

Department of Planning & Community Development



Franklin County Planning Commission
Agenda
June 13, 2023

- I. Call to Order
- II. Roll Call
- III. Consent Agenda
 - a. Approval of Minutes from April 11, 2023 Meeting
 - b. Approval of Minutes from May 9, 2023 Meeting
- IV. Citizen Comment
- V. Work Session
 - a. Short Term Rentals
- VI. Staff Update
 - a. Long Range Planning
- VII. Adjourn

*** The Planning Commission's site visits are scheduled for July 5, 2023

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A meeting of the Franklin County Planning Commission was held on Tuesday, May 9, 2023, in the Board of Supervisors Conference Room located at the Franklin County Government Center.

THOSE PRESENT:

Sherrie Mitchell- Chair, Snow Creek District

Debbie Crawford- Vice Chair, Union Hall District

David Clements- Rocky Mount District

David Pendleton- Blackwater District

C.W. Doss- Blue Ridge District

Cheryl Ege- Gills Creek District

Angie McGhee- Boone District (By Phone)

OTHERS PRESENT:

Lisa Cooper- Director, Planning

Stephanie Mathena- Principal Planner

Chris Dadak - County Attorney

Megan Fenner – Clerk

THOSE ABSENT:

NONE

The meeting was called to order by Chairwoman Sherrie Mitchell at 6:00 p.m.

The first order of business was the approval of the minutes from the April 11, 2023, meeting. Due to the length of the minutes and the extensive review of the record, staff delivered the April 11, 2023 public hearing minutes to the Planning Commission at the beginning of this meeting. Director Lisa Cooper stated that the minutes are posted online and marked as draft, for public access. Chairwoman Sherrie Mitchell asked if the minutes will be updated online upon approval. Director Cooper confirmed the record will be updated online when the minutes are approved. Ms. Debbie Crawford suggested to table or delay the approval of the minutes until the Planning Commission could review the document in its entirety.

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Ms. Debbie Crawford motioned to postpone the approval of the April 11, 2023 meeting minutes until the June 13, 2023 meeting.

Ms. Cheryl Ege seconded the motion.

The motion to approve was approved, 7-0-0-0; voting on the motion was as follows:

AYES: McGhee, Ege, Doss, Pendleton, Clements, Crawford, Mitchell
NAYES: None
ABSENT: None
ABSTAIN: None

Chairwoman Sherrie Mitchell announced the next item on the agenda.

APPLICATION for SPECIAL USE PERMIT – Application of American Window Real Estate LLC, Applicant, and Amos K. and Barbie M. Stoltzfus, Owners, requesting a special use permit, with possible conditions, on an approximate 4.07 acres of property zoned B-2, General Business. The property is located at 3305 Iron Ridge Road, in the Blackwater Election District of Franklin County and further identified by real estate records as Tax Map/Parcel Number 0440102301A. The purpose of this special use permit request is to allow for outdoor displays on a business property. This property is located in the 220 North Corridor Designated Growth Area and has a future land use designation of Commercial Mixed Use (SPEC-03-23-17609).

Director Lisa Cooper presented the staff report.

The property was approved for a special use permit in 2018 for outdoor display on business property for an auto sales lot. The conditions on the special use permit were specific for auto sales. This business never operated at this location.

American Windows Real Estate, LLC., (AWRE) applicant is requesting a special use permit for outdoor display on business property for manufactured housing sales and a retail location. The display area will have approximately six (6) model homes of different sizes of 16' x 76', 28' x 52', and 32' x 60' and a sales office of approximately 1344 square feet.

The property is located at the corner of Iron Ridge Road (Route 775) and Route 220 and is zoned B-2, General Business. The property consists of approximately 4.07 acres. The property is located in the 220-North Designated Growth Area and the 220-North Mixed Overlay District. Water is supplied by the Western Virginia Water Authority and the sewer supply is a septic system.

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Chairwoman Mitchell asked if any commissioners had questions for staff. There were none. Chairwoman Sherrie Mitchell advised they would now hear from the applicants.

Mr. Adam McKelvey addressed the Planning Commission. Mr. McKelvey advised they are looking to place 5-8 manufactured housing units as outdoor displays on the property. He then discussed the property, and its location in relation to Route 220 and Rocky Mount. Mr. McKelvey stated they are willing to make changes to their plans as much as possible because they want the project to look right, and they want it to be visually pleasing. He also discussed their goal of providing affordable housing in the county by working with Fleetwood Homes. Mr. McKelvey stated that the property will not have trailers constantly moving the manufactured homes on and off of the property. They have already begun meeting some of the suggested conditions. He then introduced Mr. Carl Booth who advised they have ensured an egress to the front and rear of the property for emergency apparatus. The required Safe, Adequate and Proper is underway and waiting for approval from the Virginia Department of Health. The property already has water, sewer and electricity. Mr. Booth stated they have reached out to Ms. Lisa Lewis with the Virginia Department of Transportation, who stated they will need more detail in their site analysis.

Chairwoman Sherrie Mitchell asked if any Commissioner had questions for the applicant. Hearing none, Chairwoman Mitchell opened the floor to any citizen who wished to comment on the application. Hearing none and seeing none, the period for citizen comment was closed.

Chairwoman Sherrie Mitchell stated there is a confirmation by staff. Director Lisa Cooper stated the seven (5) parking spaces will be plenty. He would only need five (5) spaces, and a sixth (6th) space as handicap parking. This will be reviewed and discussed in the minor site plan review stage.

The Planning Commission then entered their period of discussion. There were no concerns or questions brought up by the Planning Commission.

Mr. David Pendleton motioned that the use will not be of substantial detriment to adjacent properties, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the uses permitted by-right in the zoning district, and with the public health, safety, and general welfare to the community. Mr. Pendleton moved to recommend approval of the applicant's request for a special use permit to allow for outdoor display on business property in accordance with Section 25-336 of the Zoning Ordinance, with the five (5) conditions recommended by staff.

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Mr. David Clements seconded the motion.

The motion to approve was approved, 7-0-0-0; voting on the motion was as follows:

AYES: Clements, McGhee, Ege, Doss, Pendleton, Crawford, Mitchell
NAYES: None
ABSENT: None
ABSTAIN: None

Chairwoman Sherrie Mitchell announced the next item on the agenda.

APPLICATION for SPECIAL USE PERMIT – Application of Jerry and Peggy Mattox, Applicant and Owner, requesting a special use permit, with possible conditions, on an approximate 3.5 acres of property zoned RC-1, Residential Combined Subdivision District. The property is located at 219 Major Holland Road in the Union Hall district of Franklin County and further identified by real estate records as Tax Map/Parcel # 0530009100. The purpose of this special use permit request is to allow for a “home—second single-family detached dwelling on a lot”. This property has a future land use designation of Low Density Residential. (SPEC-04-23-17614).

Ms. Stephanie Mathena presented the staff report.

The applicant is requesting a special use permit to allow for a “home—second single-family detached dwelling on a lot” (hereafter referred to as “second dwelling”) on a property that is approximately 3.5 acres and located at 219 Major Holland Road in the Union Hall district. There is one dwelling located on the parcel, occupied by the applicant. The second dwelling is intended for occupancy by the applicant's granddaughter.

The second dwelling is proposed to be provided by converting the existing 1980-model manufactured home located on the property. The existing manufactured home was placed on the property for storage, approximately 25 years ago. The applicant stated that over the last several years, they have been remodeling the manufactured home.

The second dwelling would be a single-family residence (single-wide manufactured home), consisting of two (2) bedrooms, one (1) full bathroom, with a total living area of approximately 840 square feet. The second dwelling would require the construction of a new septic system and drainfield, as well as connection to a water source. At the time of this staff report, the Virginia Department of Health stated they have not received any applications.

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The subject property is located on and served by a public, state-maintained road. The subject property shares a driveway with 225 Major Holland Road. The construction of the second dwelling would constitute the existing driveway providing access to three (3) residences; this will require that the applicant work with the Franklin County GIS Department to address the second dwelling for emergency access.

Chairwoman Mitchell asked if any commissioner had questions for staff. There were none. Chairwoman Sherrie Mitchell advised they would now hear from the applicants.

Mr. Jerry Mattox addressed the Planning Commission. Mr. Mattox explained they are asking for a special use permit for their granddaughter to use the structure on their property as a second home. The building has been used for storage, but they have been renovating it for her and turning it into a residence. Ms. Peggy Mattox stated their granddaughter is single and works from home, and they appreciate the opportunity to be heard by the Planning Commission.

Chairwoman Sherrie Mitchell asked if any of the commissioners had questions for the applicant. Hearing none and seeing none, Chairwoman Mitchell opened the floor to any citizen who wished to comment on the application. Hearing none and seeing none, the period for citizen comment was closed.

The Planning Commission then entered their period of discussion. There were no concerns or questions raised by the Planning Commission.

Ms. Debbie Crawford motioned that the use will not be of substantial detriment to adjacent properties, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the uses permitted by-right in the zoning district, and with the public health, safety, and general welfare to the community. Ms. Crawford move to recommend approval of the applicant's request for a special use permit to allow for the "home—second single-family detached dwelling on a lot" with the six (6) conditions recommended in the staff report.

Mr. David Pendleton seconded the motion.

The motion to approve was approved, 7-0-0-0; voting on the motion was as follows:

- AYES: McGhee, Ege, Doss, Pendleton, Clements, Crawford, Mitchell
- NAYES: None
- ABSENT: None
- ABSTAIN: None

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Chairwoman Sherrie Mitchell introduced the next item on the agenda.

APPLICATION for SPECIAL USE PERMIT – Application of E. Cabell and Jessica A. Gardner, Applicant and Owner, requesting a special use permit, with possible conditions, on an approximate 126.89 acres of property zoned A-1, Agricultural. The property is located at 500 Ayers Road in the Union Hall district of Franklin County and further identified by real estate records as Tax Map/Parcel # 0530013200. The purpose of this special use permit request is to allow for the short-term tourist rental of a dwelling. This property has a future land use designation of Agriculture Forestry/Rural Residential, as shown in the Franklin County Comprehensive Plan. (SPEC-04-23-17634).

The applicant is requesting a special use permit to allow for the short-term tourist rental of a dwelling on a property that is approximately 129.89 acres and located at 500 Ayers Road in the Union Hall district. This is the only dwelling located on the parcel and where the short-term rentals would take place. The applicant owns and resides full-time on an adjacent parcel, 805 Timber Ridge Road.

The dwelling is a two-story, single-family residence built in approximately 1900, and consists of three (3) bedrooms, one (1) full-bathrooms, one (1) half-bathroom, and has a total living area of approximately 1,392 square feet. The existing Sewage Disposal System Operation permit permits a maximum of two (2) bedrooms / four (4) adults. While the dwelling does have three (3) bedrooms, the short-term rental can only be advertised and operated as two (2) bedrooms in accordance with the septic permit; an upgrade or increase to the capacity would require all relevant approvals from the Virginia Department of Health.

Adjacent parcels include the applicant's single-family residence on an adjacent property; several dwellings; parcels used for agricultural purposes; and vacant parcels. The subject property is located along a state-maintained road with a private driveway and a parking area.

Chairwoman Sherrie Mitchell asked if there were any questions for staff. Ms. Stephanie Mathena stated the applicant may have spoken to the Virginia Department of Health regarding expanding their septic, but for now staff will continue with the current record on file. Ms. Sherrie Mitchell asked if the applicants chose to upgrade their septic, would they have to come before the Planning Commission again. Ms. Mathena stated staff would update their records regarding the septic information, but the applicants would not have to go through another public hearing.

Chairwoman Sherrie Mitchell advised they would now hear from the applicant.

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Mr. E Cabell addressed the Planning Commission. He presented photos of the property and explained which area will be fenced in, as part of the land will still be used for agriculture. He stated he would answer any questions the commission had.

Chairwoman Sherrie Mitchell asked if any of the commissioners had questions for the applicant. Ms. Debbie Crawford asked if renters would be able to interact with the farm animals on the property. Mr. E Cabell stated that was not his intent, and they shouldn't be able to get near the animals. Ms. Mitchell asked if it was their original intent while renovating to do short-term rentals. Mr. Cabell answered that was their original intent, but the more they worked on the property, the more they enjoyed being there. He explained they would like to be able to use the property whenever they want and rent it for a few days out of the month.

Chairwoman Mitchell opened the floor to any citizen who wished to comment on the application. Hearing none and seeing none, the period for citizen comment was closed. Chairwoman Sherrie Mitchell advised the Planning Commission would now enter discussion.

Ms. Debbie Crawford stated that she is familiar with the applicants and their work, and they always do a good job on their projects.

Ms. Debbie Crawford motioned that the use will not be of substantial detriment to adjacent properties, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the uses permitted by-right in the zoning district, and with the public health, safety, and general welfare to the community. Ms. Crawford move to recommend approval of the applicant's request for a special use permit to allow for the short-term tourist rental of a dwelling with the five (5) conditions recommended in the staff report.

Mr. David Pendleton seconded the motion.

The motion to approve was approved, 7-0-0-0; voting on the motion was as follows:

AYES:	Ege, Doss, Pendleton, Clements, McGhee, Crawford, Mitchell
NAYES:	None
ABSENT:	None
ABSTAIN:	None

Chairwoman Sherrie Mitchell introduced the next item on the agenda.

APPLICATION for SPECIAL USE PERMIT – Application of the Franklin County Board of Supervisors, on behalf of Boxwood Green Homeowners Association, Owner(s), requesting to rezone, with

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possible proffers, on an approximate 94.386 acres (94 parcels) from A-1, Agricultural to R-1, Residential Suburban Subdivision. The properties are located in the Boxwood Green subdivision of the Union Hall election district of Franklin County and further identified by Franklin County Real Estate Records as the Tax Map/Parcel numbers listed on the attached spreadsheet. The purpose of this special use permit request is to allow for the short-term tourist rental of a dwelling. The purpose of this rezoning request is to provide a more compatible zoning district for its existing residential use. The properties have a future land use designation of Low Density Residential (Case# REZO-04-23-17642).

Ms. Stephanie Mathena presented the staff report.

The properties, currently 94 parcels, have been zoned A-1, Agricultural, since the creation of the Boxwood Green subdivision. The properties consist of single-family dwellings on both lakefront and inland lots.

This request was initiated by a letter sent by Peter Kaufmann, President of the Boxwood Green Homeowners Association (HOA), addressed to Chairman Tatum (Blue Ridge District Supervisor) of the Franklin County Board of Supervisors, on February 13, 2023. The letter stated the Boxwood Green HOA's initiative of collecting votes regarding the rezoning from all property owners within the subdivision. The letter stated the desire for the rezoning is due to a "strictly residential community [...] that clearly fits the profile of R-1 residential." An additional letter was sent to the Franklin County Board of Supervisors on April 4, 2023, reinforcing the sentiments of the original letter.

Chairwoman Sherrie Mitchell asked the Planning Commission if they had any questions for staff.

Ms. Debbie Crawford asked if staff had the exact tally of the votes from the subdivision. Ms. Stephanie Mathena stated she didn't have the number memorized, but the documentation should be in the packet of meeting materials. Ms. Cheryl Ege stated that the vote was about 90% in favor of rezoning. Director Lisa Cooper confirmed 90% approved the rezone, which was 78 owners. Five (5) owners disapproved, four (4) owners didn't respond at all. Those who voted no were concerned that the R-1 designation would effect their ability to work from home. Director Cooper clarified that R-1 does allow people to work from home, especially if they have an occupation where they can be out of the office. If anyone had a home occupation, and the property is rezoned, the existing businesses would be grandfathered in. However, if anyone wanted to expand their business that would require further discussion. Ms. Crawford asked if the applicants have filed for a rezone before and were denied. Director Cooper stated the president of the HOA previously came before the Planning Commission to request a rezone. The Planning Commission advised the president of the HOA to survey the subdivision and see how many landowners would

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support a rezone. The HOA got the information and then reached out to their Board of Supervisor member who presented the idea to the Board of Supervisors and got the votes to be able to file for the rezone as the applicant. Ms. Crawford asked if staff had a copy of the HOA by-laws. Director Cooper stated they do not, because the planning office does not regulate restricted covenants. Ms. Crawford spoke on the strength of the HOA, and mentioned a conversation with a contractor she had where rezoning could potentially raise taxes in the area. Ms. Mitchell advised they would let the applicant come up and address the Planning Commission after staff has concluded their presentation. Ms. Mitchell also confirmed that the letter from the HOA treasurer in their packet states 90% of the homeowners support the rezone. Ms. Mitchell asked if the vote of the Board of Supervisors to send the rezone to the Planning Commission was unanimous. Director Cooper believes the vote was six (6) in support, with one (1) member absent. Ms. Mitchell asked if there was any relevant discussion. Director Cooper stated that they noted the work the HOA had put in to obtain the opinion of the homeowners, but there were no questions. Ms. Mitchell asked if staff had an idea of how many subdivisions around the lake were zoned A-1. Director Cooper noted there were quite a few, but she couldn't name any from memory. She noted that many subdivisions that had mixed use were zoned Residential Planned Development (RPD), and if a lot of the property in the subdivision was still agricultural, it was zoned A-1. Many developers may not want to go through the rezoning process when creating a subdivision, which could contribute to subdivisions zoned A-1. Ms. Mitchell then asked how much work would be put on staff if there were an influx of subdivisions seeking to rezone. Director Cooper stated there is a certain amount of work that goes into making sure no parcels are left out of the rezone, which could cause issues down the road. If there was a large influx, she could consult the Board of Supervisors regarding a comprehensive rezone.

Ms. Debbie Crawford asked the difference between R-1 and RC-1. Director Lisa Cooper explained that R-1 is the most restrictive zoning, as it doesn't allow a lot of permitted uses and is limited on the special use permits you can obtain. RC-1 zoning has smaller lots and allows manufactured homes, where R-1 does not. Ms. Cheryl Ege wanted to point out that Boxwood Green is a well-established neighborhood, and there are few lots that belong to the HOA. She does not think it would make sense to zone the area RC-1.

Chairwoman Sherrie Mitchell advised they would now hear from the applicant.

Mr. Pete Kauffman, president of the HOA, advised he is joined by the treasurer Mr. Sam Bready. Mr. Kauffman advised that they did submit a presentation to the Board of Supervisors with the work they have done, and why they would like to rezone to R-1. They would like to rezone mainly because they are a residential area, and there is no agricultural use in the area. He believes the subdivision meets the standards of the zoning ordinance

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for R-1 zoning. There are some lots that have not been developed. Two (2) of the lots are not developable. Another two (2) lots are expected to be developed soon. Mr. Kauffman advised about 67% of homeowners reside in Boxwood Green full time, and 30% of them are not lakefront property. He believes that they have strong restricted covenants that they have posted online. Mr. Kauffman discussed some of their procedures when they want to change something about the subdivision or covenants.

Chairwoman Sherrie Mitchell asked if any of the commissioners had questions for the applicant. Ms. Debbie Crawford asked if Mr. Pete Kauffman considered a possible change in tax rate. Mr. Kauffman stated he consulted with the county's treasurer office and was advised that the zoning of the property does not affect the rate of property tax. Ms. Crawford asked if they had taken a preliminary vote when they came before the Planning Commission the first time. He stated they had not. Mr. Sam Bready stated it was discussed in many of the HOA meetings and generally supported.

Chairwoman Sherrie Mitchell advised they would now open the floor to citizens who wished to comment on the applications.

Ms. Margret Mendenhall, who has resided in Boxwood Green for over a year, stated the subdivision's HOA is the most impressive they have been involved in. She and her husband have served on several HOAs in the past. She wanted to address the thought 'if it's not broken, why fix it?' She believes this will prevent it from being 'broken' in the future. She believes that they should have a designation to reflect their residential area.

Chairwoman Sherrie Mitchell stated they would now close the period for citizen comment. Chairwoman Sherrie Mitchell advised the Planning Commission would now enter discussion.

Ms. Cheryl Ege stated the Boxwood Green community has done a great job in presenting their work to the Planning Commission, they are a residential community and should have a zoning designation that reflects such. Ms. Ege would be in favor of supporting the rezone.

Ms. Debbie Crawford motioned that such rezoning will not be of substantial detriment to adjacent property, that the character of the surrounding area will not be changed thereby, and that such rezoning will be in harmony with the purpose and intent of the County Code and the Comprehensive Plan. Ms. Crawford moved to recommend approval of the request to rezone the approximate 94 acres from A-1, Agricultural, to R-1, Residential Suburban Subdivision.

Ms. Cheryl Ege seconded the motion.

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The motion to approve was approved, 7-0-0-0; voting on the motion was as follows:

AYES: Doss, Pendleton, Clements, McGhee, Ege, Crawford, Mitchell
NAYES: None
ABSENT: None
ABSTAIN: None

Chairwoman Sherrie Mitchell opened the floor for citizen comment on anything related to planning that has not already been heard tonight. Seeing none and hearing none, Chairwoman Mitchell closed the period for citizen comment.

Director Lisa Cooper announced there were no applications for next month's meeting, so they will hold a work session instead. Site visits for June 7, 2023 have been canceled. Ms. Stephanie Mathena discussed what staff briefed the Board of Supervisors on at their April work session, and provided materials that were given to the Board of Supervisors. She also updated the Planning Commission on current projects.

Meeting adjourned at 7:29 pm.

DRAFT

Planning Commissioners –

Thank you for taking the time to have another work session on short-term rentals (STR). At the next work session on June 13, we will continue discussing revisions to the STR regulations, particularly where and how they are permitted in various districts.

For the June 13 work session, please review the attached materials and be prepared to discuss and make decisions on how we, Franklin County, would like to regulate how STRs are permitted. Questions to consider as we approach this discussion:

- What can we *effectively* and *efficiently* enforce?;
- What *known* concerns are we trying to mitigate?; and
- What regulations would address a *legitimate* zoning concern (health, safety, and welfare of the community)?

Attachments

1. Draft Regulations

- a. Most recent revised draft of the STR regulations, including the County Code and Zoning Ordinance. *Note:* this draft includes revisions based on the January 24 and March 14 work session(s) discussions.

2. Comment Tracker

- a. Revised comment tracker that shows Commissioner comments received thus far. *Note:* this tracker includes discussion and revisions from the January and March work sessions, and highlights comments that need to be discussed.

3. Record of STR Complaints (see page 2)

- a. Record of STR complaints, submitted via Host Compliance and/or the STR hotline. Granicus does not provide a timeframe, but rather shows the complaints received over the last (approximate) two- and half-year period of using the system.
- b. The majority of all complaints received were regarding short-term rentals in districts where they are currently not permitted.

4. Benchmarks

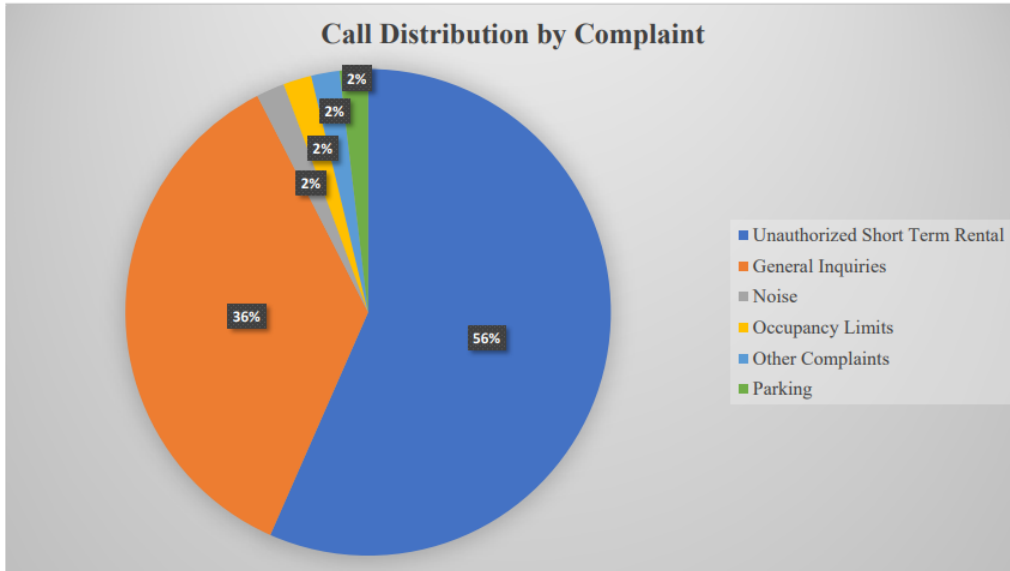
- a. Revised set of benchmarks showing how similar and/or neighboring localities permit STRs, admiratively or discretionarily, in various districts.

Record of HOTLINE
(call-in) complaints:

Complaint Type	Count
Unauthorized Short Term Rental	30
General Inquiries	19
Noise	1
Occupancy Limits	1
Other Complaints	1
Parking	1

Total Calls (All Time)

53



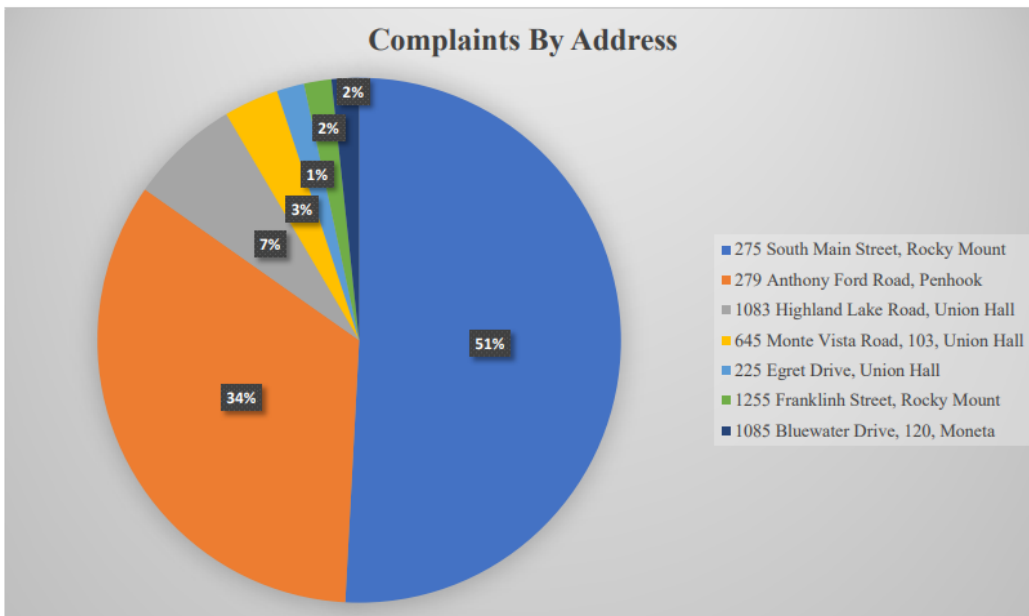
Address	Count	Zoning	SUP
275 South Main Street, Rocky Mount	30	Town	N/A
279 Anthony Ford Road, Penhook	20	R-1	N/A
1083 Highland Lake Road, Union Hall	4	R-1	N/A
645 Monte Vista Road, 103, Union Hall	2	RPD	Allowed
225 Egret Drive, Union Hall	1	A-1	No
1255 Franklindh Street, Rocky Mount	1	Town	N/A
1085 Bluewater Drive, 120, Moneta	1	RPD	Allowed

*Franklin County Courthouse

*No Longer Advertised

*Franklin County Government Center

Record of HOST COMPLIANCE
PORTAL (website form)
complaints:



Sec. 5.5-70. Short-term rental registry. [REVIEWED: JANUARY 24 WORKSESSION.]

(a) Definitions.

- (1) Operator. The proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity.
- (2) Short-term rental. The provisions of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than thirty (30) consecutive days, in exchange for a charge for the occupancy.

(b) Registry.

- (1) In accordance with Code of Virginia, § 15.2-983, as amended this chapter shall establish a short-term rental registry and require short-term rental operators within Franklin County to register their short-term rental annually. The registration shall require the operator to complete a short-term rental application through electronic means or on forms provided by Franklin County that entails the following:
 - (a) Provide the name, telephone number, and email address of the operator for the address;
 - (b) Provide the property owner name and physical address(es) of the property being rented;
 - (c) Provide to the county the owner's written consent to inspect any dwelling used for short-term rental to ascertain compliance with all applicable performance standards. An annual inspection shall be performed by the County;
 - (d) Provide proof of liability insurance applicable to the rental activity, of at least one million dollars (\$1,000,000.00); and
 - (e) Annually register and provide a registration and inspection fee of two hundred dollars (\$200.00). In the event of two (2) failed inspections, a one-hundred-dollar (\$100.00) fee shall apply to the third inspection.
- (2) To qualify as exempt from registering under this ordinance, an operator must be:
 - (a) Licensed by the real estate board or be a property owner who is represented by a real estate licensee;
 - (b) Registered pursuant to the Virginia Real Estate Time-Share Act (§ 55.1-2200 et seq.);
 - (c) Licensed or registered with the department of health, related to the provision of room or space for lodging; or
 - (d) Licensed or registered with Franklin County, related to the rental or management of real property.
- (3) Operator shall present evidence of such other licensing or registration to the office of planning and community development to qualify for exemption.
- (4) Should such registration or licensing cease, the operator shall forthwith submit an application and register on the county's short-term rental registry.
- (5) Registration and/or approval of short-term rental does not run with the land; the registration is void upon change in ownership.

(c) Violations and Penalty.

- (1) If an operator who is required to register under this ordinance fails to do so while offering such lodging for rent, or rents such lodging:
 - (a) S/he shall be subject to a fine of five hundred dollars (\$500.00) per violation; or
 - (b) S/he shall be prohibited from continuing to offer any property for short-term rental, unless and until the operator pays the fine(s) and registers subject property.

- (2) Upon multiple violations on more than three (3) occasions of applicable state and local laws, ordinances, and regulations, as they relate to the short-term rental on a specific property, an operator may be prohibited from registering and offering that property for a period of two (2) years.
- (d) **Other Provisions.** The requirements of this division do not supersede the requirements found in Chapter 25, Zoning or other requirements of the Franklin County Code or Code of Virginia, as amended.

Sec. 5.5-71. Reserved.

Sec. 5.5-72. Short term rentals. [REVIEWED: JANUARY 24 WORKSESSION.]

The following general regulations apply to all short-term tourist rental of residential dwellings:

- (a) **Definitions.**
 - (1) **Booking.** Any transaction in which there is a charge to a guest by a host for the occupancy of any dwelling, sleeping, or lodging accommodations.
 - (2) **Guest.** A person who occupies a short-term rental unit.
 - (3) **Operator.** The proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity.
 - (4) **Short-term rental.** The provisions of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than thirty (30) consecutive days, in exchange for a charge for the occupancy.
- (b) **Use and Appearance.** The use of the dwelling unit for short-term rentals shall be primarily for residential purposes related to tourism or vacationing. There shall be no change in the outside appearance of the dwelling or premises, or other visible evidence of the conduct of such short-term rentals.
- (c) **Boundaries.** The property boundaries, or limitations within the property's boundaries where guests are permitted, shall be clearly marked at all times.
- (d) **Maximum Occupancy.**
 - (1) There shall be no more than two (2) adults per bedroom occupying the dwelling at any one time. An adult, for the purpose of this regulation, is any person over the age of three (3).
 - (2) The number of bedrooms in dwellings served by septic tanks and drainfields shall be limited by the maximum permitted capacity of the individual sewage disposal system, as approved by the Virginia Department of Health. Documentation from the Virginia Department of Health and/or an Approved Onsite Soil Evaluators (AOSE) shall be provided.
 - (3) A notice shall be clearly posted in the dwelling indicating approved occupancy of the dwelling.
- (e) **Parking.**
 - (1) All vehicles, recreational vehicles, boats, boat trailers, and other watercraft of tenants shall be parked in driveways or parking areas designed and built to be parking areas. In the case of multifamily dwellings, all vehicles must be parked in spaces specifically reserved for the dwelling unit being rented. No parking of any kind shall be permitted within streets, roads, or right-of-ways.
- (f) **Noise.** Noise generated off the lot or off the premises shall be in no greater volume or pitch than normally expected in a residential neighborhood.

CODE OF THE COUNTY
Chapter 5.5 - COMMUNITY DEVELOPMENT
ARTICLE IV. SHORT TERM RENTALS

- (g) **Waste.** Waste and refuse collection shall comply with Chapter 18, Solid Waste, of the Franklin County Code of Ordinances; the owner shall provide in a conspicuous place within the dwelling, a summary of the requirements for waste and refuse collection.
- (h) **Safety.**
- (1) A type 2A-10BC fire extinguisher shall be mounted on the wall in common area or kitchen on each floor in the dwelling. Smoke detectors and carbon monoxide detectors shall be installed and functioning properly in every living area and bedroom within the dwelling, in accordance with the Virginia Statewide Fire Prevention Code and the Uniform Statewide Building Code, as amended.
 - (2) Each bedroom shall comply with building code requirements for egress.
 - (3) An evacuation plan shall be posted on each level of the dwelling and clearly visible to renters. The evacuation plan shall reflect the general layout of the dwelling and show all emergency exits (i.e., doors, windows, and stairwells.)
 - (4) Each short-term rental shall be provided with means of emergency communication; landline telephone, internet service, and/or a security system with capabilities to alert emergency services such as fire and EMS. Proof of such emergency communication is required at time of registration.
- (i) **Responsible Agent.**
- (1) The owner(s) shall designate a responsible agent to promptly address complaints regarding the short-term rental. The responsible agent shall be available within 30 miles of the short-term rental. The responsible agent shall respond and attempt in good faith to resolve any complaint(s) within 60 minutes of being contacted. The responsible agent may initially respond to a complaint by requesting guest(s) to take such action as is required to resolve the complaint.
 - (2) The responsible agent's contact information shall be posted or provided in plain sight within the short-term rental.

Sec. 25-138. Short-term rentals. [NEEDS REVIEWED: JUNE 13 WORKSESSION.]

In addition to Sec. 5.5-70 and Sec. 5.5-72 of Chapter 5.5, Community Development, Article IV, Short-Term Rentals, the following additional regulations apply to all short-term rentals on property subject to the Zoning Ordinance of Franklin County.

(a) **Access.**

- (1) If the property is accessed by a private road in the A-1 district, any applicable road maintenance agreement(s) shall be provided at the time of registration or Special Use Permit application.

(b) **Lot Size.** [See below].

OPTION 1: (Existing Regulations)

(a) The following general regulations apply to all short-term rentals:

(1) Permitted by-right:

- (a) Short-term rentals in RPD and PCD districts; no minimum lot size; must be in accordance with the minimum lot sizes for that district, provided in Article III, District Regulations, of this Chapter [Zoning Ordinance].

(2) Permitted by a Special Use Permit:

- (a) Short-term rentals in A-1 districts; no minimum lot size; must be in accordance with the minimum lot sizes for that district, provided in Article III, District Regulations, of this Chapter [Zoning Ordinance].
 1. Septic tanks and drainfields shall be shown on the concept plan as part of the Special Use Permit application.

OPTION 2: (Proposed)

(a) For all short-term rentals, the following minimums shall apply:

(1) A-1 district: Minimum lot size of 5 acres.

- (a) If less than five (5) acres, applicant may apply for a Special Use Permit.

1. Septic tanks and drainfields shall be shown on the concept plan as part of the Special Use Permit application.

(b) RPD and PCD districts: no minimum lot size; must be in accordance with the minimum lot sizes for that district, provided in Article III, District Regulations, of this Chapter [Zoning Ordinance].

OPTION 3: (Proposed)

(a) The following general regulations apply to all short-term rentals:

(1) Permitted by-right:

- (a) Short-term rentals in A-1, RE, R-1, R-2, RC-1, RMF districts:

1. Minimum lot size of five (5) acres.

- (b) Short-term rentals in RPD and PCD districts:

1. No minimum lot size; must be in accordance with the minimum lot sizes for that district, provided in Article III, District Regulations, of this Chapter [Zoning Ordinance].

(2) Permitted by a Special Use Permit:

- (a) Short-term rentals in A-1, RE, R-1, R-2, RC-1, RMF districts:

1. Lot size less than five (5) acres.
2. Septic tanks and drainfields shall be shown on the concept plan as part of the Special Use Permit application.

Item No.	Name	Section / Item	Comment	Staff Response	Consideration / Suggestion
1	Commissioner McGhee	5.5-70 (a)	Copy of application for us to review?	See Memo for question/information asked at time of registration; online-only platform.	N/A
2	Commissioner McGhee	5.5-70 (a) (3)	Remove "the initial registration is due on or before July 1, 2020.	The proposed draft has this removed.	No change; removed in draft.
3	Commissioner Crawford	5.5-70 (a) (4)	Discuss when registration is due. Why due on or before July 1?	The proposed draft has this removed; the language now simply states that registration is required annually. In practice, staff will operate this on a calendar-year basis. For example, if someone registers in November, they will need to re-register the following November.	See revised draft.
4	Commissioner McGhee		Is this fee [\$200] still accurate?	This is still the fee charged with no discussion with the Board of Supervisors to edit at this time.	No change.
5	Commissioner Crawford	5.5-70 (b)	Please explain.	These exemptions are required by the Code of Virginia.	No change; required by Code of Virginia.
6	Commissioner McGhee		Why? [RE: "To qualify as exempt from registering..."]	These exemptions are required by the Code of Virginia.	No change; required by Code of Virginia. Mr. Dadak's response: "THAT IS CORRECT. THIS SECTION APPLIES TO THOSE REQUIRED TO REGISTERED BUT DOES NOT PREEMPT OTHER AVENUES IN WHICH LOCALITY CAN REGULATE SHORT TERM RENTALS. WE JUST CANNOT REGULATE EXEMPT SHORT TERM RENTALS UNDER THIS SPECIFIC ORDINANCE. FOR THOSE NOT REQUIRED TO REGISTER, WE CAN STILL IMPOSE REQUIREMENTS, JUST NOT THIS SPECIFIC STATUTE."
7	Commissioner Crawford	5.5-70 (c)	What is other licensing or registration?	This refers to the exemptions in (b); this provision requires proof of that licensure or registration in order to be exempt.	No change.
8	Commissioner McGhee		Vague; perhaps tighten-up verbiage.	In the event an owner claims exemption from the registry regulations, this provision requires they provide a copy of their relevant licensure or registration.	No change.
9	Commissioner Crawford	5.5-70 (d)	?	This provision is stating that if anyone exempt by (b) no longer holds the licensure or registration that exempted them, they are required to register their STR pursuant to our regulations.	No change.
10	Commissioner McGhee	5.5-70 (e) (1)	Is this fee [\$500] still accurate?	Yes; this is still the violation fee provided by Code of Virginia.	No change.
11	Commissioner Crawford	5.5-70 (f)	"May" ?	"May" is the language provided in Code of Virginia § 15.2-983; staff recommends mirroring Code language.	No change.
12	Commissioner McGhee		Add "up to": "[...] an operator may be prohibited from registering and offering that property for a period of up to two (2) years. "	Staff recommends a strict two year period.	No change.
13	Commissioner Crawford	5.5-70 (g)	Why "as amended"?	"As amended" is used to capture any future updates/revisions to Code of Virginia requirements. Adding "as amended" allows the County to rely on the most recent Code of Virginia regulations, without updating the specific Code reference each time it is updated.	No change.
14	Commissioner McGhee	5.5-72	Is this the same as Section 25-138	As currently provided in the County Code, yes.	No change at this time.
15	Commissioner McGhee	5.5-72 (b)	See Bedford County for signage per zoning category.	Localities typically do <i>not</i> permit signage for STRs, <i>or</i> they will permit one small sign per STR that must be affixed to the dwelling itself. <u>Planning Commission discussed signage at the March 14 worksession and determind not to regulate signage for STRs.</u>	No change.
16	Commissioner McGhee	5.5-72 (g)	Add "as per VA State Fire Code" after "within the dwelling [...]"	n/a	Revised as requested.
20	Commissioner McGhee	General Comments	Signage or not? See CC&R; Discuss "on the house" and/or "on the dock" No signs at the road? See CC&R	Localities typically do not permit signage for STRs, or they will permit one small sign per STR that must be affixed to the dwelling itself. <u>Planning Commission discussed signage at the March 14 worksession and determind not to regulate signage for STRs.</u> House numbers for 9/11/identification purposes would be exempt and they would be allowed.	No change.
21	Commissioner Crawford		Signs		
22	Commissioner Doss		Small sign w/ house 911 number and contact information for problems.		

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23	Commissioner McGhee	General Comments	Emergency phone, Landline required? OR monitored by central station (i.e. ADT, SimpliSafe operated by keypad) for FIRE & EMS. Applicant to provide certification, similar to certification required by homeowners policy.	The proposed draft, 5.5-72 (h) (4), requires a means of emergency communication and proof of such at time of registration.	Revised, as described in Column E.
24	Commissioner Crawford		Expiration time and have to go thru renewal process.. Bedford 3 or 5 yrs.	We require registration and inspection yearly.	No change.
25	Commissioner Crawford		Can or cannot be transferred from owner to owner	The proposed draft, 5.5-70 (b) (5), states that the STR registration/approval does not run with the land and new owners will need to apply/register. The SUP allowing an STR on a given property <i>does</i> run with the land, but new owners would be required to register and be inspected.	Revised, as described in Column E.
26	Commissioner Crawford		Owner/operator need to be within so many miles of STR	The proposed draft, 5.5-72 (i), includes new provisions that requires a "responsible agent" that is available within one hour and within 30 miles of the STR.	Revised, as described in Column E.
27	Commissioner Crawford		Discuss Condominium complexes such as Bernard's Landing. Does each condo pay Application fee.	Yes; each applicant (homeowner) would need to register/apply for each short-term rental individually.	No change.
28	Commissioner Ege	General Comments; see 1/10 packet for full comments*	If violations occur, can the SUP be revoked, if so, for how long.	As for SUPs specifically, Sec. 25-643. of the Zoning Ordinance provides that the BOS can revoke an SUP, following appropriate public hearing processes, if there is willful noncompliance of the Ordinance and/or conditions of the SUP.	No change; provisions in place to address concern.
34	Commissioner Ege		A revocation procedure for a rental that proves to be a detriment to the neighborhood.	Additionally, the existing and draft STR regulations provide that a registration can be revoked if there are 3 substantiated violations of ordinances and regulations; the owner is then prohibited from registering/offering the property for short-term rental for a two year period.	
29	Commissioner Ege		Financial penalty for not registering.	The existing and proposed draft STR regulations provide that a \$500 fine for not registering.	No change; provisions in place to address concern.
30	Commissioner Ege		Zoning Issues when A-1 property is really Residential property.	Due to the unique nature of each property with A-1, an SUP process would allow each STR within A-1 districts to be assessed on individual merits.	No change; provisions in place to address concern.
33	Commissioner Ege		A complaint structure through which close neighbors can report problems and issues to the city, or possibly even a mediation structure for disputes.	The proposed draft, 5.5-72 (i), includes new provisions that requires a "responsible agent" that is available within one hour and within 30 miles of the STR. To avoid intrusion into personal conflicts, staff does not recommend proscribing mediation measures. As for complaints to the County, citizens can call/visit/email staff to formally file a complaint. Subsequently, violations/penalties for those in violation would then be subject to Article VI of the Zoning Ordinance.	No change; provisions in place to address concern. County Attorney opinion requested. Mr. Dadak's Response: "AGREED. WE CAN ENCOURAGE PARTIES TO DISCUSS AND PROACTIVELY RESOLVE ISSUE PRIOR TO FORMAL COMPLAINTS BUT NO REAL AVENUE FOR A FORMAL PROCESS UNDER ORDINANCE."
37	Commissioner Doss	General Comments	We should not get into rezoning. I'm sorry but when people bought their land they should have understood what was permitted. (Not knowing isn't an excuse, it's like getting stopped for speeding and saying you did not know the speed limit, the police will say ignorance of law is no excuse.)	No comment.	No change.

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31	Commissioner Ege	General Comments; see 1/10 packet for full comments*	Minimal required spacing between short term rentals. A particular interval of feet may be used to assure that an entire block does not turn into a short term rental district.	Code of Virginia § 15.2-2282 requires that within a Zoning Ordinance, "zoning regulations shall be uniform for each class or kind of buildings and uses throughout each district, but the regulations in one district may differ from those in other district." Regulating the distance between STRs would conflict with this requirement that they be treated equally within a given zoning district. County Attorney can weigh in on legality of requiring a certain distance between each STR.	County Attorney opinion requested. Mr. Dadak's response: "I think we can impose such restrictions with a reasonable basis/address reasonable concern, for example, clustering, maintaining neighborhood integrity, maintaining character of the area, avoiding clusters of purely transient occupancy. <u>However, it will be difficult to draft in practical terms</u> – for example picking and defining the distance (how many feet, from property line, between buildings, etc.)"
32	Commissioner Ege		Limitations on the turnover. Renting to six different tenants within a month probably won't be allowed in many places. There may be a minimum stay, perhaps of a week.	Some localities choose to provide stay limitations; for example, one booking for every seven days, or two bookings per month. Consideration should be given to how this is enforced.	Discuss at Planning Commission June 13 worksession.
35	Commissioner Doss	General Comments	I don't think the owner has to be present at the time of rental. There are a lot of homes at SML that are not lived in year round. The owner has invested 1,000 of dollars in homes and should be able to get a return on their investments. I do think someone has to manage the property to deal anything 24/7 and respond to problems in 60 minutes.	The proposed draft, 5.5-72 (i), includes new provisions that requires a "responsible agent" that is available within one hour and within 30 miles of the STR.	Discuss at Planning Commission June 13 worksession.
36	Commissioner Doss		No minimum lot size of 5 acres. A lot of homes are on smaller lot size on SML, just a set back from property lines of 35 feet with buffer should do.	The proposed draft has two new options for consideration; one option proposed to allow short-term rentals as a by-right use in A-1 with a minimum of 5 acres, with the option to seek an SUP if the lot is smaller than 5 acres. No setbacks are currently proposed.	Discuss at Planning Commission June 13 worksession.
18	Commissioner Crawford	25-138	Suggested change: For properties in A1, R1, R2, RC1, RMF that have more than 5 Acres, short term rentals are permitted by-right, but remain subject to all regulations in this section. For properties in A1, R1, R2, RC1, RMF that have less than 5 Acres will go thru the Special Use Permit Process (SUP). All RPD properties be by right.	No comment.	Discuss at Planning Commission June 13 worksession.
19	Commissioner McGhee		Comments to Staff revisions: Delete a and b Strike A1 Agricultural districts, and list specific zones following "five acres" Add option: For properties in RPD, STR permitted by right, but remain subject to SUP		

STR Regulation Benchmarks

LOCALITY	Agricultural Districts	Residential Districts	Commercial Districts	Industrial Districts	Planned Development Districts and/or Mixed-Use Districts	Supplementary Regulations?	Setbacks and/or Minimum Lot Size Requirements?	Lake Presence
Franklin County	Discretionary A-1				By-right RPD and PCD	Yes	Not addressed in current regulations	Yes; (SML)
Bedford County	By-right all	By-right R-1 and R-2	By-right C-1 and C-2		By-right Planned Comm. & Planned Res.	In review	Must conform to district regulations	
City of Martinsville	By-right all				By-right all	Yes	Must conform to district regulations	No
Roanoke County	By-right all	By-right/Discretionary R-1 and R-2* <i>SUP required if less than 5 acres</i>	By-right C-1 and C-2			Yes	Must conform to district regulations	
Botetourt County	By-right all	By-right RR Discretionary R-1, R-2, R-3	By-right B-1		Discretionary PUD and TND	Yes	Must conform to district regulations	
King George County* DRAFT - as of 01/23	By-right all	By-right all	By-right C-2		By-right Resort Community	Yes	Must conform to district regulations	Chesapeake Bay
Louisa County* DRAFT - as of 06/22	By-right all	By-right all	By-right all	By-right I-1 Discretionary I-2, IND	By-right Resort Development	Yes	Must conform to district regulations	Yes; (Lake Anna)
Spotsylvania County* DRAFT - as of 12/22	Presented Louisa regulations to their Board for consideration.							
Burke County, NC* AS OF MARCH 2023, this Board removed all regulations, due to a recent court case. STRs are still allowed throughout the County with no regulation. This remains to show how it was permitted before.	By-right Conservation	By-right R-1, R-2, R-3			By-right all	Yes	Not addressed in current regulations	Yes; (Lake James)