

**TOWN OF DAYTON
JOINT PUBLIC HEARING
SPECIAL CALLED PLANNING COMMISSION MEETING
REGULAR COUNCIL MEETING
Monday, August 10, 2020
5:30 PM**

AGENDA

Joint Public Hearing – 5:30 PM

1. Call to Order Mayor Lee
 - a. Roll Call of Town Council Ms. Hall
 - b. Roll Call of Planning Commission Ms. Hall

2. Public Hearing: To hear public comments regarding a proposed new zoning ordinance allowing Short-Term Rentals in Town.

3. Adjournment

Special Called Planning Commission Meeting – Following Joint Public Hearing

1. Call to Order Chairman Barnett

2. Items for Consideration—Recommendation: Short-Term Rental Ordinance

3. Adjournment

Regular Council Meeting – 6 PM

1. Call to Order Mayor Lee
 - a. Invocation
 - b. Pledge of Allegiance

2. Approval of Minutes for Regular Meeting of July 13, 2020

3. Action Items
 - a. Consideration of Short-Term Rental Ordinance
 - b. Appointments to Economic Development Authority (EDA)

4. Staff Reports
 - a. Town Manager Ms. Lawrence
 - b. Treasurer/Financial Report Ms. Smith
 - c. Police Chief Chief Trout
 - d. Public Works Ms. Lawrence
 - e. Community Development Ms. Hall

5. Committee Reports

- a. Economic & Community Development
- b. Finance
- c. Infrastructure
- d. Parks, Recreation & Beautification
- e. Personnel
- f. Police
- g. Mayor and Council

Ms. Worthy
Mr. Daly
Mr. Dyjak
Mr. Rodgers
Mr. Ohgren
Mr. Jackson

6. Unfinished Business

7. New Business

8. Public Comment

9. Closed Session – To discuss the disposition of real property, where discussion in an open meeting would adversely affect the negotiating strategy of the public body, in accordance with Section 2.2-3711(A)(3).

10. Adjournment

Short-term Rental Ordinance

Discussion:

- The town zoning ordinance currently defines hotels, motels and boarding houses, but not other lodging.
- There is increasing interest in short-term rentals (i.e.: Airbnb) and bed & breakfast, which have different impacts to residential and business zones than hotel/motel lodging.
- Under our current code, lodging (hotel, motel) in the B-1 district would require a SUP which includes a \$350 application fee.
- The budget included a lodging tax (4.5%) for which a public hearing was already held.
- The town would like to encourage lodging in appropriate areas, to increase tourism to benefit the retail business community.
- The attached ordinance defines short-term rentals and bed & breakfasts and designates permitted uses in residential, business, and agricultural districts.
- A business license and short-term rental permit will be required. The permit will not have a separate fee. It is also attached.

Planning Commission Recommendation:

A joint public hearing will be held at 5:30 p.m., before the Council meeting. After the public hearing, planning commission will meet and make a recommendation to council.

Staff Recommendation:

Amend the zoning ordinance sections as presented and attached.

**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 Chapter 26: Short-Term Rentals and 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.
- (i.) Prior to the operation of a Short-Term Rental in any new or existing structure, the operator shall apply for and obtain a Zoning Permit. Such application shall be on a form as provided in Title 9, Chapter 3, shall include a certification that the operator has read and will comply with the requirements of this Section 9-233.
- (j.) Any Short-Term Rental which is allowed only by Special Use Permit shall be conditioned upon compliance with the Town's noise ordinance, Town Code § 1-

52 et seq. Such Special Use Permit may be revoked by the Town Council, after notice and a public hearing as provided by law, for noncompliance with the terms or conditions of such Special Use Permit, including without limitation three violations of the noise ordinance within a 12-month period.

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 8 B-1 Business District

§ 9-66 Uses Permitted as a Matter of Right

- (s.) Short-Term Rental, Owner-Occupied only if located above a business use in the same Building.
- (t.) Short-Term Rental, Non-Owner Occupied only if located above a business use in the same Building.
- (u.) Bed and Breakfast only if located above a business use in the same Building.

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 only if located above a business use in the same Building.

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

4. Chapter 20 of Title 9 of the Town Code is amended to amend and restate the following Section 9-184.2, subsection (m):

§ 9-184.2 Parking Classification; Spaces Required

- (m.) *Hotel Classification.* The Hotel Classification includes hotels, motels, boarding houses, and bed and breakfasts. Any restaurant affiliated with a hotel,

motel, boarding house, or bed and breakfast that is open to patrons other than overnight guests shall be treated separately under paragraph (e) of this section. Uses within this classification must have two parking spaces, plus one space per guest room.

5. Except as expressly provided herein, all other provisions of the Town Code shall continue in full force and effect.

DRAFT



TOWN OF DAYTON, VIRGINIA

SHORT-TERM RENTAL (STR) PERMIT APPLICATION

125-B Eastview St. Dayton, VA 22821 • Phone (540) 879-2241 • Fax: (540) 879-2243
www.daytonva.us

Short-Term Rental Property Address: _____

Property Owner Name: _____

Home Phone: _____ Cell Phone: _____

Email: _____

If Property owner is NOT the STR Operator, please answer the following:

Short-Term Rental Operator: _____

Mailing Address: _____

Home Phone: _____ Cell Phone: _____

Email: _____

Please read the Short-Term Rental permit guidelines and limitations contained in Title 9, Chapter 26 of the Town of Dayton Code, as amended (see attached). Depending upon the zoning classification of the property will determine the type of STR you are allowed to operate. If you are unsure of the property zoning classification, please contact the Town of Dayton Zoning Administrator for assistance.

Will this Short-Term Rental be Owner occupied?

YES NO

Are house numbers posted on the outside of the premises and clearly visible?

YES NO

Will adequate parking be provided for all occupants of the residence?

YES NO

Is there a fire extinguisher provided and visible in all kitchen and cooking areas?

YES NO

Are smoke detectors and carbon monoxide detectors installed as required by State Code?

YES NO

(over)

Do you agree to provide an informational packet to occupants which will address the 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, local property representative information and any other pertinent information?

YES NO

After completing the Application and agreeing to the limitations, please sign and date the Application and return to the Dayton Town Office for Zoning review. If approved, a Business License will be issued upon the collection of associated fees.

CERTIFICATION

As applicant, I submit the foregoing responses are true and understand that a finding to the contrary by the Zoning Administrator can invalidate this application. I further understand that the use shall comply with Title 9, Chapter 26 of the Town of Dayton Code, as amended.

Property Owner Signature

Date

FOR OFFICE USE ONLY

Property zoning classification _____

APPROVED **DENIED**

Comments: _____

Zoning Administrator: _____ Date: _____