



PLANNING COMMISSION REGULAR MEETING AGENDA

CITY COUNCIL CHAMBERS

December 19, 2023

2:00 PM

I. WELCOME AND CALL TO ORDER

II. ROLL CALL

III. NEW BUSINESS

1. Code Amendment Request to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Specifically, amend Article 2.Y, Article 3.A, Article 3.B, Article 3.C, Article 3.D, Article 3.E, Article 3.F, Article 3.G and Article 3.I.
Council Letter Number CL - 1094.

IV. PLANNING DIRECTOR'S REPORT

V. ADJOURNMENT

Council Letter

City of Danville, Virginia



CL - 1094

NEW BUSINESS 1.

Planning Commission REGULAR MEETING

Meeting Date: December 19, 2023

Subject: Code Amendment Request to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Specifically, amend Article 2.Y, Article 3.A, Article 3.B, Article 3.C, Article 3.D, Article 3.E, Article 3.F, Article 3.G and Article 3.I.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

SUMMARY

Code Amendment Request to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Specifically, amend Article 2.Y, Article 3.A, Article 3.B, Article 3.C, Article 3.D, Article 3.E, Article 3.F, Article 3.G and Article 3.I.

BACKGROUND

On December 5, 2023, City Council requested staff review the procedure(s) necessary to approve short-term rental operations in the City of Danville. Concerns have arisen that the current procedure is cumbersome and inequitable.

The Planning Staff have reviewed the Zoning Code of the City of Danville, procedures of other localities and consulted numerous articles. It has been determined that the most efficient and equitable procedure for the approval process is to amend the process from the approval of a Special Use Permit to the approval of a Special Exception Permit for the operation of a short-term rental.

Article 13. Section G Item 1 of the Zoning Code states *The Board shall have the power in specific cases to grant a special exception for and apply standards and conditions to certain land use, lot area, and yard exceptions.* Special Exception Permits are reviewed and voted on by the Board of Zoning Appeals in a monthly meeting that follows the same public notice procedures as a Special Use Permit.

The Board of Zoning Appeals is a seven (7) member board. Each member is appointed by the Circuit Court of the City of Danville and required to be a resident of the City. The Board meets monthly on the third Thursday of each month and the decisions made are final. Appeals of the Board of Zoning Appeals' decisions are reviewed by the Circuit Court of the City of Danville.

A Code amendment altering the process from a Special Use Permit to a Special Exception Permit is a benefit to the City and the applicants. Benefits include:

- Decisions are made by a court appointed quasi-judicial board,
- The number of meetings an applicant must attend are reduced from two (2) to one (1),

- The number of public notices is reduced,
- Costs for publications, staff time and materials are reduced,
- The process of neighbor notification and input remains the same, and
- There is a reduction in the time from application submission to decision.

An amendment of the Zoning Code would require the removal of "Short Term Rental as a principal use" from uses permitted as a Special Use Permit and necessitate the creation of an item within Article 2 Section Y of the Zoning Code, creating a requirement for a Special Exception Permit for operation of a Short Term Rental as a principal use. The proposed changes are attached in Exhibit A.

RECOMMENDATION

It is recommended that Planning Commission recommend approval to City Council to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended, to remove the requirement of a Special Use Permit for the operation of a Short Term Rental as a principal use and to create the requirement of a Special Exception Permit for the operation of a Short Term Rental as a principal use.

Attachments

1. Exhibit A
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Exhibit A

Creation of a Special Exception Permit for the operation of a short-term rental as a principal use

Article 2 Section Y Item 2

b. Short-term rentals as a principal use are permissible with a Special Exception Permit in the SR-R, T-R, S-R, NT-R, OT-R, A-R, and TO-C zoning districts. Short-term rentals are permissible accessory uses to permitted dwellings in the SR-R, T-R, S-R, NT-R, OT-R, A-R, ~~MHP-R, TO-C~~, CB-C, and TW-C zoning districts.

Remove Short-term rental, as principal use by Special Use Permit from all Zoning Districts.

Article 3.A SR-R, Sandy River Residential
C. Uses Permitted by Special Use Permit
~~25. Short-term rental, as principal use~~

Article 3.B T-R, Threshold Residential
C. Uses Permitted by Special Use Permit
~~25. Short-term rental, as principal use~~

Article 3.C S-R, Suburban Residential
C. Uses Permitted by Special Use Permit
~~29. Short-term rental, as principal use~~

Article 3.D. NT-R, Neo-traditional Residential
C. Uses Permitted by Special Use Permit
~~18. Short-term rental, as principal use~~

Article 3.E. OT-R, Old Town Residential
C. Uses Permitted by Special Use Permit
~~29. Short-term rental, as principal use~~

Article 3.F. A-R, Attached Residential
C. Uses Permitted by Special Use Permit
~~22. Short-term rental, as principal use~~

Article 3.G M-R, Multi-family Residential
C. Uses Permitted by Special Use Permit
~~26. Short-term rental, as principal use~~

Article 3.I TO-C, Transitional Office Commercial
B. Uses Permitted by Right
~~19. Short-term rental, principal use~~