

**HALIFAX COUNTY BOARD OF SUPERVISORS
ORDINANCE COMMITTEE
County Administration Conference Room
1050 Mary Bethune Street
Halifax, Virginia
January 25, 2023 / 4:30 PM**

A. CALL TO ORDER

Committee Chairman R. Duffey called the meeting to order at 4:58 p.m.

B. ATTENDANCE

Board of Supervisors present were: Ordinance Committee Chairman R. Duffey, Supervisor H. Pannell and Supervisor G. Ricketts

Staff members present were: Scott Simpson, County Administrator; Detrick Easley, Planning and Zoning Administrator; Olivia Epps, Strategic Programs Coordinator; and, Charlene Hendricks, Executive Assistant

C. BUSINESS ITEMS

a. Discussion of Short Term Rentals – Tourist Homes

Mr. Simpson explained that short term rentals are the main reason for the meeting and the rest of the items are status updates. He explained there have been a couple individuals in the Nathalie area that have a dispute regarding one gentleman who has a property that he's listing on the Airbnb website.

Mr. Simpson said Airbnb is a commercial website where people can find vacation rentals by owner. In the northern part of the County where the dispute is taking place, the subdivision covenants don't allow this type of rental activity and neighbors are upset the County isn't doing anything to prevent it. It has been brought to the County's attention there is nothing in the zoning ordinance which allows tourist homes or short term rentals in the A-1 zoning district.

Mr. Simpson said tourist home and short term rentals are allowed in the B-2 zoning district however in the A-1 district it is not defined as an allowed use. The neighbors are seeking the County's directive telling this short term rental owner he cannot operate, rather than pursuing it through the homeowners' association.

Mr. Simpson pointed out this dispute is an isolated incident because just looking on the AirBnB website, travelers can find more than 120 homes or parcels in the County which are available for rent or rental use. They are located throughout the County and are often used by travelers to the area.

Mr. Simpson said County staff is trying to determine the appetite of the Committee and the Board of Supervisors about whether to allow Airbnb-type short term rentals, which would only result

from modifying the zoning ordinance. Additionally, if the Committee and the Board are not seeking to modify the zoning ordinance to allow for these types of short term rentals, County staff is looking for open discussion about how to address the more than 100 rental units in the County.

Mr. Simpson said the short term rentals are subject to lodging tax or sales tax. These units that are in the County being rented are very likely not paying lodging tax because nobody knows they exist from the commissioner's office side of things. He said it's not a lot of tax money collectively, so the decision shouldn't really be money driven. There is concern about allowing it versus not allowing it, including enforcement if it is not allowed.

Committee Chairman Duffey said the concern being expressed by the property owner in this particular dispute is someone who doesn't live in the state of Virginia. He said he received communication from the disgruntled individual and he then shared it with Supervisor Short because the dispute is in his election district on Highway 40 between Brookneal and Gretna.

Mr. Simpson said the dispute has been going on for about six months, at a minimum. The ongoing discussion about this dispute has brought attention to the fact that there's more of these rental units out in the county than anybody ever imagined.

Mr. Easley continued the explanation, stating whether there should be any difference between renting a place for 60 days or 6 years. He said he felt that the difference was present when a service is provided like that found in a bed and breakfast situation.

Committee Chairman Duffey said he felt it should be left as it is. Mr. Easley responded saying something needed to be established because there is no reference in A-1 zoning districts for bed and breakfast or short term rental. He further said that conditional use permits have been issued for a bed and breakfast in A-1, but there is no listed use. Mr. Easley said it would really provide better guidance if the ordinance states whether a bed and breakfast is allowed by CUP or by right.

Supervisor Ricketts said he feels the situation cannot be ignored and asked about whether the verbiage from the R-2 zoning district could be used in the A-1 zoning district and whether it would cause any problems.

Mr. Easley responded saying he didn't think using the same verbiage for A-1 would cause any other problems. He said the wording used is 'tourist homes' which refers to transient lodging for 14 or fewer people.

Supervisor Ricketts said the County needs to recognize people are taking part in this practice. He said people are likely not going to stop if the County says they need to stop and verbiage needs to be placed in the zoning ordinances to address the practice. He said he is not in favor of spending \$5,000 to collect \$500, but it does need to be recognized and addressed that this is becoming a more common practice.

Mr. Simpson referenced the list provided the Committee members, saying he and Mr. Easley had discussed making a CUP required of a tourist home in any zoning district or, alternately, allowing it by right in every zoning district. He said if the latter was the choice, the Committee might consider the list of requirements, including registering with both the Planning and Zoning Administrator, register with the Commissioner of the Revenue, and meeting a list of safety-related requirements provided by the Building Inspector. Additionally, Mr. Simpson said those people operating tourist homes could be required to maintain a rental log, much like the recently approved RV park.

Mr. Simpson said travelers, much like those people staying in hotels, have an expectation of safety, so putting guidelines in place such as conducting a walk through before a tourist home begins operating, would be good standards to put in place.

Mr. Simpson pointed out that allowing it by right, but applying guidelines allows the County to walk people through the process of properly establishing a tourist home without unnecessarily burdening the Board with consider CUP applications for dozens of locations. He said in residential areas, R-1 and R-2, however, people may not expect that people next door to you are renting a room or their basement with potential for visitors to come and go more frequently. He said it may be that thinking which leads the Board to require a CUP for R-1 and R-2 zoning districts and allow for notification of adjacent landowners.

Mr. Simpson said he agreed with Supervisor Ricketts that it's something which cannot be ignored. He said it has been brought to the County's attention and if something isn't done to either allow it or make a firm stance of denying it, then it may open the County and the Board up to criticism.

Mr. Simpson explained that with the dispute in the northern part of the County that brought this issue to light, there are property covenants that would take precedence, even if the Board changed the zoning ordinance. He said he had not spoken with Mecklenburg County to determine how they are handling the situation, but they likely have tourist homes being rented out short term around the lake.

Committee Chairman Duffey asked that Mr. Simpson or County staff reach out to determine how Mecklenburg County is handling short term rentals. Supervisor Ricketts agrees more research with other counties could be helpful and he said the Committee seems to be leaning toward allowing the tourist homes by right. He said he felt strongly that a CUP process should be required in more developed, residential zones. Supervisor Ricketts also suggested looking deeper into the idea of a licensing process which ties them to revenue collection.

Mr. Easley asked it should remain by right in R-2 or if it should it be changed to a CUP requirement. Mr. Simpson responded, saying he felt if the decision was to require a CUP in all other zoning districts, it should be required in R-2 as well.

Mr. Easley said the zoning ordinance for R-2 would have to be looked at closely regarding requirement of a CUP because there are things in R-2 that are permitted by right, such as multi-family dwellings and boarding houses.

Mr. Simpson said ultimately the cleanest things to for the Zoning Administrator and County staff, is to allow tourist homes/short term rentals by right and work to fine tune the licensing process. He explained that some subdivisions in the County which are basically the same, are in two different zoning districts and therefore would be handled differently if it was not allowed by right across the board.

Supervisor Ricketts said he believes it would be worthwhile to allow Administration to speak with other counties and research how other counties are handling the situation.

Committee Chairman Duffey agreed, saying that if other counties are allowing it in all zoning districts by right, then Halifax County could follow suit creating a cleaner process for Planning and Zoning, as well as ensuring that licensing processes are utilized.

Mr. Simpson asked the Committee members to clarify their support for implementing the walk through inspections as discussed. The Committee agreed, stating their support for implementing the walk through inspections as part of the process. Supervisor Ricketts also questioned the need to include proof of insurance as part of the qualifying list. Mr. Simpson responded, saying that is an area that can be tricky because insurance is not something the County regulates for other entities, such as hotels, Walmart, or Dollar General stores which are built in the community. He did say that County staff would include insurance in their list items they would discuss with other Counties.

With no additional discussion, Mr. Simpson said he and County staff would reach out to other Counties to bring the Committee more information soon.

- b. Status on New Ordinances
 - 1. Weapons in County Buildings
 - 2. Noise
 - 3. Admissions Tax
 - 4. Energy Storage

Mr. Simpson said he and County staff are working on all the areas of potential new ordinances and the plan is to bring to the Committee the things which are most pressing.

Mr. Simpson said the last item, which is not on the agenda, is an issue which was brought to Mr. Easley by another Board member.

Mr. Easley stated Supervisor Brandon contacted him about a resident in the Alton area who is hoarding junk. The property is about an acre and a half of junk like pallets and scrap metal, among other things. Currently there is nothing in the County's ordinance to address junk, however there is something in the ordinance to address vehicles which allows up to five unlicensed vehicles on a person's property.

Mr. Easley said last year's approval of bill 1778 allows counties the ability to adopt an ordinance enforcing the clean-up of junk. We recognize that there are many people in Halifax County who keep an abundance of junk on their property, keeping in mind that what is junk to one person may not be junk to another person.

Mr. Easley said it is difficult to write letters of enforcement without have something in the ordinance to back up that enforcement. The second part of this issue is that if the ordinance is changed to allow for enforcement, having county staff to address the junk complaints is easily a full time job for one person.

The Committee discussed how a previous similar complaint had been handled in Supervisor Pannell's district and Mr. Easley said that complaint had related specifically to tires. Additional discussion included the feasibility of hiring a person just to address junk complaints as well as Mr. Easley stating that responding to complaints can be done; however, writing a letter telling a resident they must clean up their property is difficult to do without a means of enforcement behind that letter.

Mr. Simpson said the goal was to make the Ordinance Committee aware that complaints have been received and that the County has a means of addressing junk via amendment of the ordinance. He said County staff wanted Supervisor Brandon to know the complaint was not overlooked and had been discussed by the Committee. He said he understood from discussion that the Committee wishes to table the matter and continuing addressing complaints on a one-by-one basis. The Committee agreed.

D. ADJOURN

With no additional discussion, Supervisor Ricketts made a motion, seconded by Supervisor Pannell, to adjourn the meeting.

The meeting adjourned at 5:39 p.m.