

**TOWN OF DAYTON  
PLANNING COMMISSION MEETING**

**Thursday, July 16, 2020**

**6:00 P.M.**

**AGENDA**

- 1) Call Meeting to Order
- 2) Planning Commission Orientation
- 3) Approval of Minutes for Regular Meeting of February 20, 2020; Regular Meeting of April 16, 2020 and Special Called Meeting of May 11, 2020
- 4) Items for Consideration
  - a) Ordinance Amending Certain Provisions of the Town Code of the Town Code of the Town of Dayton, Virginia relating to Short-Term Rentals
  - b) Capital Improvement Program (CIP)
- 5) Unfinished Business:
- 6) New Business
- 7) Public Comment
- 8) Adjournment

**TOWN OF DAYTON  
PLANNING COMMISSION COMMITTEE  
February 20, 2020**

**COMMITTEE MEMBERS PRESENT:** Chairperson Colby Miller, Gary Bowman, Zachary Fletchall, and Heidi Hoover

**COMMITTEE MEMBERS ABSENT:** Hunter Barnett

**ALSO PRESENT:** Town Clerk Christa Hall

**CALL TO ORDER:** Chairperson Colby Miller called the meeting to order at 6:02 p.m.

**APPROVAL OF MINUTES FOR REGULAR MEETING OF January 16, 2020**

Chairperson Miller asked for a motion to approve the minutes as presented. A motion was made by Commission Member Hoover and seconded by Commission Member Bowman and passed unanimously.

**STAFF REPORTS**

- Town Manager – no report.
- Zoning Official Christa Hall provided a written report, which is attached.

**UNFINISHED BUSINESS—ELECTION OF OFFICERS:** Chairman Miller stated that the purpose of this meeting is to elect a Chairperson and Vice-Chairperson. Commission Member Fletchall moved to appoint Hunter Barnett as Chairperson for the Planning Commission, the motion was seconded by Commission Member Bowman and passed unanimously. Commission Member Fletchall moved to appoint Heidi Hoover as Vice-Chair for the Planning Commission, the motion was seconded by Commission member Bowman and passes unanimously.

**NEW BUSINESS:** None

**PUBLIC COMMENT:** Bradford Dyjack, Director of Planning for Rockingham County addressed the Commission to provide a status update on the bike and buggy lane project of Route 42. The work will begin in April and should be completed with minimum road closures by the end of May. This lane will run from Bowman Road/Eberly Road to Garbers Church Road on both sides on the road.

**ADJOURN:** There being no further business to come before Planning Commission, Commission Member Fletchall made a motion to adjourn and was seconded by Commission Member Hoover and passed unanimously. Meeting adjourned at 6:07 p.m.

Respectfully Submitted;

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Chairperson Colby Miller

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Clerk, Christa Hall

## Zoning Staff Report

January 2020

### 1. Activity Report

- Staff continues to address and remedy nuisance property violations in Town.
- Several zoning permits were issued, including a new request for the installation of a sign at the Blacksmith Shop.
- The Town was recently contacted about land located on Thompson Street and received a request for the vacation of lot lines. This vacation was approved, however, it was explained that this will not be considered as an appropriate subdivision request for building an additional primary residence as it does not conform to our Code requirements for R1 zoning.
- Shenandoah University requested the placement of a Virginia historical highway marker next to the VDOT right-of-way at the Dayton Market. The Town approved the request, conditioned upon the proper permissions from the Dayton Market, VDOT and Rockingham County.
- Town staff is working with JWK at their request to connect an additional water line and ensure that they take the necessary steps for the installation of the backflow preventers.
- Town staff met with a real estate agent and a developer interested in building duplexes on the property located on Route 257 in front of South Breeze.

### 2. Project Update

- a. The deeds for the Cooks Creek Park land acquisition from Norma Koogler have been filed in the Rockingham County Clerk's Office.

### 3. Items for Consideration--None

Respectfully submitted,

*Christa Hall*

Zoning Official

**TOWN OF DAYTON  
PLANNING COMMISSION VIRTUAL ZOOM MEETING  
April 16, 2020**

**COMMISSION MEMBERS PRESENT:** Chairperson Hunter Barnett, Gary Bowman, and Heidi Hoover

**COMMISSION MEMBERS ABSENT:** Colby Miller and Zachary Fletchall

**ALSO PRESENT:** Town Manager Angela Lawrence and Town Clerk Christa Hall

**CALL TO ORDER:** Chairperson Hunter Barnett called the meeting to order at 6:05 p.m.

**APPROVAL OF MINUTES FOR REGULAR MEETING OF FEBRUARY 20, 2020**

Chairperson Barnett asked if everyone had reviewed the minutes from the February 20, 2020 Planning Commission meeting and asked if there were any questions. Commission Members felt that the minutes were fine as presented but could not be approved as there was not an appropriate quorum of voting members. This will be placed on the agenda for the next meeting as unfinished business.

**STAFF REPORTS**

- Zoning Official Christa Hall provided written reports for February and March, which are attached. Ms. Hall further explained that the purpose of this month's meeting was for the Planning Commission to review an application for a Special Use Permit for 210 Thompson Street and set for a Joint Public Hearing with Dayton Town Council. After discussion, the Planning Commission agreed to set the matter to be heard for a virtual Zoom Joint Public Hearing with the Town Council on Monday, May 11, 2020 at 5:30 p.m.
- Town Manager Angela Lawrence provided a verbal report with updates to the health of Commission Member Zack Fletchall, the Mill Street project, the upgrades at the water plant, the hydrant mapping program, the business newsletter and the USDA grant for wayfare signage. She also advised the Commission of the vacancy on the Dayton Town Council due to the unexpected passing of Council Todd Collier and encouraged the commission members to reach out to her and/or the Council if they were interested in applying or had any questions.

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:** None

**PUBLIC COMMENT:** None

**ADJOURN:** There being no further business to come before Planning Commission, Vice-Chairperson Heidi Hoover made a motion to adjourn and was seconded by Commission Member Gary Bowman and passed unanimously. Meeting adjourned at 6:25 p.m.

Respectfully Submitted;

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Chairperson Hunter Barnett

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Clerk, Christa Hall

Item 4.e.

## Zoning Staff Report

February 2020

1. Activity Report
  - a. Staff continues to address and remedy nuisance property violations in Town.
  - b. Several zoning permits were issued.
  - c. Town Staff is working with Country Village Bakery, located outside Dayton Town limits just past Sunrise Deli, to connect to the Town's water and sewer.
  - d. Planning Commission held their annual organizational meeting on February 20, 2020 and named Hunter Barnett as the new Chairman, with Heidi Hoover to serve as the new Vice-Chair.
  - e. Planning Commission Member, Heidi Hoover, and Zoning Official, Christa Hall, attended the two-day opening session of the Certified Planning Commissioner's Program in Harrisonburg on February 27-28.
  - f. Rockingham County Director of Planning, Bradford Dyjack, reported to the Planning Commission that the installation of the bike and buggy lane on Route 42 is scheduled to begin in April and should be completed by the end of May.
2. Project Update--None
3. Items for Consideration--None

Respectfully submitted,

*Christa Hall*

Zoning Official

## Zoning Staff Report

March 2020

1. Activity Report
  - a. Staff continues to address and remedy nuisance property violations in Town.
  - b. Several zoning permits were issued.
  - c. Town Staff has received an Application for a Special Use Permit for 210 Thompson Street requesting the ability to use the building as a storage facility for a coffee business with retail locations in Harrisonburg and Bridgewater.
  - d. The Planning Commission meeting in March was canceled.
  - e. The Certified Planning Commissioner's Program that member Heidi Hoover, and Zoning Official, Christa Hall, signed up for has canceled the in-person closing session and will offer it online or at a later date.
  - f. Zoning Official, Christa Hall, registered for the VAZO Zoning Administrator training sessions in mid-June and is hopeful that they will go on as scheduled.
2. Project Update-- Work on the bike and buggy lane on Route 42 has begun and remains on schedule for completion in May.
3. Items for Consideration—Application for a Special Use Permit to allow the use of a non-retail storage facility at 210 Thompson Street which is B-1 zoning. Set for a Joint Public Hearing on Monday, May 11, 2020 at 5:30 p.m.

Respectfully submitted,

*Christa Hall*

Zoning Official

**TOWN OF DAYTON  
SPECIAL CALLED PLANNING COMMISSION MEETING  
VIRTUAL REMOTE ZOOM MEETING  
May 11, 2020**

**COMMISSION MEMBERS PRESENT:** Chairperson Hunter Barnett, Colby Miller, Gary Bowman, and Vice-Chair Heidi Hoover

**ALSO PRESENT:** Town Manager Angela Lawrence and Town Clerk & Zoning Official Christa Hall

**CALL TO ORDER:** Chairperson Hunter Barnett called the meeting to order at 5:38 p.m. upon conclusion of the Joint Public Hearing, continuing to meet virtually pursuant to the Governor's orders.

**ITEMS FOR CONSIDERATION – RECOMMENDATION: SPECIAL USE PERMIT FOR 210 THOMPSON STREET:** Chairperson Barnett asked if there was any discussion. After brief discussion, Commission Member Bowman made a motion to recommend to Council that they grant the Special Use Permit to Mr. Eagle at 210 Thompson Street with the following conditions: this will be for storage only, no sales or service allowed at this location and only one car on the premises at a time. The motion was properly seconded by Vice-Chair Heidi Hoover and passed unanimously by a roll call vote of 4-0.

**ADJOURN:** There being no further business to come before the Planning Commission, Commission Member Bowman made a motion to adjourn that was seconded by Commission Member Miller and passed unanimously. Meeting adjourned at 5:42 p.m.

Respectfully Submitted,

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Chairperson Hunter Barnett

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Clerk, Christa Hall





## Zoning Staff Report to Planning Commission

### July 16, 2020

#### **Agenda Item 4.a.**

Short-term Rental Ordinance: Staff is recommending a change to the Code to include a definition of bed & breakfast and short-term rental, the addition of a short-term rental ordinance, inclusion of short-term rental as a permitted use in R-1, R-2, R-3, B-1, A-1 & A-2. Please note that uses permitted in R-1 by right, it is automatically allowed in R-2 and R-3 by right. Also, if a use is allowed in B-1 by right, it is automatically allowed in B-2 by right unless carved out and a reference made to 9-66(u) to require a Special Use Permit. The proposed ordinance is attached for your review and recommendation. This will need to be set for a Joint Public Hearing with Council and advertised appropriately. Proposed date for the Joint Public Hearing is August 10, 2020 at 5:30 p.m.

#### **Agenda Item 4.b.**

The Infrastructure Committee is drafting a Capital Improvement Program which will include planned capital projects for the next five years. Once they have a program in place, they will refer it to the Planning Commission for their review and recommendation to Council.

**AN ORDINANCE AMENDING CERTAIN PROVISIONS  
OF THE TOWN CODE OF THE TOWN OF DAYTON, VIRGINIA  
RELATING TO SHORT-TERM RENTALS**

**Whereas**, the Town of Dayton, Virginia (the "Town") desires to amend the Town Code so that short-term rentals and bed and breakfasts are permitted, subject to certain regulations, and

**Whereas**, the Town desires to clarify that owners of short-term rentals and bed and breakfasts are required to obtain a business license or licenses and are subject to the Transient Occupancy Tax imposed by Title 3.2 of the Town Code.

**Now, Therefore**, the Town Council of the Town of Dayton, Virginia, ordains as follows:

1. Section 9-22 of Title 9 of the Town Code is hereby amended to add the below-listed defined terms:

(8.1) *Bed and Breakfast*: A bed and breakfast is a structure in which guests are provided with sleeping quarters and breakfast for a fee. The proprietor shall reside on the same lot as the bed and breakfast. The bed and breakfast shall employ no more than two persons who do not reside on the same lot as the bed and breakfast. Guests are provided with morning meals (but not other meals), and may not be lodged for more than 14 consecutive days. A Bed and Breakfast shall not be considered to be a Home Occupation.

(57.1) *Short-Term Rental*: Any use that falls within the definitions of Short-Term Rental, Owner-Occupied or Short-Term Rental, Non-Owner-Occupied.

(57.2) *Short-Term Rental, Non-Owner-Occupied*: Any occupancy of a dwelling for a continuous period of less than thirty days, which does not meet the definition of "Short Term-Rental, Owner-Occupied "

(57.3) *Short-Term Rental, Owner-Occupied*: Any occupancy of a dwelling for a continuous period of less than thirty days, where the owner of the dwelling during such period also resided on the same property.

2. Title 9 of the Town Code is hereby amended to add the following Section 9-233:

**§ 9-233 Short-Term Rental Use Requirements.** The intent of this section is to permit and regulate the operation of Short-Term Rentals, as defined, in appropriate locations throughout the Town in an effort to stimulate economic development and tourism. These supplemental regulations are in addition to requirements under the District Regulations as to whether a Short-Term Rental must be Owner-Occupied. The provisions herein relating to Short-Term rentals shall apply to any dwelling, or portion thereof used as a Short-Term Rental. For the purposes of this Title, Short-Term Rentals shall not be considered a home occupation. Short-Term Rentals shall be allowed only in compliance with the following provisions:

(a.) The operator of a Short-Term Rental must acquire an annual business license. Each dwelling unit used as a Short-Term Rental shall constitute a separate Definite Place of Business for the purpose of Title 3 of the Town Code, and

operators are therefore required to obtain separate business licenses for each such dwelling unit. Failure to obtain a business license may result in revocation of the zoning permit to operate a short-term rental.

1. For Owner-Occupied Short-Term Rentals, proof of residency is required prior to the issuance of a business license, and shall be kept on file with the Town. Proof of residency may be established by the presentation of a valid Virginia Driver's License, valid Virginia Identification Card, or valid Voter Registration Card with a name and address matching the tax records of the proposed Owner-Occupied Short-Term Rental. If the property is owned by a business, additional documentation confirming principal ownership of said business may be required at the discretion of the Town Manager or designee.
  - (b.) The operator of a Short-Term Rental, Non-Owner Occupied, shall designate a local property representative. The representative shall be available to respond within one hour to complaints regarding the condition, operation, or conduct of occupants of the short-term rental. The name, address, and telephone contact number of the property owner and the local property representative shall be kept on file with the Town.
  - (c.) Off-street parking shall be provided in accordance with Title 9, Chapter 20 of the Town Code, unless a modification is granted by the Zoning Administrator in accordance with the provisions of Title 9, Chapter 3.
  - (d.) No food shall be prepared for or served to guests, so as to distinguish short-term rentals from Bed and Breakfast establishments.
  - (e.) A fire extinguisher shall be provided and visible in all kitchen and cooking areas.
  - (f.) Smoke detectors and carbon monoxide detectors shall be installed in all locations as required by the Uniform Statewide Building Code.
  - (g.) Emergency information must be conspicuously posted inside the property, including contact information for the local property representative.
  - (h.) The operator shall provide an informational packet available to occupants. The information packet shall include, at a minimum, maximum occupancy, location of off-street parking, references to applicable noise and use restrictions, guidelines for trash storage and removal, evacuation routes in case of fire or emergency, and local property representative information.
3. Chapters 5, 7, 8, 9, 11.1, and 12.1 of Title 9 of the Town Code are amended to add or amend and restate the following subsections, as applicable:

**Chapter 5      R-1 Residential District**

**§ 9-24 Uses Permitted as a Matter of Right**

- (e.) Short-Term Rental, Owner-Occupied
- (f.) Short-Term Rental, Non-Owner Occupied

**Chapter 7 R-3 Residential District**

**§ 9-52 Uses Permitted with Special Use Permit**

(u.) Bed and Breakfast

**Chapter 8 B-1 Business District**

**§ 9-66 Uses Permitted as a Matter of Right**

(s.) Short-Term Rental, Owner-Occupied

(t.) Short-Term Rental, Non-Owner Occupied

(u.) Bed and Breakfast

**Chapter 9 B-2 Business District**

**§ 9-79 Uses Permitted as a Matter of Right**

(a.) All of the uses permitted as a matter of right or with a special use permit in the B-1 Business District except the uses permitted under §§ 9-67(a), 9-67(a1), 9-67(a2), 9-67(e), 9-67(f), and 9-66(u).

**§ 9-52 Uses Permitted with Special Use Permit**

(i.) Bed and Breakfast

**Chapter 11.1 A-1 Agricultural District**

**§ 9-128.2 Uses Permitted as a Matter of Right**

(l.) Short-Term Rental, Owner-Occupied

(m.) Short-Term Rental, Non-Owner Occupied

(n.) Bed and Breakfast

**Chapter 12.1 A-2 Agricultural District**

**§ 9-128.16 Uses Permitted as a Matter of Right**

(s.) Short-Term Rental, Owner-Occupied

(t.) Short-Term Rental, Non-Owner Occupied

(u.) Bed and Breakfast