



HALIFAX COUNTY BOARD OF SUPERVISORS

1050 Mary Bethune Street
P. O. Box 699
Halifax, VA 24558-0699
(434) 476-3300
Fax: (434) 476-3384
www.halifaxcountyva.gov

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W. BRYANT CLAIBORNE - ED#8

SCOTT R. SIMPSON, P.E., MPA
County Administrator
srs@co.halifax.va.us

ORDINANCE NO. 2023-9

AN ORDINANCE TO AMEND AND REENACT CHAPTER 53, ZONING, SECTION 53-1, DEFINITIONS; SECTION 53-175, USE REGULATIONS A-1; SECTION 53-238, USE REGULATIONS R-1; SECTION 53-267, USE REGULATIONS R-2; SECTION 53-296, USE REGULATIONS B-1; SECTION 53-320, USE REGULATIONS B-2; AND TO CREATE SECTION 53-20, SHORT TERM RENTAL REQUIREMENTS

WHEREAS, the Board has determined that it is in the best interest of the County of Halifax, Virginia ("County") that Chapter 53, Zoning, Section 53-1, Definitions be amended and reenacted to include definitions for "Short Term Rental"; and

WHEREAS, the Board has determined that it is in the best interest of the County that Chapter 53, Zoning, Section 53-175, Use Regulations A-1; Section 53-238, Use Regulations R-1; Section 53-267, Use Regulations R-2; Section 53-296, Use Regulations B-1; and Section 53-320, Use Regulations B-2 be amended and reenacted to permit Short Term Rentals in each of the preceding districts under certain conditions by right, and under certain conditions with a conditional use permit; and

WHEREAS, the Board has determined that it is in the best interest of the County that Chapter 53, Zoning, Section 53-20, Short Term Rental Requirements be created and enacted to establish specific requirements for Short Term Rentals; and

WHEREAS, this Ordinance has been advertised as required by Sections 15.2-1427(F) and 15.2-2204 of the Code of Virginia (1950, as amended) and has undergone properly advertised public hearings by both the Planning Commission and the Board on May 16th, 2023.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF HALIFAX, VIRGINIA:

Section 1. That Chapter 53, Zoning, Section 53-1, Definitions, be amended and reenacted as follows:

Sec. 53-1. – Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abattoir. A commercial slaughterhouse.

Accessory use or structure. A subordinate use or structure customarily incidental to and located upon the same lot occupied by the main use or building.

Acreage. A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.

Administrator. The official charged with the enforcement of this chapter. He may be any appointed or elected official who is by formal resolution designated to the position by the board of supervisors. He may serve with or without compensation as determined by the board of supervisors.

Adult day care center. A facility which provides supplementary care and protection during a part of the day only to four or more aged, infirm or disabled adults who reside elsewhere, except a facility or portion of a facility licensed by the state board of health or department of mental health, mental retardation and substance abuse services.

Agriculture. The tilling of the soil, the raising of crops, horticulture, forestry and gardening, including the keeping of animals and fowl and including any agricultural industry or business, such as fruit packing plants, dairies or similar use.

Alteration. Any change in the total floor area, use, adaptability, or external appearance of an existing structure.

Apartment house. A building used or intended to be used as the residence of three or more families living independently of each other.

Automobile graveyard. Any lot or place which is exposed to the weather upon which more than five motor vehicles of any kind, incapable of being operated, are placed.

Barnyard animals. Pigs, hogs, cows, sheep, goats, horses, mules, donkeys or any other animal not in keeping with the general characteristics and intent of an R-1 or R-2 area by creating objectionable odors, health hazards or noise problems or causing a general nuisance to adjoining property owners.

Basement. A story having part but not more than one-half of its height below grade. A basement shall be counted as a story for the purpose of height regulations if it is used for business purposes or for dwelling purposes by other than a janitor employed on the premises.

Boardinghouse. A building where, for compensation, lodging and meals are provided for five to 14 persons.

Building. Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels.

Building, accessory. A subordinate structure customarily incidental to and located upon the same lot occupied by the main structure. No such accessory structure shall be used for housekeeping purposes.

Building, height of. The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the structure to the highest point of the roof if a flat roof, to the deck line of a mansard roof or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof. For buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.

Building, main. The principal structure or one of the principal buildings on a lot, or the building or one of the principal buildings housing the principal use on the lot.

Building setback line. The distance that a building is from the front lot line or front boundary line; also known as setback line.

Campground. Any area, place, parcel or tract of land on which three or more campsites are intended for occupancy, or where facilities are maintained for accommodation of camping units for periods of overnight or longer. Specifically excluded from this definition are summer camps, migrant labor camps, manufactured home parks and mobile home parks.

Camping unit. A tent, tent trailer, recreational vehicle, or any other device or vehicular-type structure for use as temporary living quarters or shelter during periods of recreation, vacation, leisure time or travel.

Carnival. An amusement show, usually traveling from place to place, having sideshows, nonstationary mechanical rides, games of skill and similar amusements.

Cellar. A story having more than one-half its height below grade and which may not be occupied for dwelling purposes.

Child care center. Any facility operated for the purpose of providing care, protection, and guidance to a group of six or more children separated from their parents or guardians during part of the day only, and meeting the requirements for child care centers under the Code of Virginia, 1950, as amended.

Circus. An amusement show, usually held in a circular arena surrounded totally or partially by tiers of seats, for the exhibition of wild animals, acrobatic feats, clowns and similar activities.

Community center. A building and property, together with lawful accessory buildings and equipment; used for care, protection and counseling services; recreation activities; and cultural activities; not operated for profit inuring to the benefit of individuals. Services and activities may include adult and child day care, counseling services, and educational activities. Membership may be restricted to persons living in a specific geographic area.

Dairy. A commercial establishment for the manufacture and sale of dairy products.

Dump heap (trash pile). Any area of 100 square feet or more lying within 1,000 feet of a state highway or residence, a dairy barn or food handling establishment where trash, garbage or other waste or scrap material is dumped or deposited without being covered by a sanitary fill.

Dwelling. Any structure that is designed for use for residential purposes, except hotels, boardinghouses, lodginghouses, ~~tourist cabins,~~ apartments and automobile trailers.

Dwelling, multiple-family. A structure arranged or designed to be occupied by more than one family.

Dwelling, single-family. A structure arranged or designed to be occupied by one family, the structure having only one dwelling unit.

Dwelling, two-family. A structure arranged or designed to be occupied by two families, the structure having only two dwelling units.

Dwelling unit. One or more rooms in a dwelling designed for living or sleeping purposes and having at least one kitchen.

Easement. A grant by a property owner of the use of land for specific purpose or purposes, or an interest in land owned by another that entitles its holder to specific limited use; also may be known as right-of-way.

Fair. A competitive exhibition of farm products, livestock and other agricultural products. Carnival-type activities or other special entertainment may accompany such exhibitions. The term shall also be used to define "agricultural fair."

Family. One or more persons occupying a premises and living in a single dwelling unit, as distinguished from an unrelated group occupying a boardinghouse, lodginghouse, ~~tourist homeshort term rental~~ or hotel.

Frontage. The minimum width of a lot measured from one side lot line to the other along a straight line on which no point shall be farther away from the street upon which the lot fronts than the building setback line as defined and required herein.

Garage, private. Accessory building designed or used for the storage of not more than three automobiles owned and used by the occupants of the building to which it is accessory. On a lot occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of one and one-half times as many automobiles as there are dwelling units.

Garage, public. A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling or storing motor-driven vehicles.

General store, country. A single store, the ground floor area of which is 4,000 square feet or less and which offers for sale, primarily, most of the following articles: bread, milk, cheese, canned and bottled foods and drinks, tobacco products, candy, papers and magazines, and general hardware articles. Gasoline may also be offered for sale but only as a secondary activity of a county general store.

Golf course. Any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto but excluding golf driving ranges as defined herein.

Golf driving range. A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

Guest room. A room that is intended, arranged or designed to be occupied or which is occupied by one or more guests paying direct or indirect compensation therefor but in which no provision is made for cooking. Dormitories are excluded.

Historical area. As indicated on the zoning map to which the provisions of this chapter apply for protection of a historical heritage.

Home garden. A garden in a residential district for the production of vegetables, fruits and flowers generally for use or consumption by the occupants of the premises.

Home occupation. An occupation carried on by the occupants of a dwelling as a secondary use in connection with which there is no display and no one is employed, other than members of the family residing on the premises, such as the rental of rooms to tourists, the preparation of food products for sale and similar activities; professional offices such as medical, dental, legal, engineering and architectural conducted within a dwelling by the occupant.

Hospital. An institution rendering medical, surgical, obstetrical or convalescent care, including nursing homes, homes for the aged and sanatoriums, but in all cases excluding institutions primarily for mental or feeble-minded patients, epileptics, alcoholics or drug addicts. Certain nursing homes, and homes for the aged may be "home occupations" if they comply with the definition herein.

Hospital, special care. A special care hospital shall mean an institution rendering care primarily for mental or feeble-minded patients, epileptics, alcoholics or drug addicts.

Hotel. A building designed or occupied as the more or less temporary abiding place for 14 or more individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.

Housing for the elderly and/or physically handicapped. Multifamily structure containing at least three dwelling units and within which at least 90 percent of all dwelling units (or all but one dwelling unit of the number of dwelling units if less than ten) are occupied or designed for occupancy by:

- (1) Families of two or more persons, the head of which (or his or her spouse) is 62 years of age or over or is handicapped;
- (2) The surviving member or members of any family described in subsection (1) of this definition living in a unit within the building with the deceased member of the family at the time of his or her death;
- (3) A single person who is 62 years of age or over or a nonelderly handicapped person between the ages of 18 and 62; or
- (4) Two or more elderly or handicapped persons living together, or one or more such persons living with another person who is determined by a licensed physician's certificate to be essential to their care or well-being. For the purpose of this definition, "handicapped person" means any adult having an impairment that is expected to be of long-continued and indefinite duration, is a substantial impediment to his ability to live independently, and is of a nature that such ability could be improved by more suitable housing conditions.

Industrialized building. A combination of one or more sections or modules, subject to state regulations and including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. Manufactured homes, as defined, shall not be considered industrialized buildings for the purpose of this chapter.

Junkyard. The use of any area of land lying within 100 feet of a state highway or the use of more than 200 square feet of land area in any location for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials. The term "junkyard" shall include the term "automobile graveyard" as defined in Code of Virginia, § 33.1-348.

Kenel. A place prepared to house, board, breed, handle or otherwise keep or care for dogs for sale or in return for compensation.

Livestock market. A commercial establishment wherein livestock is collected for sale and auctioned off.

Lot. A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open spaces, lot width and lot areas as are required by this chapter and having frontage upon a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

Lot, corner. A lot abutting on two or more streets at their intersection. Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.

Lot, depth of. The average horizontal distance between the front and rear lot lines.

Lot, double frontage. An interior lot having frontage on two streets.

Lot, interior. Any lot other than a corner lot.

Lot of record. A lot that has been recorded in the office of the clerk of the circuit court.

Lot, width of. The average horizontal distance between side lot lines.

Manufacture or manufacturing. The processing or converting of raw, unfinished materials or products, or either of them, into articles or substances of different character or for use for a different purpose.

Manufactured home. A structure subject to federal regulation which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure.

Manufactured home park or subdivision. Any area designed to accommodate three or more homes intended for residential use where residence is in manufactured and mobile homes exclusively.

Mobile home. An industrialized building unit not subject to federal regulation which is constructed on a chassis for towing to the point of use and designed to be used, with or without a permanent foundation, for continuous year round occupancy as a dwelling; or two or more such units separately towable, but designed to be joined together at the point of use to form a single dwelling, and which is designed for removal to, and installation or erection on other sites.

Mobile home park or subdivision. Any area designed to accommodate three or more homes intended for residential use where residence is in mobile homes exclusively.

Modular building. See the definition of "industrialized building."

Motor vehicle competition. Contests or competitions such as tractor pulls, drag races, mud slings, automobile races, motorcycle races, go-cart races and similar events where entrants are judged on speed, endurance, distance or similar measures.

Music festival. Any gathering of groups or individuals for the purpose of listening to or participating in entertainment which consists primarily of musical renditions conducted in open spaces not within an enclosed structure, and for which an admission fee is charged or prizes are awarded.

Nonconforming activity. The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this chapter for the district in which it is located, either at the effective date of the ordinance from which this chapter is derived or as a result of subsequent amendments to the chapter.

Nonconforming lot. An otherwise legally platted lot that does not conform to the minimum area or width requirements of this chapter for the district in which it is located either at the effective date of the ordinance from which this chapter is derived or as a result of subsequent amendments to the chapter.

Nonconforming structure. An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage or other area regulations of this chapter or is designed or intended for use that does not conform to the use regulations of this chapter for the district in which it is located, either at the effective date of the ordinance from which this chapter is derived or as a result of subsequent amendments to the chapter.

Not-for-profit. An organization, association, or activity which is not operated for the purposes of earning a profit, and which has obtained non-taxable status from the United States Internal Revenue Service.

Off-street parking area. Space provided for vehicular parking outside the dedicated street right-of-way.

Outdoor amusement/entertainment area. A parcel of land used for the gathering of groups or individuals for the purpose of listening to, viewing or participating in music festivals, motor vehicle competitions, circuses, carnivals, fairs and similar forms of public amusement and entertainment, for which an admission fee is charged or prizes are awarded, conducted in open space not within an enclosed structure. This section shall not apply to facilities designed for baseball, softball, football, soccer and other similar athletic events.

Pen. A small enclosure used for the concentrated confinement and housing of animals or poultry; a place for feeding and fattening animals; a coop. Enclosed pasture or range with an area in

excess of 100 square feet for each hog or small animal or 200 square feet for each larger animal shall not be regarded as a pen.

Planning commission. The planning commission of the county.

Public water and sewer system. A water or sewer system owned and operated by a municipality or county, or owned and operated by a private individual or a corporation approved by the board of supervisors and properly licensed by the state corporation commission and subject to special regulations as herein set forth.

Recreational vehicle. A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or towed by another vehicle. The basic entities are travel trailer, camper trailer, truck camper, and motor home.

Required open space. Any space required in any front, side or rear yard.

Residential human care facility. A building other than a boardinghouse, hotel or group house preponderantly residential in character serving retarded or other developmentally disabled persons, not related by blood or marriage.

Residential special care treatment facility. A living facility containing dwelling units providing housing and supportive services such as meals, social activities, medical treatment, behavioral and emotional treatment, counseling and educational services.

Restaurant. Any building in which, for compensation, food or beverages are dispensed for consumption on the premises, including, among other establishments, cafes, tea rooms, confectionery shops or refreshment stands.

Retail stores and shops. Buildings for display and sale of merchandise at retail or for the rendering of personal services, but specifically exclusive of coalyards, woodyards, and lumberyards, such as the following, which will serve as illustration: drugstore, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, barbershop and beauty shop.

Sawmill. A portable sawmill located on a private property for the processing of timber cut only from that property or from property immediately contiguous and adjacent thereto.

Self-contained camping unit. A unit that contains a toilet, and may contain a lavatory, shower, and kitchen sink, all of which are connected as an integral part of the structure to water and sewage storage tanks located within the unit.

Setback. The minimum distance by which any building or structure must be separated from the front lot line; also known as building setback line.

Short Term Rental. The accessory or secondary use of a residential dwelling unit or a portion thereof by a property owner to provide a room or space that is intended for short -term transient rental purposes in exchange for a charge for the occupancy. The primary use of the short -term rental unit shall remain residential. No short -term rental for any unit to any person or entity shall exceed twenty-nine (29) consecutive calendar days per stay.

Sign. Any display of any letters, words, numerals, figures, devices, emblems, pictures or any parts or combinations thereof by means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to or as a part of a structure, surface or any other thing, including, but not limited to, the ground, any rock, tree or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is made. A display of less than one square foot in area is excluded from this definition.

- (1) *Business sign.* A sign that directs attention to a product, commodity or service available on the premises.
- (2) *Home occupation sign.* A sign not exceeding four square feet in area directing attention to a product, commodity, or service available on the premises, but which product, commodity or service is clearly a secondary use of the dwelling.
- (3) *General advertising sign.* A sign that directs attention to a product, commodity or service not necessarily available on the premises.
- (4) *Location sign.* A sign that directs attention to the approximate location of an establishment from which the advertised product may be obtained.

- (5) *Directional sign.* A sign, one end of which may be pointed, or on which an arrow may be painted, indicating the direction to which attention is called, four square feet or less in area, giving the name only of the farm or business responsible for the erection of same.

Sign structure. Includes the supports, uprights, bracing and framework of any structure, be it single-faced, double-faced, V-type or otherwise, exhibiting a sign.

Sign, temporary. A sign applying to a seasonal or other brief activity such as, but not limited to, summer camps, horse shows, auctions or sales of land. Temporary signs shall conform in size and type to directional signs.

Small neighborhood business. A single business with a gross floor area of not more than 10,000 square feet, which offers for sale articles or services which would serve neighborhood and surrounding communities' day-to-day needs. Such business shall not be characterized by heavy trucking other than infrequent delivery of retail goods or by any nuisance factors other than incidental light and noise of congregations of persons and passenger vehicles.

Special care facility. A building, including, but not limited to, a nursing home, preponderantly institutional in character occupied by a nonfamily, essentially nontransient, group of unrelated persons where for compensation custodial care and supervision are provided.

Store. Retail stores and shops.

Story. That portion of a building, other than the basement, included between the surface of any floor and the surface of any floor next above it. If there is no floor above it, the space between the floor and the ceiling next above it.

Story, half. A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three feet above the top floor level and in which space not more than two thirds of the floor area is finished off for use.

Street line. The dividing line between a street or road right-of-way and the contiguous property.

Street, road. The principal means of access to abutting properties.

Structure. Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground. This definition includes, among other things, dwellings, buildings, signs, etc.

Temporary housing. The means of using a dwelling, camper or recreational vehicle for temporary use while construction or renovation of a unit on the property. Temporary quarters shall have approved septic and well installed and shall be unhooked of all plumbing and electrical prior to the issuance of a certificate of occupancy for new or renovated dwelling.

Tourist court; auto court; motel; hotel; cabins; motor lodge. One or more buildings containing individual sleeping rooms, designed for or used temporarily by automobile tourists or transients, with garage or parking space located convenient to each unit. Cooking facilities may be provided for each unit.

~~*Tourist home.* A dwelling where only lodging is provided for compensation, for up to 14 persons and open to transients.~~

Townhouse. A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with a yard or public way of not less than two sides.

Travel trailer. A mobile unit less than 29 feet in length and less than 4,500 pounds in weight which is designed for human habitation.

Use, accessory. A subordinate use, customarily incidental to and located upon the same lot occupied by the main use.

Variance. A reasonable deviation from the provisions of this chapter regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of this chapter would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of this chapter. It shall not include a change in use, which change shall be accomplished by a rezoning or, if authorized by this chapter, by a conditional zoning.

Wayside stand, roadside stand, wayside market. Any structure or land used for the sale of agricultural or horticultural produce, livestock or merchandise produced by the owner or his family on their farm.

Yard. An open space on a lot other than a court unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

- (1) *Front yard.* An open space on the same lot as a building between the front line of the building, excluding steps, and the front lot or street line and extending across the full width of the lot.
- (2) *Rear yard.* An open, unoccupied space on the same lot as a building between the rear line of the building, excluding steps, and the rear line of the lot and extending the full width of the lot.
- (3) *Side yard.* An open, unoccupied space on the same lot as a building between the side line of the building, excluding steps, and the side line of the lot and extending from the front yard line to the rear yard line.

Section 2. That Chapter 53, Zoning, Section 53-175, Use regulations, be amended and reenacted as follows:

Sec. 53-175. – Use regulations.

In agricultural district A-1, structures to be erected or land to be used shall be for one or more of the following uses:

- (1) Single-family dwellings;
- (2) General farming, agriculture, dairying and forestry, except, however, confined animal/livestock feeding operations, which shall be subject to section 53-208 et seq.;
- (3) Schools, churches, parks and playgrounds;
- (4) Preserves and conservation areas;
- (5) Lodges, hunting clubs and boating clubs;
- (6) Sawmills;
- (7) Small boat docks, with repair;
- (8) Cemeteries;
- (9) Home occupations;
- (10) Industrialized/modular buildings used for single-family residential occupancy;
- (11) Public utility generating, booster or relay stations, transformer substations, lines and towers exclusive of communications facilities, pipes, meters and other facilities for the provision and maintenance of public utilities, including railroads and water and sewerage installations;
- (12) Off-street parking, as required by this chapter;
- (13) Accessory uses;
- (14) Business signs only to advertise the sale or rent of the premises upon which erected;
- (15) Church bulletin boards and identification signs;
- (16) Directional signs;
- (17) Home occupation signs;
- (18) Clubs and golf courses;
- (19) Small neighborhood businesses, as defined, if issued a conditional use permit;
- (20) Facilities, activities and operations that are provided by a duly constituted unit of government with conditional use permit issued by the board of supervisors;
- (21) Outdoor amusement/entertainment areas, if issued a conditional use permit;
- (22) Campgrounds, as defined, with conditional use permit;
- (23) Child welfare homes, agencies and institutions as licensed by the state under authority of Code of Virginia, § 63.2-1700 et seq., with a conditional use permit issued by the board of supervisors;

- (24) Communications towers and antenna systems if issued a conditional use permit;
- (25) Mobile Homes used for single-family residential occupancy;
- (26) Manufactured homes used for single-family residential occupancy;
- (27) Manufactured home parks, if issued a conditional use permit;
- (28) Mobile home parks, if issued a conditional use permit;
- (29) Boat storage facilities, if issued a conditional use permit;
- (30) Commercial firing range, indoor or outdoor, if issued a conditional use permit;
- (31) Small wind energy systems, if issued a conditional use permit;
- (32) Colleges, universities and schools that maintain residential dormitories or otherwise house students, if issued a conditional use permit;
- (33) Facilities, activities and operations that are provided by the board of supervisors;
- (34) Small scale solar energy facilities;
- (35) Large scale solar energy facilities, if issued a conditional use permit;
- (36) Residential special care treatment facility with the issuance of a conditional use permit;
- (37) A second single-family dwelling per lot with the execution of a family relationship affidavit in a form approved by the administrator which shall be signed by the owner of the tract and immediate family member under oath and penalty of perjury that identifies the second dwelling is to a qualifying family member(s) and identifies the receiving family member(s) and their relationship to the owner. For the purpose of this affidavit, a member of the immediate family is defined as any person who is a natural or legally defined offspring (including stepchildren) sibling, spouse, grandchild, grandparent or parent owner;
- (38) Farming and agricultural operations which process raw agricultural products into a finished product, if issued a conditional use permit;
- (39) Two or less campers or recreational vehicles on lot that has no other dwelling, conditioned upon there being an approved septic and well system installed prior to issuance of a building permit. If lot contains an existing dwelling, one (1) camper or recreational vehicle may be allowed with approved septic and well system;
- (40) Temporary housing, as defined in Section 53-1;
- (41) Retail stores and shops, if issued a conditional use permit;
- (42) Short Term Rental, if no other dwelling is located within 1,000 feet; otherwise, if issued a conditional use permit.

Section 3. That Chapter 53, Zoning, Section 53-238, Use regulations, be amended and reenacted as follows:

Sec. 53-238. Use regulations.

In residential, limited, district R-1 structures to be erected or land to be used shall be for one or more of the following uses:

- (1) Single-family dwellings;
- (2) Schools;
- (3) Churches;
- (4) Parks and playgrounds;
- (5) Off-street parking as required by this chapter;
- (6) Accessory buildings; however, garages or other accessory buildings, such as carports, porches and stoops, attached to the main building shall be considered part of the main building. No accessory building may be closer than one foot to any property line;

- (7) Public utilities such as poles, lines, distribution transformers, pipes, meters or other facilities necessary for provision and maintenance of public utilities, including water and sewer facilities;
- (8) Business signs only to advertise the sale or rent of the premises upon which erected;
- (9) Church bulletin boards and identification signs;
- (10) Directional signs;
- (11) Facilities, activities and operations that are provided by a duly constituted unit of government with a conditional use permit issued by the board of supervisors;
- (12) Child welfare homes, agencies and institutions as licensed by the state under authority of Code of Virginia, § 63.2-1700 et seq., with a conditional use permit issued by the board of supervisors;
- (13) Short Term Rental, if no other dwelling is located within 1,000 feet; otherwise, if issued a conditional use permit.

Section 4. That Chapter 53, Zoning, Section 53-267, Use regulations, be amended and reenacted as follows:

Sec. 53-267. Use regulations.

In residential, general, district R-2, structures to be erected or land to be used shall be for one or more of the following uses:

- (1) Single-family dwellings;
- (2) Two-family dwellings;
- (3) Multiple-family dwellings;
- (4) Roominghouses and boardinghouses;
- ~~(5) Tourist homes;~~
- ~~(6)~~ Schools;
- ~~(7)~~ Churches;
- ~~(8)~~ Rest homes;
- ~~(9)~~ General hospitals;
- ~~(10)~~ Clubs and lodges;
- ~~(11)~~ Parks and playgrounds;
- ~~(12)~~ Professional offices;
- ~~(13)~~ Home occupations, conducted by the occupant;
- ~~(14)~~ Off-street parking as required by this chapter;
- ~~(15)~~ Accessory buildings; however, garages and other accessory structures, such as carports, porches, and stoops, attached to the main building shall be considered part of the main building. No accessory building may be closer than one foot to any property line;
- ~~(16)~~ Public utilities, such as poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision or maintenance of public facilities, including water and sewer facilities;
- ~~(17)~~ Business signs;
- ~~(18)~~ Church bulletin boards and identification signs;
- ~~(19)~~ Directional signs;
- ~~(20)~~ Home occupational signs;
- (20) Short Term Rental, if no other dwelling is located within 1,000 feet; otherwise, if issued a conditional use permit

Section 5. That Chapter 53, Zoning, Section 53-296, Use regulations, be amended and reenacted as follows:

Sec. 53-296. Use regulations.

In business, limited, district B-1, structures to be erected or land to be used shall be for one or more of the following uses:

- (1) Grocery stores;
- (2) Bake shops;
- (3) Drugstores;
- (4) Pick-up laundry and dry cleaning stations;
- (5) Coin-operated laundries;
- (6) Barbershops and beauty shops;
- (7) Gift shops;
- (8) Clothing shops;
- (9) Appliance stores;
- (10) Off-street parking as required by this chapter;
- (11) Public utilities such as poles, lines, distribution transformers, pipes, meters or other facilities necessary for the provision and maintenance of public utilities, including water and sewer facilities;
- (12) Business signs;
- (13) Church bulletin boards and identification signs;
- (14) Directional signs;
- (15) Farming and agricultural;
- (16) Facilities, activities and operations that are provided by a duly constituted unit of government with a conditional use permit issued by the board of supervisors;
- (17) Housing for the elderly;
- (18) Residential human care facility;
- (19) Special care facility;
- (20) Community centers, if issued a conditional use permit;
- (21) Short Term Rental, if no other dwelling is located within 1,000 feet; otherwise, if issued a conditional use permit.

Section 6. That Chapter 53, Zoning, Section 53-320, Use regulations, be amended and reenacted as follows:

Sec. 53-320. Use regulations.

In business, general, district B-2, structures to be erected or land to be used shall be for one or more of the following uses:

- (1) Retail food stores;
- (2) Bakeries;
- (3) Dry cleaners;
- (4) Laundries;
- (5) Wearing apparel stores;
- (6) Drugstores;
- (7) Barbershops and beauty shops;

- (8) Auto and home appliance services;
- (9) Theaters, assembly halls;
- (10) Hotels, motels;
- (11) Office buildings;
- (12) Churches;
- (13) Libraries;
- (14) Hospitals, general;
- (15) Funeral homes;
- (16) Service stations, with major repair under cover;
- (17) Clubs and lodges;
- (18) Auto sales and service;
- (19) Lumber and building supply, with storage under cover;
- (20) Plumbing and electrical supply, with storage under cover;
- (21) Wholesale and processing not objectionable because of dust, noise or odors, with a conditional use permit;
- (22) Machinery sales and services;
- (23) Public utilities;
- (24) Off-street parking as required by this chapter;
- (25) Public billiard parlors and pool rooms, bowling alleys, dance halls and similar forms of public amusement only after a public hearing shall have been held by the board of supervisors on an application submitted to the body for such use. The fee for such application shall be as adopted by the board of supervisors and on file in the county administrator's office. The board of supervisors may request that the planning commission submit a recommendation to them concerning such use applications. In approving any such application, the board of supervisors may establish such special requirements and regulations for the protection of adjacent property, set the hours of operation and make requirements as they may deem necessary in the public interest;
- (26) Business signs;
- (27) General advertising signs;
- (28) Location signs;
- (29) Farming and agricultural;
- (30) Apartments (including residential units located above other uses) and townhouses, in an urban development area designated in the comprehensive plan;
- (31) Facilities, activities and operations that are provided by a duly constituted unit of government with a conditional use permit issued by the board of supervisors;
- (32) Outdoor amusement/entertainment areas, if issued a conditional use permit;
- (33) Tobacco warehouses, if issued a conditional use permit;
- (34) Trailer and semitrailer storage area, if issued a conditional use permit;
- (35) Boat storage or repair facilities, if issued a conditional use permit;
- (36) Self-service storage facilities;
- (37) Driver training schools, if issued a conditional use permit;
- (38) Housing for the elderly, if issued a conditional use permit;
- (39) Residential human care facility, if issued a conditional use permit;
- (40) Special care facility, if issued a conditional use permit;
- (41) Commercial firing range, indoor, if issued a conditional use permit;
- (42) Community centers, if issued a conditional use permit;

(43) Campground, if issued a conditional use permit;

(44) Short Term Rental, if no other dwelling is located within 1,000 feet; otherwise, if issued a conditional use permit.

Section 7. That Chapter 53, Zoning, Section 53-20, Short Term Rental Requirements, be created and enacted as follows:

Sec. 53-20, Short Term Rental Requirements

1. Each Short Term Rental advertised or operated in Halifax County shall register with the Zoning Administrator prior to such activity.
 - a. The Registration Fee for an annual registration will be set by resolution of the Board of Supervisors.
 - b. Failure to comply with all requirements of this section will result in reporting of the Short Term Rental to any hosting or booking platform, and the operator of the Short Term Rental will be subject to penalties established in Sec. 53-8. - Penalties; continuing violations.
2. Occupancy. Maximum of two 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. One per floor installed at each floor's common area. Fire Extinguishers shall be a minimum of 8# ABC dry powder.
5. Smoke Detectors. One inside each bedroom and one outside each bedroom. Minimum of one on each floor including basements.
6. Carbon Monoxide (CO) detector. One per floor installed at each floor's common area.
7. Each bedroom shall have an egress sized window which meets building code requirements
8. Each Kitchen and bathroom shall have a GFCI receptacle meeting building code requirements.
9. Proof of General Liability insurance minimum coverage of \$1,000,000.
10. Parking for Short Term Rentals shall be located on driveways and other designated parking areas. The parking of vehicles is prohibited on, or along, all rights-of-way.
11. Property boundaries, or limitations within the property's boundaries where transient guests are allowed, must be clearly marked at all times.
12. There shall be no visible evidence of the conduct of such Short Term Rental on the outside appearance of the property. Signage identifying the address of the Short Term Rental shall be visible from the roadway
13. A property management plan must be submitted to the Zoning Administrator and shall include local points of contact available to respond immediately to complaints, garbage clean-up, management of unruly tenants, a property sketch including designated parking areas, 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.
18. Each operator of a Short Term Rental will provide to the Zoning Administrator information confirming the operator's and Short Term Rental's compliance with the requirements of this Section. Further, each Short Term Rental will be subject to inspection by the Zoning Administrator and County Building Official on such schedule as the County may establish.

Section 8. Sections 1 through 7 of this Ordinance shall be made a part of the Code.

Section 9. This Ordinance shall become effective immediately.

Passed and adopted by the Board of Supervisors of the County of Halifax, Virginia this 5th day of June, 2023.

Calvin R. Short, Chairman
Halifax County Board of Supervisors

ATTEST:

Scott R. Simpson, P.E.
Clerk, Halifax County Board of Supervisors