

**HALIFAX COUNTY BOARD OF SUPERVISORS  
ORDINANCE COMMITTEE  
County Administration Conference Room  
1050 Mary Bethune Street  
Halifax, Virginia  
April 26, 2023 / 4:00 PM**

**A. CALL TO ORDER**

Committee Chairman R. Duffey called the meeting to order at 3:58 p.m.

**B. ATTENDANCE**

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

Board of Supervisor absent: Supervisor H. Pannell

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

**C. BUSINESS ITEMS**

1. Short Term Rentals

Committee Chairman Duffey said the only item on the agenda is the discussion of the draft ordinance for short term rentals. He asked Mr. Simpson to review the suggested changes to the ordinance.

Mr. Simpson explained that staff has worked through the zoning ordinance and provided suggested changes related to short term rentals based on the previous meeting of the Ordinance Committee in early April.

Mr. Simpson explained the following changes step-by-step in the handout which was provided to the Committee:

- Staff suggested a change of wording from 'Tourist Home' to 'Short Term Rental' and eliminate the definition of Tourist Home.
- The term 'Tourist cabins' was removed from the definition of 'Dwellings' so as not to cause confusion.
- For consistency, the term 'tourist home' was removed from the definition of 'Family' and replaced with 'short term rental.'
- Staff had researched to determine a proper definition for 'Short Term Rental' and it had been added to the definition section of the ordinance. This definition includes a time limit which states no short term rental shall exceed twenty-nine consecutive calendar days. This timeframe mimics the timeframe stipulated in the County's lodging tax ordinance.

- Staff suggested that zoning districts A-1, R-1, R-2, B-1, and B-2, which cover agriculture, residential, and business districts, be allowed to have short term rentals, by right, if no other dwelling is located within 1,000 feet; otherwise a conditional use permit must be issued.
- Districts M-1 and M-2 allow anything which is already stipulated in B-1 and B-2 districts.

Next Mr. Simpson said the other significant portion of the ordinance is the newly added Section 53-20, which lists the requirements for Short Term Rentals. He said 17 different requirements had been created based on the discussion from the April 3 Ordinance Committee meeting.

Mr. Simpson reviewed each of the following requirements with the Committee:

1. Each Short Term Rental advertised or operated in Halifax County shall register with the Zoning Administrator prior to such activity.
  - a. The application fee for a 5-year registration period will be set by majority vote of the Board of Supervisors.
2. Occupancy, maximum of 2 persons per bedroom.
3. The maximum number of bedrooms of a Short Term Rental unit shall be determined according to the sewage disposal permit issued by the Virginia Department of Health; or by the Certificate of Occupancy for units connected to a public sewer system.
4. Fire extinguisher, 1 per floor installed at each floor's common area
5. Smoke Detectors, one inside each bedroom and one outside each bedroom.
6. Each bedroom shall have an egress sized window which meets building code requirements
7. Each Kitchen and bathroom shall have a GFCI receptacle meeting building code requirements.
8. Proof of General Liability insurance minimum coverage of \$1,000,000
9. Parking for the Short Term Rental shall be located on driveways and other designated parking areas. The parking of vehicles is prohibited on, or along, all rights-of-way and in yards.
10. Property boundaries, or limitations within the property's boundaries where transient guests are allowed, must be clearly marked at all times.
11. There shall be no visible evidence of the conduct of such tourist home rental on the outside appearance of the property.
12. Signage identifying the address of the short term rental shall be visible from the roadway
13. A property management plan must be submitted and shall include local points of contact available to respond immediately to complaints, garbage clean-up, management of unruly tenants, and utility issues, etc. It shall also be posted in a visible location in the short term rental.
14. The owners of the short term rental shall post an emergency evacuation plan for the dwelling in each bedroom and common area.
15. The short term rental shall provide an active connection to local phone service.
16. All outdoor burning shall occur in an encircled permanent, non-movable location.
17. Individuals offering property for short term rental must also contact the Halifax County Commissioner of the Revenue for a Business License, Business personal property registration, and lodging tax arrangements.

Mr. Simpson stated he was waiting for the County Attorney Jeremy Carroll to provide feedback about the changes to the ordinance, in particular the mechanism for the Board to set the registration fee related to short term rentals and whether it would need to be done by resolution.

Mr. Simpson asked the Committee to consider whether they agreed with the 5-year registration period or if they felt it would need to be changed to another, shorter, timeframe.

Committee Chairman Duffey said he remembered the Committee previously having some discussion about a 5-year timeframe and he feels five years is a long period of in which a lot can happen with a piece of property.

Mr. Simpson said the 5-year timeframe was used as a suggestion. The Committee had previously discussed an annual registration which most agreed would be too often and too burdensome on short term rental operators.

Committee Chairman Duffey suggested it be changed to a 3-year registration period and Supervisor Ricketts agreed. Supervisor Ricketts said he could see instances where 3 years or 5 years could be appropriate however the 3-year period is the best place to start and could be changed if needed.

In discussion of fire extinguisher expectations, Supervisor Ricketts asked about the need to specify the size and type of fire extinguisher. Mr. Simpson said it may be wise to make that addition and he could consult with the Building Inspector as needed to adjust.

In discussion of smoke detectors, Ms. Epps asked if there was a need to include carbon monoxide detectors as well. Mr. Easley said carbon monoxide detectors are only required by code when a fuel-related appliance is present. Mr. Simpson asked the Committee about any thought on adding carbon monoxide monitors and the Committee said even if not required it would still be good to require it in common areas of the dwelling.

The Committee further discussed the need to require hardwiring of smoke detectors and carbon monoxide monitors, but stopped short of making it a requirement due to the undue hardship of hardwiring resulting in rewiring in older dwellings.

Mr. Simpson noted the need to change 'tourist home' to 'short term rental' in number 11.

Mr. Simpson said as part of the registration process for short term rentals, County staff would maintain records of short term rentals and forward a copy of the registration application to the Commissioner of the Revenue so that office can utilize it for monthly lodging tax purposes. He said his understanding from Airbnb is that short term rental hosts have access to a portal for their property which allows them to access records about to all those renting their property each month. Those reports allow for proper records related to taxes.

Mr. Simpson said like most ordinances, this ordinance, with any changes approved by the Board of Supervisors, could be effective immediately upon adoption. He said the likely path forward is that, if the Committee feels comfortable with the ordinance and the changes discussed, the next step would be to include the adjusted ordinance in the next Board meeting packet with a recommendation from the Committee and the Board could then decide to schedule a public hearing and subsequently vote on the new ordinance.

Mr. Simpson said the public hearing could be held as soon as May 16 with proper advertising and the amended ordinance could potentially be adopted as soon as early June, after a recommendation from the Planning Commission.

Committee Chairman Duffey asked what would happen if, once this amended ordinance was put in place, a person begins offering a short term rental but does not go through the County's process to do so. He questioned the process if the County learned of an unregistered short term rental.

Mr. Simpson said the County staff has continually discussed this over the past several months in light of knowing that there are numerous short term rentals in the County, but having not pinpointed each one. He said the Airbnb website does not provide an exact address for any short term rental until after it has been booked for a stay. As a result, he said Ms. Epps had worked using Airbnb, WebGIS, and County tax information to match up properties and compile a list.

Ms. Epps said there are approximately 45 short term rentals listings in the County. She said there are probably another 40-50 listings which fall within the towns of Halifax and South Boston.

Mr. Simpson said only one short term rental has been reported to the County; however, it is not fair to send a notice to one owner and ignore the others. He said up to this point there has not been an enforcement. Now that a list has been developed, a notification can be sent to owners as early as next week, to notify each owner that short term rentals are not currently allowed in the zoning ordinance. Short term rental owners could be notified that a public hearing is expected on revisions to the ordinance and providing them a chance to review the proposed ordinance and a chance to speak at the public hearing.

Mr. Simpson said it could be further explained in the letter that if the proposed ordinance is adopted then there would be a registration process for short term rentals and regulations which would need to be met.

Mr. Simpson said that if the proposed ordinance were adopted, he envisions a similar letter would be sent explaining that a new ordinance has been adopted and provide the registration form and the checklist of regulations.

Upon suggestion by Committee Chairman Duffey and Mr. Easley, the Committee discussed adding enforcement action in the ordinance. Mr. Easley said he believes it is listed as a Class I Misdemeanor if a zoning regulation is violated. Mr. Simpson said he didn't see any issue with including enforcement action in the proposed ordinance.

Supervisor Ricketts said it seems best to include an explanation about enforcement since the County is going to monitor compliance of short term rentals. He said a loss of license to operate the short term rental and a fine are suggested actions for those not in compliance.

Mr. Simpson stated an addition could be made under Short Term Rental Requirements stating a failure to register a short term rental is subject to a fine.

Ms. Epps asked about including in that enforcement, the understanding that a listing would also be reported back to Airbnb. Mr. Simpson stated he and Ms. Epps had researched the ability to report a listing and several options are offered for why a listing is being reported. Supervisor Ricketts added the need to include not only compliance with registration but also compliance with the regulations listed in the ordinance.

Mr. Simpson asked Mr. Easley about the steps taken when a person is found to non-compliant. Mr. Easley responded, saying a letter of violation is sent and 30 days is allowed to come into compliance. After that time, if compliance has still not occurred, the County Attorney sends a letter. If non-compliance is still an issue, the County Attorney files a zoning violation with the courts. It proceeds through the judicial system from there.

The Committee said the same enforcement language which is used as blanket enforcement for other zoning ordinances could also be used in this case, and Mr. Simpson said he could add that wording to the proposed ordinance.

Mr. Easley asked whether the Committee would set the registration fee. Mr. Simpson said the Committee should make a recommendation on a registration fee if they are inclined to recommend the proposed ordinance move into the public hearing process.

Supervisor Ricketts asked about the parking regulation as it relates to the short term rentals, stating that asking people not to park in the yards doesn't seem like a feasible request since many Halifax County residents use their yard as a place to park.

Mr. Simpson said he believes taking off the portion of the statement which reads "...and in yards." on number 9 under the regulations seems most logical. He asked if the Committee felt it necessary to request a sketch of the parking area and Ms. Epps suggested that it could be included with the property management plan which is required for submittal. She stated that parking information is really part of the information owners should be providing to their renters anyway.

Mr. Simpson said he would add wording into number 13 specifying the need to provide a parking sketch.

Motion made by Supervisor Ricketts, seconded by Committee Chairman Duffey, to recommend the Board of Supervisors resolve to consider Ordinance 2023-9 and hold a joint public hearing on May 16 with the Planning Commission.

Motion passed 2-0.

The Committee discussed the potential registration fee, and Mr. Simpson gave examples of the staff time and expense necessary to register and regulate short term rentals.

Motion made by Supervisor Ricketts, seconded by Committee Chairman Duffey, to recommend the Board of Supervisors set the 3-year registration fee for short term rentals at \$200.

Motion passed 2-0.

#### **D. ADJOURN**

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

The meeting adjourned at 4:50 p.m.