



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date:	Oct. 14, 2024
Department:	Planning and Economic Development
Agenda Section:	Regular
Public hearing:	Yes
Date of public hearing:	Aug. 15, 2024

PRESENTER/INFORMATION CONTACT

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

ITEM TO BE CONSIDERED

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

Attachments:

1. Submitted application, including applicant's proposed amendment and justification
2. Staff analysis
3. Staff draft of text amendment
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
7. Consistency statement
8. Ordinance

Summary:

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

Hillsborough resident, Natalie Dolgireff, spoke at the hearing. She and her husband live on the private portion of Daphine Drive (originally platted as Daphine Court). She asked that the amendment be revised to allow freestanding (*i.e.*, detached) accessory dwelling units on private streets so they could build a freestanding accessory dwelling unit; currently, the Unified Development Ordinance allows freestanding accessory dwelling units 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.*, 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 accessory dwelling units 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 Unified Development Ordinance.

The joint public hearing for this proposal was held on Aug. 15, 2024. Minutes from the hearing are available online: <https://mccmeetings.blob.core.usgovcloudapi.net/hillsbronc-pubu/MEET-Minutes-b7f52dc9d9ca462cb8c47b47ee1b1534.pdf>.

Proposal:

The applicant is proposing to amend Unified Development Ordinance Section 5.2.8, *Dwelling, Accessory* to allow freestanding accessory dwelling units on private streets. The applicant's proposed amendment and justification are enclosed with the application materials.

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 development regulations are aligned with preferred future land use and growth patterns.
- Town Government and Public Services Goal 2: Adopt local laws, regulations, and policies that help to achieve sustainable and equitable outcomes.
 - Strategy: Develop and adopt policies that help accomplish town goals.

Financial impacts:

None.

Staff recommendation and comments:

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 accessory dwelling units 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 accessory dwelling unit must conform to Unified Development Ordinance 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.

Staff has enclosed a draft version of the text amendment inclusive of staff's suggested edits.

Planning Board recommendation:

At its regular meeting on Sept. 19, 2024, the Planning Board unanimously recommended approval of Planning staff's draft of the text amendment (6-0). The Planning Board felt staff's revisions were necessary to help address emergency access and utility concerns associated with allowing accessory dwelling units on private streets.

Action requested:

Make a recommendation on the proposed text amendment.