstract PLANNING BOARD

Meeting Date:	February 15, 2024
Department:	Planning and Economic Development Division
Agenda Section:	Old Business
Public hearing:	Yes
Date of public hearing:	April 18, 2024 (tentative)

### 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 5.2.46 *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

#### Background:

This amendment was first reviewed at the Planning Board regular meeting on December 21, 2023. The board voted 5-1 to send the amendment to the public hearing on January 18, 2024. However, before the amendment went to public hearing, the Tourism Development Authority requested the following revisions:

- Allow accessory dwelling units (ADUs) to encroach into side and rear yard setbacks under UDO Section 9.1.5.2 (c) *Permissible Encroachment into Required Setbacks*;
- Include a definition for “short-term rental” in Section 9; and
- Add that a short-term rental is permissible with a home occupation permit.

#### Revised Proposal:

The proposed text amendment has been revised based on feedback from the Tourism Development Authority and the Planning and Economic Development Manager.

Staff created a definition for “short-term rental” using *A Planner’s Dictionary* from the American Planning Association as reference. A new section, Section 5.2.46 *Short-term Rental*, includes use standards, one of which is that a home occupation permit is required for any short-term rental operation.

The amendment does not allow short-term rentals in the multi-family (MF) district, the mobile home park (MHP) district, or residential special use districts<sup>1</sup>. However, the board may wish to discuss allowing short-term rentals in

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<sup>1</sup> 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.

those districts as well. The proposed changes regarding maximum ADU size have not been changed since the December 21<sup>st</sup> meeting.

**Relevant Links:**

- Planning Board Regular Meeting Agenda from December 21, 2023:  
<https://hillsborough-nc.municodemeetings.com/bc-pb/page/planning-board-regular-meeting>

**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:**

Discuss and send the proposed text amendment to the joint public hearing on April 18, 2024.