

AGENDA
TOWN OF HAMILTON
PLANNING COMMISSION MEETING
Wednesday January 17, 2018

CALL TO ORDER – By Chairperson

PLEDGE OF ALLEGIANCE

ROLL CALL

DETERMINATION OF A QUORUM

APPROVAL OF MINUTES –

Planning Commission Meeting Minutes May 17, 2017 (Pgs. 2-5)

Planning Commission Meeting Minutes November 15, 2017 (Pgs. 6-8)

PUBLIC COMMENT

ELECTION OF OFFICERS

1. Chairman
2. Vice-Chairman

REPORT OF OFFICERS

STANDING COMMITTEE REPORTS

SPECIAL COMMITTEE REPORTS

OLD BUSINESS

1. Review of Comprehensive Plan
2. Hamilton Zoning Ordinance change to allow Short Term Rentals (Pgs. 9-10)

NEW BUSINESS

Setting of Schedule for the year - resolution/inclement weather- 3rd Wednesday of the Month (Pgs. 11-12)

INFORMATION ITEMS

Zoning Administrator Verbal Report

EXECUTIVE SESSION

If needed

ADJOURNMENT

Next Planning Commission Meeting- March 21, 2018

**MINUTES
HAMILTON PLANNING COMMISSION
PUBLIC HEARING AND REGULAR MEETING
MAY 17, 2017**

CALL TO ORDER THE PUBLIC HEARING:

Chairman McCann called to order the Public Hearing of the Town of Hamilton Planning Commission at 7:00 PM.

PRESENT: Robert McCann, Chairman
Les Carlson, Vice Chairman
Greg Wilmoth, Commissioner - Late
Russ Beal, Commissioner
Matthew Clark, Council member
Cathy Salter, Commissioner

ABSENT: Vacancy

STAFF: Daniel Galindo, Zoning Administrator
Jennifer Noel, Recorder

PUBLIC HEARING ITEMS:

1. Town of Hamilton Zoning Ordinance proposed Amendments and Changes to Articles 3 and 16 of the Hamilton Zoning Ordinance Concerning Shipping Containers.
2. Change to the Hamilton Development Application Fee Schedule pertaining to Shipping/Storage Containers.
3. Parking Waiver and exemption Fees

PUBLIC COMMENT:

James Bourne of 15 West Colonial Highway came forward to speak. He stated that he has been thinking about the storage containers that are already in Town and how they look. He stated that a business can do whatever it wants other than applying for a permit but if it is renting a container you don't know what is going to be delivered so odds are what will be delivered is not what was stated in the permit and once the container is delivered the Town doesn't have the right to have it removed and will have to go after the applicant to have it legally removed. He stated that he doesn't believe the Town has control over the height of the container nor does the Town know what was stored in the container prior to having it delivered and used in the Town. He also believes that it could be dangerous to have in Town as people could leave it open and if chemicals are stored that could be dangerous and there have been stories of people living in them which would be a problem. He stated that allowing the business to place the container within five feet of the property line is not enough of a distance especially since homeowners can't put a building within five feet of the property line. He stated that because most of this Town is residential having something like a storage container sitting along the road on a commercial

property adjacent to residential it could be a detriment to someone's property value. He also asked if people could run electricity to the trailers and if so that could be a problem. He stated that it's not like the company is making an investment in the storage trailer so they don't really care what it looks like and it seems to make sure sense that the business owners invest the money in a storage shed that has to meeting requirements of storage buildings. Mr. Bourne stated that permitting shipping containers conflicts with allowing the Town to maintain a quaint character.

Julianne Bourne of 15 West Colonial Highway stated that she has a real concern with environmental issues because the two that are already behind the Town Hall indicate that they haul oil, chemicals and heavy metals so you don't know what have been hauled in those containers. Right now one of the containers is not locked nor secured. She also asked if the are secured to the ground? What would happen if a tornado came through and picked up one of those containers, where would it go, where would it land and potentially destroy.

Dave Kramer of 215 South St. Paul came forward to introduce himself as a new resident.

There being no further comment Chairman McCann closed the public hearing.

CALL TO ORDER THE REGULAR MEETING:

Chairman McCann called to order the Regular Meeting of the Town of Hamilton Planning Commission at 7:10 PM.

PRESENT: Robert McCann, Chairman
Les Carlson, Vice Chairman
Greg Wilmoth, Commissioner - Late
Russ Beal, Commissioner
Matthew Clark, Council member
Cathy Salter, Commissioner

ABSENT: Vacancy

STAFF: Daniel Galindo, Zoning Administrator
Jennifer Noel, Recorder

MINUTES:

Vice Chairman Carlson made a motion to approve the Planning Commission minutes of March 15, 2017 as amended.

Motion: Commissioner Salter
Second: Council member Clark
Carried: 5-0-2 with Wilmoth absent
and one Vacancy

AGENDA AMENDMENTS:

Chairman McCann stated that he would like to amend the agenda adding Old Business and New Business which were not on the agenda. Under Old Business the Commission will discuss the Zoning Ordinance changes. The Commission consented.

PUBLIC COMMENT:

None Scheduled

NEW BUSINESS:

Mr. Galindo gave a brief staff report and stated that the public hearing items were back before the Planning Commission after review by the Town Council. The Town Council asked that the Planning Commission review the following items and add to the Zoning Ordinance Text Amendments.

- a. Criteria for limits on the appearance of containers;
- b. Criteria for permit renewal;
- c. Limits of contents in containers; and
- d. Screening of containers between residential and commercial property

Mr. Galindo presented updated Text Amendments to the Planning Commission for review, these updates are also what was advertised for public hearing for tonight.

Planning Commission reviewed the proposed changes to the Text Amendments.

1. ZTA – 2016 – 02 – Amending Articles 3 and 16 of the Hamilton Zoning Ordinance concerning Shipping Containers Used for Storage and Amendments to the Hamilton Development Application Fee Schedule.

Chairman McCann made a motion that for reason stated in the May 17, 2017 staff report the Hamilton Planning Commission move forward to Town Council the recommendation to approve ZTA-2016-02, with amendments to Articles 3 and 16 of the Hamilton Zoning Ordinance to allow Shipping Containers to be used for storage and the associated Amendments to the Hamilton Development Application Fee Schedule with the following addition;

- All storage containers will be locked at all times except during normal business hours.

Motion: Chairman McCann
Second: Commissioner Salter
Carried: 5-0-2 with Wilmoth Absent
and one Vacancy

McCann	Aye
Carlson	Aye
Beal	Aye
Clark	Aye
Salter	Aye

NEW BUSINESS:

None Scheduled

INFORMATIONAL ITEMS:

None Scheduled

ADJOURNMENT:

There being no further business the meeting adjourned at 7:45 PM.

Robert McCann, Chairman

Jennifer L. Noel, Recorder

**MINUTES
HAMILTON PLANNING COMMISSION
REGULAR MEETING
NOVEMBER 15, 2017**

CALL TO ORDER:

Chairman McCann called to order the Public Hearing to the Town of Hamilton Planning Commission at 7:00 PM.

PRESENT: Robert McCann, Chairman
Les Carlson, Vice Chairman
Russ Beal, Commissioner
Greg Wilmoth, Commissioner
Dan Gorman, Commissioner
Matthew Clark, Council member
Cathy Salter, Commissioner

STAFF: Daniel Galindo, Zoning Administrator
Maureen Gilmore, Town Attorney
Jennifer Noel, Recorder - Absent

PUBLIC COMMENT:

None

MINUTES:

Council member Clark made a motion to defer the minutes of May 17, 2017 pending correction by the recorder.

Motion: Council member Clark
Second: Vice Chairman Carlson
Carried: 7-0

Council member Clark made a motion to approve the minutes of September 21, 2017 as submitted.

Motion: Council member Clark
Second: Commissioner Wilmoth
Carried: 7-0

OLD BUSINESS:

1. Comprehensive Plan Review – Mr. Galindo stated that the County is working on their own Comprehensive Plan and has put the review of all Town Comprehensive Plans on hold until they have completed theirs.

NEW BUSINESS:

1. Airbnb – Ms. Gilmore stated that the Planning Commission discussed the Town adding Airbnb to their Zoning Ordinance and in order to determine that amendments that need to be made to the Hamilton Zoning Ordinance she needs guidance on what the Planning Commission would like to see in the Ordinance. Ms. Gilmore has come up with several questions she would like the Planning Commission to answer.
 - a. Do you think that short term rentals should be by right or by special use permit?
 - b. Should these types of short term rentals be permitted if you have an accessory dwelling?
 - c. Do you think that R-3 and R-6 appropriate for short term rentals?
 - d. Do you think that the special regulations you might want to impose should be written in each section zoning district or would you prefer to have a more general amendment in just one Article?

Ms. Gilmore recommended that the Town use the definition in the State Code for short term rentals. She stated that another option is just to create a registry of homes that are being used for short term rentals.

The Planning Commission discussed options based on the questions presented to them by the Town Attorney.

Ms. Gilmore stated that she will move forward with the Special Use Permit and will draft some provisions and send them out to staff and the Planning Commission. She stated that if the Planning Commission can get comments back quickly then they may be able to get it to public hearing in March.

Chairman McCann stated that he would like to have all comments back to Ms. Gilmore by January 18, 2018. He reminded everyone not to copy everyone on emails because of FOIA regulations.

Ms. Gilmore stated that she will get the draft information to the Planning Commission the week of December 11, 2017

INFORMATIONAL ITEMS:

None

ADJOURNMENT:

There being no further business the meeting adjourned at 8:10 PM.

Robert McCann, Chairman

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Jennifer L. Noel, Recorder

HAMILTON ZONING ORDINANCE AMENDMENTS-SHORT TERM RENTALS

ARTICLE 16-DEFINITIONS

Short Term Rental-the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

ARTICLE 4-District Regulations (add as a special exception use in each district below):

R-1: Section 1.3

R-2: Section 2.3

R-3 Section 3.3

ARTICLE 8-Additional Regulations

Perhaps add Section 6-Use Standards:

Section 6: Short Term Rental

1. Short Term Rental shall be accessory only to household living use as defined in xxx, and shall be allowed only where:
 1. The dwelling unit is used by the resident of the dwelling unit as his/her primary residence, which means that he or she resides there for at least 185 days during each year; and
 2. The bedroom(s) rented to overnight lodgers shall be within the main building of the dwelling unit that the resident occupies as his/her primary residence and shall not be in a detached accessory building.
2. Maximum number of overnight lodgers: The maximum number of overnight lodgers on any night shall be determined based on the greater of six (6) lodgers, or two (2) lodgers per number of bedrooms in the dwelling, provided, however, under no circumstances shall the number of lodgers exceed that allowed by the Loudoun County Building Code.
- c. Safety: A Short Term Rental shall have working fire extinguishers, smoke detectors and, if applicable, carbon monoxide detectors, and all such equipment shall be accessible to all overnight lodgers at all times. The applicant shall have all fire extinguishers and detection equipment inspected and certified annually.
4. Guest Room: Any sleeping room used for a Short Term Rental shall have met the requirements for a sleeping room at the time it was created or converted pursuant to the Loudoun County Building Code.
5. Meetings or gatherings: Including but not limited to, luncheons, banquets, parties, weddings, meetings, charitable fundraising, commercial or advertising activities, or other gatherings for direct or indirect compensation are prohibited.

6. County & State Code: A Short Term Rental shall comply with requirements of the applicable version of the Virginia Uniform Statewide Building Code, as determined by the Loudoun County Building Official.
7. Permit: A Short Term Rental permit is required for each Short Term Rental property and must be renewed on an annual basis.
8. Residential Character: The Short Term Rental shall have no more effect on adjacent properties than normal residential use and the Short Term Rental will be subordinate to the principal use of the premises for dwelling purposes.
9. Signage: There shall be no evidence on the exterior of the premises or visible from the exterior of the premises that the property is used in any way other than for a dwelling. No advertisements or signage is permitted for the Short Term Rental on the building or on any accessory structure or on the premises. There shall be no outside display, storage or sale of merchandise or equipment.
10. Traffic: No traffic shall be generated by such Short Term Rental in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the Short Term Rental shall be met by using off-street parking in a manner which protects the residential character of the area and the visual appearance of the residence.
11. Nuisance: The owner shall manage guests accordingly of the Short Term Rental to prevent excessive noise, traffic, nuisance, safety hazards and other potential adverse impacts to adjacent property owners.



**TOWN OF HAMILTON, VIRGINIA
PLANNING COMMISSION**

RESOLUTION NUMBER: 2018-03 ADOPTED: _____

WHEREAS, the Town of Hamilton, Virginia Planning Commission convened its first 2018 meeting on January 17, 2018; and

WHEREAS, the Planning Commission desires to set a schedule of regular meetings; and

WHEREAS, the Planning Commission also desires to determine the day to which any meeting shall be continued in the event that the Chairperson, or Vice-Chairperson if the Chairperson is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend a meeting; and

WHEREAS, Code of Virginia of 1950, § 15.2-2309 (8) authorizes the foregoing actions.

NOW THEREFORE, it is hereby resolved that the Town of Hamilton Planning Commission adopts the following:

1. The Planning Commission shall schedule a regular meeting on the third Wednesday of every other month beginning at 7:00 pm. A schedule of the meeting dates is attached to this Resolution.
2. In the event that there is no business to come before the Planning Commission, the Chairperson shall notify the Planning Commission members one week prior to the scheduled meeting, that the meeting is cancelled.
3. In the event that weather or other conditions are such that it is hazardous for members to attend a meeting, any business scheduled to come before the Planning Commission shall be scheduled for the next monthly meeting. All hearings and other matters previously scheduled and advertised for such meeting shall be conducted at the continued meeting and no further advertisement shall be necessary.

Motion made by: _____ Seconded by: _____

Voted as follows: Robert McCann: _____ Russ Beal: _____

 Daniel Gorman: _____ Les Carlson: _____

 Greg Wilmoth: _____ Matt Clark: _____

 Catherine Salter: _____ James Bourne: _____

HAMILTON PLANNING COMMISSION
2018 MEETING DATES

Wednesday January 17, 2018

Wednesday March 21, 2018

Wednesday May 16, 2018

Wednesday July 18, 2018

Wednesday September 19, 2018

Wednesday November 14, 2018