

COUNTY OF YORK
MEMORANDUM

DATE: May 24, 2024

TO: York County Board of Supervisors

FROM: Mark L. Bellamy, Jr., County Administrator

BJ for MB

SUBJECT: Home Occupations Presentation

Attached is the background information regarding the Home Occupations item scheduled for discussion during the 6:00 p.m. Board meeting on Tuesday, June 4. We hope you will find the material informative in preparation for the meeting.

Please feel free to contact us if you have any questions.

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COUNTY OF YORK

MEMORANDUM

DATE: May 30, 2024

TO: York County Board of Supervisors

FROM: Earl W. Anderson, AICP, Chief of Development Services 

SUBJECT: Draft Zoning Ordinance Text Amendments – Home Occupations

BACKGROUND

In July 2018, the York County Chamber of Commerce asked the Board to review what they considered to be outdated home occupation regulations that have not evolved to meet the needs of citizens. The letter cited the changing gig economy and the recent increases in home-based businesses throughout the County. The Chamber letter stated that many existing and potential businesses operate without authorization because of the length of time required to go through the Special Use Permit process. The letter (copy attached) offered a variety of recommended changes to the County Code to better accommodate home based businesses.

In response to the Chamber's concerns, the Board formed an ad hoc Home Based Business Committee to review the regulations related to these uses. The Board appointed six citizens to work with a Planning Commission representative as Chair and staff members from the Office of Economic Development (OED), the Zoning and Code Enforcement Office, and the Sheriff's Office (roster attached). Staff support was provided by the Planning Division and the Zoning and Code Enforcement Office. The Committee started meeting in June 2019, first by reviewing the new home occupation environment and then delving into the County Code regulations.

The Office of Economic Development presented information on the current atmosphere for home-based businesses, of which there are a wide variety ranging from service providers to government contractors to farmers, artisans, scientists, food and beverage entrepreneurs, and medical providers. Since the Great Recession in 2008, according to the OED, there has been a shift in the workplace resulting from advances in technology, the cost of doing business, and generational and cultural shifts toward a more entrepreneurial mindset. Additionally, people who work from home see benefits for flexibility in schedules to help them better maintain a work-life balance and also to be able to choose the location where they would like to live and work. The OED noted that over two-thirds of the County's licensed businesses are home-based businesses and that they were seeing a greater demand to provide services for these businesses.

The Committee spent the next six months reviewing the relevant Zoning Ordinance sections in regard to home-based businesses to include definitions, by-right uses, Special Use Permits, parking, and vehicles. After this review, the Committee then worked with staff to craft changes to the Zoning Ordinance. These changes were completed in February 2020 and were being prepared for review by the Planning Commission when the COVID-19

pandemic struck, causing the changes to be postponed while the County adapted to the changing environment and conditions.

The Planning Commission reviewed the text amendments on December 20, 2020, and were supportive of the amendments, only changing the wording for allowing heavy trucks to be allowed “on” a residential property, rather than the previous wording allowing it to operate “from” the property. The Commission recommended approval of the proposed changes 7:0.

DISCUSSION

The Zoning Ordinance defines “home occupation” as “an accessory use of a dwelling unit or the property upon which it is located by the occupant of the dwelling for or with the intent of gainful employment involving the provision of goods or services.” While tourist homes and bed-and-breakfast establishments may be considered as a type of home occupation, they are treated separately under the Zoning Ordinance and are not addressed in these proposed amendments. None of the home occupation provisions, existing or proposed, apply to short-term rentals, and such establishments would not be affected in any way by the proposed amendments.

The proposed amendments to the home occupation performance standards reflect many minor wording changes and cleanup of older portions; however, there are other more substantive changes that are detailed below:

- The most significant change proposed is to remove the list of home occupations that are permitted as a matter of right and replace it with a more general allowance that addresses the items that are typically of concern to citizens. These concerns are most often focused on the number of people on-site at any one time, rather than the specific use, which leads to an increased intensity of the use on a property and potential parking problems, and so the Committee proposed to remove specific business types from Section 24.1-282, *Home occupations permitted as a matter of right*. The Committee then looked to address what would be allowed as a matter of right within the proposed amendments to Section 24.1-281, *General requirements for home occupations*. These changes would allow a total of four (4) resident employees (including the owner/operator of the business at the residence), non-resident employees, and customers/clients. For example, this would allow the owner/operator of a beauty salon to operate with up to three clients or with an employee and two clients. The owner/operator would have to meet parking and other stipulations within the general requirements, but these relaxations would provide more flexibility to allow uses that don’t cause concerns for neighbors. Moreover, any number of people above four (4) that are on-site for the use – whether employees or customers – would require the owner/operator to apply for a Special Use Permit.
- Another common concern with some home occupations is parking. The Committee deliberated how best to allow parking and to accommodate it on the property. The proposed changes simplify parking requirements and require home occupations to provide parking off the street and wholly on the subject property on a surfaced

space. This off-street parking would also include any parking required for the residential use, so no parking would be allowed on the street when a home occupation is present. The Committee felt that parking would be a determining factor when it came to the number of people that would be allowed on the site, as smaller lots would be limited in the number of vehicles that can be accommodated on the property, while larger lots could accommodate more parking spaces, which provides more protection for adjacent property owners and keeps parking off the street and on the subject property for all vehicles related to the property. An example of this limitation could be with a beauty salon that has only four off-street parking spaces. In this situation, the salon could have only two people on-site in connection with the home occupation because two spaces would be required for the residence and two would be left for the salon.

- An additional proposed change to the general requirements is to allow home occupations to operate during all the days of the week. Currently, home occupations are permitted to operate Monday through Saturday, with Sundays only being allowed when authorized by the Board through approval of a Special Use Permit. The Committee noted that many businesses no longer operate on a strict six-day per week basis and that some home occupations only operate on the weekends, as home occupations could be a second job for the owner/operator. However, no change is proposed to the hours of operation; public contact would continue to be limited to the period between the hours of 8:00 am and 8:00 pm in order to minimize impacts on adjacent neighbors and protect the residential character of the area.
- The proposed amendments would require a Special Use Permit for any home occupation that exceeds the criteria set forth in the general requirements. These increases would apply to proposed home occupations meeting any of the following criteria:
 - more than four (4) persons on site;
 - greater than 400 square feet or twenty-five percent (25%) of the floor area of the principal residence; with
 - hours before 8:00 AM or after 8:00 PM;
 - exceptions to any other criteria listed in the general requirements.
- The Committee considered many changes to Section 24.1-283, *Home occupations permitted by special use permit* to help simplify the circumstances under which a Special Use Permit is required while still providing the opportunity for a public hearing process. Proposed changes address when uses could be too intensive in parking space numbers, the size of the use compared to the principal structure, specific uses, when outdoor storage is proposed, or for certain vehicle types.
 - To provide a review for more intensive home occupations, the Committee proposed an amendment that requires uses that exceed the criteria set out in the general requirements to go through the Special Use Permit process. The amendments go further by adding that where five (5) or more parking spaces are required or where the use would exceed the greater of 400 square feet or twenty-five percent (25%) of the floor area of the principal residence, the

owner/operator would need to apply for a Special Use Permit. These changes would allow a process to review the uses and give the owner/operator the ability to demonstrate that the more intensive use would fit within the property and not have adverse impacts on adjacent property owners.

- The Committee also proposes to remove the use permit requirement for certain uses, like barber and beauty salons and antique shops, which the proposed amendments would allow as a matter of right as long as they meet the requirements under the general requirements. Other uses – rental of rooms for non-transient use, day care for more than four (4) children or three (3) adults, and firearm/ammunition sales – would still require review by the Board.
- Preserving the residential character of the County's neighborhoods was a concern of the Committee and as such, outside storage of materials and equipment was a topic of significant discussion. The visual impacts of such storage on adjacent properties needed to be weighed against the need for some home occupations to store such items. In the end, the Committee decided that home occupations that need to store materials or equipment should store them within a structure so as not to change the residential character. Any proposed home occupation with exposed outdoor storage would require a Special Use Permit under the proposed amendments and would require landscaping and fencing, providing opportunities for those with adequately sized properties to easily accommodate the outside storage and requiring more stringent requirements for smaller properties to better address possible visual changes to the residential character.
- Another concern and discussion point for the Committee related to vehicles, particularly large commercial vehicles, trailers, tow trucks, and other large equipment. The proposed amendments would allow some lighter-weight vehicles and trailers less than seventeen (17) feet in length in connection with a home occupation, thereby allowing, for example, smaller landscape and contracting service provider vehicles. However, larger vehicles meeting any of the specific criteria listed below would be allowed only with a Special Use Permit:
 - Vehicles having a gross vehicle weight rating of 19,501 pounds or more;
 - Trailers with an overall length of seventeen feet (17') or greater;
 - Heavy construction equipment
 - Solid waste collection vehicles, tractor truck or semi-trailer trucks, dump trucks, concrete mixer trucks, or towing or recovery vehicles;
 - Any trailer, semi-trailer, or other vehicle storing food or beverages; and
 - Any commercial or passenger vehicle(s) and those that carry sixteen (16) or more passengers.

It should be noted the Committee considered specifically allowing tow and recovery vehicles to be parked in connection with home occupations as a matter of right. Concern about the disruptive noise impacts of late night or early morning operations on neighboring residents' quality of life was the main issue, along with the possibility that towed vehicles would be left on these vehicles and parked in residential areas – possibly leaking gas, oil or other fluids – when the operator is not able to take the vehicle to a particular location. Overall, the Committee agreed that tow and recovery vehicles should require a Special Use Permit, thereby giving the adjacent neighbors the opportunity to voice any concerns they have with the allowance for such vehicles.

- The proposed amendments would make limited changes to the regulations relating to docking workboats and off-loading seafood, while offering more opportunities by eliminating restrictions for charging fees for admission, dockage, or wharfage and allowing on-premises sale of seafood. An investigation of these Special Use Permits showed that none have been applied for since the adoption of the regulations.
- The last section of the Code the Committee considered was Section 241-284, *Prohibited home occupations*. Proposed changes include adding new uses that have created problems over the years in residential settings. These proposed additions include convenience stores, small engine and equipment repair, tattoo parlors, and gambling or gaming establishments. Furthermore, the Committee added a prohibition on any home occupation involving a vehicle that transports hazardous materials. Lastly, the proposed amendments to this section would remove gift shops as a prohibited use since the small-scale sale of goods would be allowed as a matter of right and would be controlled through the general requirements for home occupations.

The Home Based Business Committee spent many volunteer hours reviewing current information on home occupations in York County and related that information to the existing regulations in the Zoning Ordinance and agreed that changes needed to be made. After deliberation, the Committee came forward with the proposed changes that would allow more flexibility for citizens who want to operate a business from their home while still offering protections to surrounding neighbors, through the use permit process, from negative impacts that interfere with their peaceful enjoyment of their residential property. It is worth noting that according to the Comprehensive Plan citizen survey, more than two-thirds (69%) of the population support the growth of home-based businesses in the County – and half support it strongly – while only 12% oppose the growth of home businesses. A little more than half (55%) of those who support home businesses also support allowing those businesses to have clients come to the house. Staff believes the amendments proposed by the Committee strike an appropriate balance between the needs of both home-based business owners and their neighbors. In addition, the Planning Commission's clarification on heavy trucks would continue that balance.

York County Board of Supervisors

May 30, 2024

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Attachments:

- York County Chamber of Commerce Letter
- Home Based Business Committee Roster
- Planning Commission Extract, January 13, 2021
- Proposed Zoning Ordinance Amendments



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July 19, 2018

Esteemed members of the York County Board of Supervisors,

There are between 2,500 and 3,000 Home Based Businesses (HBB) in York County, constituting approximately two thirds of the total business licenses in circulation. The purpose of this letter is to request a review of, followed by a voting action on, a series of minor changes to York County ordinances pertaining to HBB in York County. These changes have been composed and endorsed by the Board of Directors of the York County Chamber of Commerce, having completed an initial review with multiple County officials during a work session two months ago.

First, a little context: The HBB ordinance is several years old and a bit outdated. A few small changes have been made along the way, but those changes have not kept pace with the evolving needs of many York County families. The economy has changed (i.e. gig economy), communications media have changed (rise of videoconferencing and telecommuting), and Home Based Business opportunities are expanding rapidly and increasing in popularity.

Also, because of relatively restrictive (in our opinion) HBB ordinances, many current and would-be HBB operators are less likely to apply for a license and more likely to operate "off the books" out of fear of violations, penalties, and fines.

Finally, many of the ordinance terms do allow for the application of special use permits, but this process is well-known to be time consuming (can take up to 90-120 days), expensive, and necessitates the involvement of several parties, including multiple officials, commissions, neighbors, & relevant stakeholders. One objective of this ordinance review would be to change the threshold for what necessitates a special use permit application.

We want to be clear that we have no desire to negatively impact citizens' rights to peaceful enjoyment of their property and neighborhood. One of the most likely concerns of those opposed to the loosening of restrictions would be neighbors complaining about high traffic. However this concern is already addressed on Page 1 (e) "...shall not generate traffic, parking, sewage, or water use in excess of that which is normal in the residential neighborhood." We (collectively, the Chamber and York County officials from the work session) believe that these suggested changes satisfy the need to help businesses while not infringing on the rights of their neighbors.

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Please consider the following suggested changes to the existing ordinance (Sec. 24.1-281 through 24.1-284)

1. Page 1, (b) "four hundred (400) square feet";
 - RECOMMENDED: Eliminate the specific square foot restriction, and use only the ratio.
2. Page 1, (d) "...or onsite customer or client contact except as may be authorized by special use permit"
 - This is quite a hoop to jump through for sales reps/party plan companies and home based practitioners/service providers.
 - RECOMMENDED: Keep the part about no sales of products to the general public (to disallow the residence to function like a commercial retailer), but allow HBB operators to see clients at their home.
3. Page 1 (h) "Commercial vehicles must be kept in a garage or an enclosed and screened storage yard."
 - Traditional company cars/trucks driven home at night don't have to be screened (i.e. contractors like roofing companies, home improvement, or business owners with vehicle wrap decals, like State Farm agents.)
 - RECOMMENDED: Strike the last sentence.
4. Page 2 (all of Section 24.1-282)
 - This section does not directly address the Direct Sales industry, which should be allowed by right...
5. Page 2 (7); "That clients or patients may not be seen at the home office facility."
 - See above recommendation about seeing clients in the home.
6. Page 3 (2); "all public contact related to such use shall be limited to the period between 8am and 8pm, M-Sat..."
 - Many HBB operators work their businesses part time and have to hold meetings or see customers outside these times, as in Sunday afternoons or evening meetings that sometimes may go past 9:00pm.
 - RECOMMENDED: Remove all time and day restrictions, or at least expand them to 9:30pm weekdays and allow Sundays.
7. Page 5 (e) "Home occupations with non-resident employees";
 - Imagine Apple Computer in the early days with a handful of programmers working in the garage... We feel there should be at least a minimal allowance for non-resident employees or contractors.
 - RECOMMENDED: Consider creating a restriction limiting the number of allowed employees to the parking capacity of the residents on-premise parking (or something similar).
8. Prohibited businesses
 - RECOMMENDED: Consider defining allowable scope and/or scale of these businesses, such as "automotive repair limited to no more than two vehicles simultaneously".

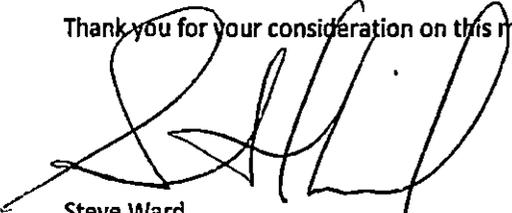
Chapter 24.1 – FINES

In the Code of the County of York, VA, the civil fines for violations under the HBB ordinance can be stiff and overly punitive as written. See 24.1 3(b) under Civil Fines. The actual prosecution rate may in fact be low, however the existing restrictions and applicable fines upon guilt are, in our opinion, enough to dissuade some would-be HBB operators from operating in a transparent, legitimate, and fully-licensed manner.

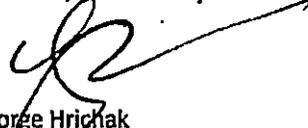
Home Based Businesses are an integral part of the York County community and economy. Due to recent HBB initiatives and related achievements by the Economic Development Authority (EDA), Dept. of Economic Development, and the York County Chamber of Commerce, the County is gaining national recognition as a leader in best practices and services pertaining to Home Based Business operators.

In a county where the expansion of commercial development is limited by its geographic and land-use capacity, embracing the home-based entrepreneur seems to be a sensible economic development stance. The review and alteration of this ordinance, as outlined above, will demonstrate a clear and substantive commitment by the County to its HBB residents and should catalyze positive advancements in quality of life, transparency of operators, and tax revenue for the county.

Thank you for your consideration on this matter.



Steve Ward
President, York County Chamber of Commerce



George Hrichak
Chairman, YCCC Government Affairs Committee



Chris Davidson
Vice President, York County Chamber of Commerce

HOME BASED BUSINESS COMMITTEE

Roster - 2019

Committee Members

Chair - Glen Titus, Planning Commission – action.officer@cox.net - 309 Patriot Way
Yorktown VA, 23693

Toni Chavis, Chamber Member & Home-based Business Owner - ttchhd3@gmail.com -
110 Silver Fox Trace, Yorktown, VA 23693

Melissa Davidson, Economic Development - melissa.davidson@yorkcounty.gov - PO
Box 532, Yorktown, VA 23690

Wade Garnett, Home-based Business owner - wgarnett1@gmail.com - 205 Shirley
Road, Seaford, VA 23696

Dina Goode, Zoning and Code Enforcement – dina.goode@yorkcounty.gov - PO Box
532, Yorktown, VA 23690

Sarah Knaub, HOA Member - victorycommgt@gmail.com - Victory Community
Management, Inc., 5007C Victory Blvd. #240, Yorktown, VA 23693

Ron Montgomery, Sheriff's Dept. - montgomr@yorkcounty.gov - PO Box 532, Yorktown,
VA 23690

Joe Pack, Tow Truck Operator's Representative - jpack@atlanticemergency.com - 106
Buckingham Drive, Yorktown, VA 23692

Lisa Singleton, Citizen - mrs1488@verizon.net - 112 Ellery Street, Yorktown, VA 23692

Jason Yarema, HOA Member - jasonyarema@gmail.com - 502 Schooner Blvd
Williamsburg VA 23185

Staff

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Joycelyn Corbin – Zoning and Code Enforcement - corbinj@yorkcounty.gov

Application No. ZT-185-20, York County Board of Supervisors: Consider amendments to Sections 24.1-281, 282, 283, and 284 of the York County Zoning Ordinance pertaining to home occupations. Proposed changes would specify the accessory nature of home occupations; allow home occupations as a matter of right with any combination of up to four (4) resident employees, non-resident employees, or clients; remove the requirement limiting public contact to the period from Monday through Saturday; remove the list of specific home occupations permitted as a matter of right; require a Special Use Permit for home occupations that generate a demand for five (5) or more parking spaces or that exceed 400 square feet or 25% of the floor area of the principal residence or when providing day care to more than three (3) adults or involve certain commercial or passenger-carrying vehicles; remove prohibitions on the charging of fees and retail sales of seafood for home occupations for the of docking workboats and off-loading seafood; and revise the list of prohibited home occupations by removing gift shops and adding convenience stores, small engine and equipment repair, tattoo parlors, gambling and gaming establishments, and those involving vehicles used in the transportation of hazardous material.

Earl Anderson, Senior Planner, summarized the staff report dated December 30, 2020, stating that staff recommends the Commission forward the application to the Board of Supervisors with a recommendation of approval of the amendments set forth in proposed Resolution No. PC21-3.

Mr. Criner voiced concerns about noise levels caused by some home occupations and asked how the issue was being addressed.

Mr. Anderson responded that the ordinance prohibits such as things noise, odor, and smoke and could result in enforcement actions by Zoning and Code Enforcement staff. He added that the County also has a Noise Ordinance.

Mr. Criner expressed concern there could be a steady stream of customers driving to a house with a home occupation.

Mr. Anderson explained that if the intensity of use exceeds four persons at a time, a resident would need to apply for a Special Use Permit. He noted that most home occupations are smaller and have limited numbers of people coming and going.

Mr. Criner said he is concerned about large trucks being allowed to come into neighborhoods for home occupations – such as an oyster business, for example – which would not be regulated as long as the trucks are not parked on the street overnight.

Mr. Anderson explained that large vehicles exceeding the allowable gross weight cannot be operated from the property without a Special Use Permit. He added that the language may need to be revised to reflect the intent of the Home-Based Business Committee in regulating oversized vehicles operating in conjunction with a home occupation but not necessarily from the property.

Mr. Criner stated that he would support such a change.

Mr. Jons asked about the size of the Zoning and Code Enforcement staff.

Mr. Anderson responded that it consists of the Zoning and Code Enforcement Supervisor and three full-time inspectors. He added that the Supervisor, Ms. Goode, is available for questions.

Mr. Jons said that he agrees with expanding allowances for home-based businesses but that compliance should be assured. He stated there need to be adequate resources to manage enforcement.

Mr. Anderson stated that the Zoning and Code Enforcement staff conducts an annual review, including inspections, of all properties with active Special Use Permits. He added that under the proposed amendments, staff would be able to handle any enforcement action if necessary.

Mr. Jons said that he has a concern about allowing tow trucks because of noise and flashing lights. He felt they should be prohibited.

Mr. Anderson responded that vehicles over a certain gross weight would only be allowed with a Special Use Permit. He said the Committee was cognizant of this issue and had a lot of conversation about it but decided to leave some flexibility through the public hearing process to recognize different circumstances associated with these businesses.

Mr. Sturk agreed with Mr. Jons and Mr. Criner and added that it is important to carefully consider all of these issues as the Commission considers what to allow within residential neighborhoods.

Mr. Titus stated the Committee talked a lot about parking and noise. He said the Committee worked hard to find the right balance for making home businesses safe and productive in the community without being too invasive.

Chair King said he agrees with some of the concerns that have been raised but added that it is difficult to draft a perfect ordinance. He said there may need to be further revisions to the ordinance in the future to address issues that arise. He said that he is in support of the ordinance and is pleased with the amount of input from citizens and the work done by the Committee.

Mr. Jons asked Ms. Goode for her opinion of the suggested changes.

Dina Goode, York County Zoning and Code Enforcement Supervisor, responded to an earlier question about staffing. She said that she has two full-time inspectors and one part-time inspector. She stated that zoning enforcement is complaint-driven, and the inspectors do not just drive around looking for violations. She said if a complaint is received, they will investigate it within two or three days and contact the property owner to try and mitigate the problem if there is one.

Ms. Leedom stated that in addition to RC (Resource Conservation) and RR (Rural Residential), there is a third zoning district in the Seaford area where there is a lot of boating and water-related activity. She asked if that zoning is still in place and if those issues are being addressed.

Mr. Anderson responded that the home occupation ordinance applies to all the residential zoning districts, including the R33 district Ms. Leedom is referring to.

Ms. Leedom asked if docking of work boats and offloading seafood would still be allowed only in rural residential (RR) and residential commercial (RC).

Mr. Anderson said that is correct.

Mr. Jons commented that there is an incorrect phone number posted on the internet for York County Zoning.

Mr. Anderson said he would let the County's webmaster know about it.

Chair King opened the public hearing.

Melissa Davidson, Assistant Director of Economic Development for York County, stated that served on the Home-Based Business Committee (HBBC) and that these businesses are an important part of the County's business community and that it was imperative that the regulations governing them be reviewed and updated. She stated the County has developed a comprehensive business assistance program targeted to help home-based businesses. She commended Mr. Titus for doing a great job heading the Committee. Ms. Davidson said that the Committee reviewed and discussed the ordinance to look at how each rule would affect both the business owners and their neighbors.

Sarah Knaub, stated that she served as a homeowners' association representative on the HBBC and is also a home-based business owner in Tabb, so she was able to view this issue from different

angles. She stated that major topics of concern were vehicles and parking and were thoroughly discussed and debated. She said that she is in favor of allowing neighborhoods having a say through the Special Use Permit process while allowing non-obtrusive home occupations to be conducted by right.

Darci Tucker, 218 Seminole Road, asked if existing businesses that are operating outside the parameters of the proposed regulations will be allowed to continue.

Mr. Anderson responded that home occupations that are operating legally prior to a change in the ordinance could continue to do so.

Ms. Tucker said that answered her question and explained that there are several home-based businesses in the more rural area that she lives in that appear to have more than four customers and employees.

Richard Howell, 104 Horseshoe Drive, raised a concern about allowing businesses to operate seven days a week and asked if it should be changed since Sunday is a quiet day in most neighborhoods. He also expressed concern about the visual impact of allowing three or four business vehicles on neighborhoods. He stated that he appreciates the efforts of the Zoning and Code Enforcement staff but is concerned that it is reactive. He asked if there are penalties and fines for people that break rules.

There being no one else wishing to address the Commission on this application, **Chair King** closed the public hearing.

Mr. Criner noted that he ran a construction company business on his twelve-acre property for thirty years without a single complaint and that he had large trucks coming to his property. He stated that he is not against large vehicles in all situations but that to allow them in a typical subdivision, which would be legal under the proposed ordinance, would generate complaints. He asked that if that happens, is there a mechanism to require the business owner to apply for a Special Use Permit.

Mr. Anderson responded that this issue can be addressed by changing the resolution to specify that no heavy trucks shall be permitted to operate *on* – rather than *from* – the property.

Mr. Criner said that the language change does not solve the problem.

Mr. Anderson responded that it would prevent large vehicles from coming onto the property and parking. He added that for large vehicles to be permitted to come to a residential property, the homeowner would need to apply for a Special Use Permit.

Mr. Criner said he does not see a mechanism anywhere in the ordinance to stop problems associated with home occupations that are permitted as a matter of right.

Mr. Anderson responded that the Zoning Ordinance is a living document and can be changed by Board of Supervisors if it turns out not to achieve the desired goals.

Mr. Criner said the proposed amendments represent an improvement over the current ordinance and that he would support the change in wording.

Mr. Jons stated that he is for the expansion of opportunities for home-based businesses but feels strongly against allowing them to operate seven days a week.

Ms. Leedom and **Mr. Sturk** expressed agreement with Mr. Jons' comment.

Mr. Peterman disagreed because there are some businesses that only operate on weekends. He stated that "blue laws" that prohibited businesses from operating on Sundays are an antiquated way of doing business. He noted that the economy still operates on Sundays.

Mr. Jons likened Mr. Peterman's argument to saying that businesses should be allowed to operate 24 hours a day in residential neighborhoods.

Mr. Criner said he understands both sides of the issue and suggested that maybe a Special Use Permit could be required for a business to operate on Sundays.

Mr. Jons said he would support that.

Mr. Titus stated that he prefers his Sundays to be quiet, but there is no real reason why it has to be Sunday and not some other day. He added that many residents do not work on a strict Monday through Friday schedule with weekends off.

Chair King agreed that the old "blue laws" were ridiculous. He said he is in favor of allow home occupations to be allowed to operate seven days a week. He reiterated that the ordinance can be changed in the future if necessary.

Mr. Sturk moved the adoption of Resolution No. PC21-3(R), including the proposed change of "from" to "on."

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO AMEND
THE HOME OCCUPATION REGULATIONS SET FORTH IN ARTICLE II, GENERAL
REGULATIONS, OF CHAPTER 24.1, ZONING, OF THE YORK COUNTY CODE

WHEREAS, the York County Board of Supervisors appointed a citizen committee to review the home occupation regulations set forth in the County's Zoning Ordinance; and

WHEREAS, staff has worked with the ad hoc Home-Based Business Committee of community stakeholders to conduct a comprehensive review of the County's home occupation regulations and prepare a series of proposed amendments; and

WHEREAS, the Committee has completed its review and transmitted the draft amended regulations to the York County Planning Commission for sponsorship, review, and approval; and

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 13th day of January, 2021, that it does hereby forward Application No. ZT-185-20 to the York County Board of Supervisors with a recommendation of approval to amend various sections of Chapter 24.1, Zoning, of the York County Code, to read and provide as follows:

Sec. 24.1-280. Home occupations permitted.

Home occupations, as defined in section 24.1-104, shall be a permitted residential accessory use in conjunction with any lawful residential use if in conformance with the following provisions. Should the zoning administrator determine that a specific use or activity proposed for operation as a home occupation is not materially similar to those uses and activities listed herein, the matter shall be resolved in accordance with the procedures outlined in section 24.1-302 of this chapter.

Sec. 24.1-281. General requirements for home occupations.

All home occupations shall be subject to the following provisions unless excepted by the board in accordance with the provisions of section 24.1-283. Home occupations not exceeding the criteria set forth in this section shall not require a special use permit:

- (a) The owner/operator and business license holder of the home occupation shall reside on the premises. Including the owner/operator, there may be any combination of, but no more than a total of four (4) resident employees, non-resident employees or clients. No person other than individuals residing on the premises shall be engaged on the premises in such operation unless otherwise authorized under section 24.1-283(e) at any given time.
- (b) The home occupation(s) shall be clearly incidental and subordinate to the residential use of the property. The use(s) may not exceed four hundred (400) square feet or twenty-five percent (25%) of the floor area of the principal residence, whichever is shall be less, unless a greater area is deemed appropriate and is authorized by the Board of Supervisors in conjunction with consideration of a special use permit application for a home occupation.
- (c) There shall be no change in the outside appearance of the building or premises or other evidence of the conduct of such home occupation visible from the street or adjacent properties, other than a sign as permitted by this chapter. Outdoor storage shall not be permitted.
- (d) Any demand for parking generated by the conduct of such home occupation(s) which is in addition to the spaces required for the residential use shall be accommodated off the street in a suitably located and surfaced space. Parking must be ten feet (10') from any property line and where three (3) or more spaces are required they shall be effectively screened and buffered by landscaping from view of adjacent residential properties and the home occupation shall be authorized only by issuance of a special use permit by the board. In its approval action, the Board will specify the maximum parking limits associated with the home occupation.
- (e) The occupation or activity shall not require the use of machinery or equipment that creates noise in violation of county code sections 16-19 through 16-19.6, odor, smoke, dust or glare or flammable or toxic substances or is dangerous or otherwise detrimental to persons residing in the home or on adjacent property. Commercial vehicles must be kept in a garage or an enclosed and screened storage yard.
- (f) All public contact related to such use shall be limited to the period between 8:00 a.m. and 8:00 p.m. No heavy truck or vehicle or piece of equipment having a gross rated carrying capacity of more than one (1) ton gross weight shall be parked or stored on or operated from the site in connection with a home occupation unless such vehicle or equipment has been specifically authorized in conjunction with a use permit authorizing a small contracting business.

Sec. 24.1-282. Home occupations permitted as a matter of right. Reserved

- (a) ~~Permitted home occupations in all residential districts shall include the following:~~

- ~~(1) — Artists and sculptors.~~
 - ~~(2) — Authors and composers.~~
 - ~~(2.1) — Day care for not more than four (4) children under the age of thirteen (13), exclusive of the provider's own children and any children who reside in the home as residential occupancy by a single family.~~
 - ~~(3) — Dressmakers, seamstresses, tailors.~~
 - ~~(4) — Home crafts such as model making, rug weaving, cabinet making, furniture refinishing, or ceramics.~~
 - ~~(5) — Office facility of a member of the clergy.~~
 - ~~(6) — Office facility of a resident salesperson, sales representative or manufacturer's representative.~~
 - ~~(7) — Home office facility for resident accountants, architects, artists, photographers, brokers, computer programmers, consultants, counselors, dentists, physicians, engineers, lawyers, insurance agents, real estate agents or similar professionals provided, however, that clients or patients may not be seen at the home office facility.~~
 - ~~(8) — Telephone answering service.~~
- ~~(b) — Permitted home occupations which may only be conducted in the RC, RR, R33, R20, and R13 districts include the following:~~
- ~~(1) — Photography studios.~~
 - ~~(2) — Tutoring, music or voice lessons or similar services for not more than four (4) persons other than the family members of the provider at any single time.~~
 - ~~(3) — Other activities and uses which the zoning administrator determines can be operated in complete accordance with section 24.1-281 of this chapter and which are not otherwise regulated or prohibited by this chapter or any other provision of law.~~

~~The activities specifically authorized under this subsection shall be permitted to have on-site client contact notwithstanding the provisions of Section 24.1-281 to the contrary.~~

Sec. 24.1-283. Home occupations permitted by special use permit.

The board may authorize, by special use permit issued in accordance with all applicable procedural requirements as set forth in article I, the following and materially similar types of home occupations subject to the specified conditions:

- (a) Home occupations permitted under section 24.1-~~282-281~~ which generate a parking demand for ~~three~~ five (35) or more parking spaces, ~~and those occupations permitted under section 24.1-282(b) in residential districts other than those specified.~~

~~(b)~~ Home occupation(s) exceeding the greater of four hundred (400) square feet or twenty-five percent (25%) of the floor area of the principal residence with on-premises retail sales, or personal services, or customer/client contact.

~~(b)~~(c) Home occupations which may be authorized under this section shall include:

~~(1)~~ Uses which may be authorized under this section shall include barber and beauty shops, antique shops, bicycle rental, ~~r~~Rental of rooms for nontransient use if the occupation of the residence exceeds the definition of "family" in section 24.1-104;

~~(2)~~ dDay care for more than four (4) children or more than three (3) adults;

~~(3)~~ , in-home professional offices with customer or client contact, ~~f~~firearms or ammunition sales; and

~~(e)~~ Other materially similar activities and land uses involving on-premises retail sales, customer contact, and personal services. These provisions shall also apply to catering operations conducted in accordance with section 29.5 of the Rules and Regulations of the Board of Health of the Commonwealth of Virginia provided, however, that food preparation that is conducted from the structure's standard residential kitchen for off-premises sale and consumption and that does not involve any on-site customer contact or non-resident employees shall not be deemed to require a special use permit.

~~(1)~~ All public contact related to such use shall be limited to the period between 8:00 a.m. and 8:00 p.m., Monday through Saturday, unless otherwise specified by the board.

~~(2)~~ Off street parking shall be provided in accordance with the applicable standards established in article VI for business and commercial uses. Such spaces shall be in addition to those otherwise required for the residential use of the property, and shall be no less than ten feet (10') from any property line, unless on an existing driveway, and shall be effectively screened from view of adjacent properties and street rights-of-way by landscaping supplemented, if necessary, by fencing.

~~(3)~~ The type and extent of items to be displayed, stored or sold, or personal services to be offered on the premises shall be specifically stipulated by the board in authorizing any such use permit. In no case shall the area devoted to sales, storage, display or conduct of such home occupation exceed twenty-five percent (25%) of the floor area of the residence or such smaller area as may be stipulated by the board.

Such use shall comply with all applicable requirements for home occupations as established in section 24.1-281 of this chapter.

~~(d)~~ Home occupations with outdoor storage. Small contracting businesses operated as home occupations in the RC, RR and WCI district.

~~(1)~~ All storage areas associated with such use shall be landscaped and fenced in order to provide immediately a minimum Type 25 transitional buffer. For the purpose of this section, small contracting businesses shall be deemed to include businesses engaged in construction and repair of buildings; installation and servicing of heating, cooling and electrical equipment, flooring, painting, plumbing, roofing and tiling; landscaping; and other such uses deemed by the zoning administrator to be similar in terms of type, scale and impact. This section shall not be construed to necessitate a use permit for offices of such businesses as authorized and conducted in accordance with the provisions

~~established in sections 24.1-281 and 24.1-282 nor shall this section be construed to provide opportunities for business operations which involve on-site manufacturing of products or materials utilized in the conduct of such business.~~

- ~~(2) —~~
- ~~(3) — All structures, parking and loading areas, and storage areas associated with such use shall be located at least one hundred feet (100') from any lot line. Such setback and buffer area shall be landscaped and fenced in order to provide immediately a Type 50 transitional buffer.~~
- ~~(4) —~~
- ~~(5) — Not more than two (2) vehicles and pieces of equipment associated with the operation of a business shall be operated from the site or stored there overnight, unless a greater number is deemed appropriate and is authorized by the board of supervisors in conjunction with consideration of a special use permit application. Small transportable equipment including lawn mowers; chain saws; power hand tools; table, band or radial arm saws; and similar items shall not be included in such a determination.~~
- ~~(6) — Unless otherwise stipulated by the board in granting a special use permit, the areas covered by all structures used primarily in connection with such uses shall not exceed a total of one thousand five hundred (1,500) square feet.~~
- ~~(7) — Unless otherwise stipulated by the board in granting a special use permit, the area covered by any outdoor storage associated with such use shall not exceed a total of one thousand (1,000) square feet.~~
- ~~(8) — All parking, loading and storage associated with such use shall be screened effectively from view from adjacent properties by landscaping and appropriate wooden or masonry fencing materials.~~
- ~~(9) — The board shall find and determine that the proposed small contracting business is not likely to generate traffic, including commercial delivery vehicles, in greater volume than would normally be expected in the district in which it is located.~~
- ~~(10) — The board shall find and determine that the proposed small contracting business is not likely to create noise, dust, vibration, odor, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than would normally be expected in the district in which it is located.~~

(e) Docking workboats and off-loading seafood as a home occupation in RR and RC districts.

- (1) Such uses may be authorized only on property which is classified RC or RR. The docking of workboats, off-loading of seafood, and the conduct of a waterman's operation shall be limited to occupants of the premises who are engaged in commercial fishing or the harvesting of seafood from open waters using traditional methods such as lines, nets, crab-pots, tonging or dredging. Uses which involve aquaculture methodologies including but not limited to the propagation, rearing, enhancement and harvest of aquatic organisms (including but not limited to shellfish) in controlled or selected environments pursuant to a license for on-bottom shellfish aquaculture from the Virginia Marine Resources Commission shall not be eligible for consideration under these provisions. Such uses shall, for the purposes of this chapter, be considered

to be aquaculture and shall be permitted in accordance with the listings set forth in section 24.1-306, Table of Land Uses, of this chapter.

The above provisions notwithstanding, Special Use Permit authorization shall not be required for traditional waterman activities (commercial fishing, harvesting seafood from open water using traditional methods) conducted in a manner and from property complying with the terms applicable to commercial aquaculture set forth in section 24.1-414.3.

~~(2) — No admission, dockage, or wharfage fees shall be charged.~~

~~(3) — On premises wholesale or retail sale of seafood shall be prohibited.~~

~~(4)~~(2) Outdoor storage of goods, equipment, or materials (other than the workboat itself) shall be limited to a total of one thousand (1,000) square feet and shall not be located in any front or side yard, or within twenty feet (20') of any property line. Any equipment or storage located on the property shall be screened from view from all public streets and adjacent properties by a landscaped buffer area supplemented, if determined necessary by the zoning administrator or the board at the time of permit approval, by masonry or wooden fencing material. In its approval of a special use permit, the board may limit outdoor storage to less than one thousand (1,000) square feet or may require a setback greater than twenty feet (20') if deemed necessary based on the characteristics of the subject site or its surroundings.

~~(5)~~(3) Repair of workboats shall be limited to routine maintenance, which may include:

- a. minor tune-ups;
- b. change of oil and filters;
- c. washdown and drainage of workboats;
- d. winterizing (draining lines, etc.);
- e. other customary routine repairs or maintenance.

~~(6)~~(4) All federal, state and local requirements for docking facilities shall be met and the necessary permits obtained prior to the issuance of a building permit for docks, piers, or boat houses.

~~(7)~~(5) The workboats and seafood unloading operations shall be conducted in such a manner as to prevent potentially offensive odors from being produced. No overnight storage of seafood waste shall be permitted on the property.

~~(8)~~(6) Any outdoor or security lighting shall be shielded so that glare is not directed onto adjacent property.

~~(9)~~(7) The number of workboats docked at the property shall not exceed the capacity of the pier or boat house. The "rafting" of boats shall not be permitted.

- ~~(10)~~(8) No heavy trucks shall be permitted to operate from the property.
- ~~(11)~~(9) Any demand for parking generated by the conduct of such use shall be accommodated off the street.
- ~~(12)~~(10) The storage and utilization of toxic substances shall be limited to types and quantities that would customarily be utilized or stored for residential use. Any storage or utilization of combustible, toxic, or flammable substances shall be in accordance with the National Fire Prevention Code.
- ~~(13)~~(11) The board shall, on a case-by-case basis, review and impose such other conditions as it deems necessary and appropriate to assure that the use will be compatible with, and will not adversely impact, adjoining properties and the environment of the area. Such conditions and restrictions may include:
- a. hours of operation;
 - b. number of workboats permitted to use the private residential pier or dock;
 - c. a requirement to prepare a water quality impact assessment;
 - d. additional screening or landscaping requirements for outdoor storage areas and equipment.
- (f) Any commercial or passenger vehicle(s), as defined below, utilized by a hHome occupation(s) shall be parked on, stored on, or operated on or from the property with non-resident employees.
- ~~(1)~~ Commercial Vehicle: All home occupation categories whether permitted as a matter of right or by special use permit under section 24.1-282 and 24.1-283 may be authorized under this section to include one (1) or more non-resident employees. The allowable number of non-resident employees shall be specified in the use permit approval.
- a. Any vehicle with a gross vehicle weight rating (GVWR) of nineteen thousand five hundred one (19,501) pounds or more;
 - b. Any trailer of an overall length (OAL) of seventeen (17) feet or more;
 - c. Any heavy construction equipment, whether located on the street or on a truck, trailer, or semi-trailer;
 - d. Any solid waste collection vehicle, tractor truck or tractor truck/semi-trailer or tractor/truck combination, dump truck, concrete mixer truck, or towing or recovery vehicle;
 - a.e. Any trailer, semi-trailer or other vehicle in which food or beverages are stored or sold.
- ~~(2)~~ Passenger Carrying Vehicle Evaluation of this allowance shall be based on the general provisions of section 24.1-281 and applicable requirements as set forth in section 24.1-283.;
- a. Any vehicle designed to carry sixteen (16) or more passengers, including the driver;
 - b. Any vehicle licensed by this Commonwealth for use as a common or contract carrier or as a limousine.

- (g) Enlargement or expansion of permitted home occupations.
- (1) The board may authorize by special use permit issued in accordance with the procedures stipulated in article I, enlargements or expansion of home occupations permitted in sections 24.1-282 and 24.1-283.
- (2) The board shall find that the overall spirit and intent of section 24.1-281 will not be violated by the issuance of a special use permit authorizing an enlargement or expansion and may attach any conditions deemed necessary to ensure such compliance.

Sec. 24.1-284. Prohibited home occupations.

The following uses shall not be permitted as accessory home occupations:

- (a) Automobile repair and servicing.
- (b) Funeral chapels or funeral homes.
- ~~(c)~~ ~~Gift shops.~~
- ~~(d)~~(c) Medical or dental clinics or hospitals.
- ~~(e)~~(d) Restaurants, tearooms, or other eating or drinking establishments.
- ~~(f)~~(e) Commercial stables, commercial kennels.
- ~~(f)~~ Veterinary clinics.
- ~~(g)~~ Convenience store.
- ~~(h)~~ Small engine and equipment repair.
- ~~(i)~~ Tattoo parlor.
- ~~(j)~~ Gambling or gaming establishment.
- ~~(g)~~(k) Any home occupation involving the use of a vehicle, regardless of size, used in transportation of hazardous materials as defined in section 103 of the federal Hazardous Materials Transportation Act (49 C.F.R. Par 172, Subpart F).
- ~~(h)~~(l) Other activities and land uses which the zoning administrator determines to be materially similar to the activities listed above.

On a roll call the vote was:

Yea: (7) Sturk, Peterman, Jons, Titus, Leedom, Criner, King
Nay: (0)

OLD BUSINESS

HOME OCCUPATION
Proposed Amendments

Sec. 24.1-280. Home occupations permitted.

Home occupations, as defined in section 24.1-104, shall be a permitted residential accessory use in conjunction with any lawful residential use if in conformance with the following provisions. Should the zoning administrator determine that a specific use or activity proposed for operation as a home occupation is not materially similar to those uses and activities listed herein, the matter shall be resolved in accordance with the procedures outlined in section 24.1-302 of this chapter.

Sec. 24.1-281. General requirements for home occupations.

All home occupations shall be subject to the following provisions unless excepted by the board in accordance with the provisions of section 24.1-283. Home occupations not exceeding the criteria set out forth in this section shall not require a special use permit:

- (a) The owner/operator and business license holder of the home occupation shall reside on the premises. Including the owner/operator, there may be any combination of, but no more than a total of four (4) resident employees, non-resident employees or clients ~~No person other than individuals residing on the premises shall be engaged on the premises in such operation unless otherwise authorized under section 24.1-283(e) at any given time.~~
- (b) The home occupation(s) shall be clearly incidental and subordinate to the residential use of the property. The use(s) may not exceed four hundred (400) square feet or twenty-five percent (25%) of the floor area of the principal residence, whichever is shall be less, unless a greater area is deemed appropriate and is authorized by the Board of Supervisors in conjunction with consideration of a special use permit application for a home occupation.
- (c) There shall be no change in the outside appearance of the building or premises or other evidence of the conduct of such home occupation visible from the street or adjacent properties, other than a sign as permitted by this chapter. ~~Outdoor storage shall not be permitted.~~
- (d) Any demand for parking generated by the conduct of such home occupation(s) which is in addition to the spaces required for the residential use shall be accommodated off the street in a suitably located and surfaced space. ~~Parking must be ten feet (10') from any property line and where three (3) or more spaces are required they shall be effectively screened and buffered by landscaping from view of adjacent residential properties and the home occupation shall be authorized only by issuance of a special use permit by the board. In its approval action, the~~

~~Board will specify the maximum parking limits associated with the home occupation.~~

- (e) The occupation or activity shall not require the use of machinery or equipment that creates noise in violation of county code sections 16-19 through 16-19.6, odor, smoke, dust or glare or flammable or toxic substances or is dangerous or otherwise detrimental to persons residing in the home or on adjacent property. ~~Commercial vehicles must be kept in a garage or an enclosed and screened storage yard.~~
- (f) All public contact related to such use shall be limited to the period between 8:00 a.m. and 8:00 p.m. ~~No heavy truck or vehicle or piece of equipment having a gross rated carrying capacity of more than one (1) ton gross weight shall be parked or stored on or operated from the site in connection with a home occupation unless such vehicle or equipment has been specifically authorized in conjunction with a use permit authorizing a small contracting business.~~

Sec. 24.1-282. ~~Home occupations permitted as a matter of right.~~ Reserved

- (a) ~~Permitted home occupations in all residential districts shall include the following:~~
- (1) ~~Artists and sculptors.~~
 - (2) ~~Authors and composers.~~
 - (2.1) ~~Day care for not more than four (4) children under the age of thirteen (13), exclusive of the provider's own children and any children who reside in the home as residential occupancy by a single family.~~
 - (3) ~~Dressmakers, seamstresses, tailors.~~
 - (4) ~~Home crafts such as model making, rug weaving, cabinet making, furniture refinishing, or ceramics.~~
 - (5) ~~Office facility of a member of the clergy.~~
 - (6) ~~Office facility of a resident salesperson, sales representative or manufacturer's representative.~~
 - (7) ~~Home office facility for resident accountants, architects, artists, photographers, brokers, computer programmers, consultants, counselors, dentists, physicians, engineers, lawyers, insurance agents, real estate agents or similar professionals provided, however, that clients or patients may not be seen at the home office facility.~~
 - (8) ~~Telephone answering service.~~

~~(b) Permitted home occupations which may only be conducted in the RC, RR, R33, R20, and R13 districts include the following:~~

- ~~(1) Photography studios.~~
- ~~(2) Tutoring, music or voice lessons or similar services for not more than four (4) persons other than the family members of the provider at any single time.~~
- ~~(3) Other activities and uses which the zoning administrator determines can be operated in complete accordance with section 24.1-281 of this chapter and which are not otherwise regulated or prohibited by this chapter or any other provision of law.~~

~~The activities specifically authorized under this subsection shall be permitted to have on-site client contact notwithstanding the provisions of Section 24.1-281 to the contrary.~~

Sec. 24.1-283. Home occupations permitted by special use permit.

The board may authorize, by special use permit issued in accordance with all applicable procedural requirements as set forth in article I, the following and materially similar types of home occupations subject to the specified conditions:

- ~~(a) Home occupations permitted under section 24.1-282-281 which generate a parking demand for three five (35) or more parking spaces, ~~and those occupations permitted under section 24.1-282(b) in residential districts other than those specified.~~~~
- ~~(b) Home occupation(s) exceeding the greater of four hundred (400) square feet or twenty-five percent (25%) of the floor area of the principal residence ~~with on-premises retail sales, or personal services, or customer/client contact.~~~~
- ~~(b)(c) Home occupations which may be authorized under this section shall include:~~
 - ~~(1) Uses which may be authorized under this section shall include barber and beauty shops, antique shops, bicycle rental, ~~R~~rental of rooms for nontransient use if the occupation of the residence exceeds the definition of "family" in section 24.1-104;~~
 - ~~(2) Day care for more than four (4) children or more than three (3) adults;~~
 - ~~(3) , in-home professional offices with customer or client contact, firearms or ammunition sales; and~~
 - ~~(1) Other materially similar activities and land uses involving on-premises retail sales, customer contact, and personal services. These provisions shall also apply to catering operations conducted in accordance with section 29.5 of the Rules and Regulations of the Board of Health of the Commonwealth of Virginia provided, however, that food preparation that is conducted from the structure's standard residential kitchen for off-premises sale and consumption~~

~~and that does not involve any on-site customer contact or non-resident employees shall not be deemed to require a special use permit.~~

- ~~(2) All public contact related to such use shall be limited to the period between 8:00 a.m. and 8:00 p.m., Monday through Saturday, unless otherwise specified by the board.~~
- ~~(3) Off-street parking shall be provided in accordance with the applicable standards established in article VI for business and commercial uses. Such spaces shall be in addition to those otherwise required for the residential use of the property, and shall be no less than ten feet (10') from any property line, unless on an existing driveway, and shall be effectively screened from view of adjacent properties and street rights-of-way by landscaping supplemented, if necessary, by fencing.~~
- ~~(4) The type and extent of items to be displayed, stored or sold, or personal services to be offered on the premises shall be specifically stipulated by the board in authorizing any such use permit. In no case shall the area devoted to sales, storage, display or conduct of such home occupation exceed twenty five percent (25%) of the floor area of the residence or such smaller area as may be stipulated by the board.~~

Such use shall comply with all applicable requirements for home occupations as established in section 24.1-281 of this chapter.

- ~~(d) Home occupations with outdoor storage. Small contracting businesses operated as home occupations in the RC, RR and WCI district.~~
- ~~(1) All storage areas associated with such use shall be landscaped and fenced in order to provide immediately a minimum Type 25 transitional buffer. For the purpose of this section, small contracting businesses shall be deemed to include businesses engaged in construction and repair of buildings; installation and servicing of heating, cooling and electrical equipment, flooring, painting, plumbing, roofing and tiling; landscaping; and other such uses deemed by the zoning administrator to be similar in terms of type, scale and impact. This section shall not be construed to necessitate a use permit for offices of such businesses as authorized and conducted in accordance with the provisions established in sections 24.1-281 and 24.1-282 nor shall this section be construed to provide opportunities for business operations which involve on-site manufacturing of products or materials utilized in the conduct of such business.~~
- ~~(2) —~~
- ~~(3) All structures, parking and loading areas, and storage areas associated with such use shall be located at least one hundred feet (100') from any lot line. Such setback and buffer area shall be landscaped and fenced in order to provide immediately a Type 50 transitional buffer.~~
- ~~(4) —~~
- ~~(5) Not more than two (2) vehicles and pieces of equipment associated with the operation of a business shall be operated from the site or stored there overnight,~~

~~unless a greater number is deemed appropriate and is authorized by the board of supervisors in conjunction with consideration of a special use permit application. Small transportable equipment including lawn mowers; chain saws; power hand tools; table, band or radial arm saws; and similar items shall not be included in such a determination.~~

- ~~(6) Unless otherwise stipulated by the board in granting a special use permit, the areas covered by all structures used primarily in connection with such uses shall not exceed a total of one thousand five hundred (1,500) square feet.~~
 - ~~(7) Unless otherwise stipulated by the board in granting a special use permit, the area covered by any outdoor storage associated with such use shall not exceed a total of one thousand (1,000) square feet.~~
 - ~~(8) All parking, loading and storage associated with such use shall be screened effectively from view from adjacent properties by landscaping and appropriate wooden or masonry fencing materials.~~
 - ~~(9) The board shall find and determine that the proposed small contracting business is not likely to generate traffic, including commercial delivery vehicles, in greater volume than would normally be expected in the district in which it is located.~~
 - ~~(10) The board shall find and determine that the proposed small contracting business is not likely to create noise, dust, vibration, odor, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than would normally be expected in the district in which it is located.~~
- (e) Docking workboats and off-loading seafood as a home occupation in RR and RC districts.
- (1) Such uses may be authorized only on property which is classified RC or RR. The docking of workboats, off-loading of seafood, and the conduct of a waterman's operation shall be limited to occupants of the premises who are engaged in commercial fishing or the harvesting of seafood from open waters using traditional methods such as lines, nets, crab-pots, tonging or dredging. Uses which involve aquaculture methodologies including but not limited to the propagation, rearing, enhancement and harvest of aquatic organisms (including but not limited to shellfish) in controlled or selected environments pursuant to a license for on-bottom shellfish aquaculture from the Virginia Marine Resources Commission shall not be eligible for consideration under these provisions. Such uses shall, for the purposes of this chapter, be considered to be aquaculture and shall be permitted in accordance with the listings set forth in section 24.1-306, Table of Land Uses, of this chapter.

The above provisions notwithstanding, Special Use Permit authorization shall not be required for traditional waterman activities (commercial fishing,

harvesting seafood from open water using traditional methods) conducted in a manner and from property complying with the terms applicable to commercial aquaculture set forth in section 24.1-414.3.

~~(2) — No admission, dockage, or wharfage fees shall be charged.~~

~~(3) — On-premises wholesale or retail sale of seafood shall be prohibited.~~

~~(4)~~(2) Outdoor storage of goods, equipment, or materials (other than the workboat itself) shall be limited to a total of one thousand (1,000) square feet and shall not be located in any front or side yard, or within twenty feet (20') of any property line. Any equipment or storage located on the property shall be screened from view from all public streets and adjacent properties by a landscaped buffer area supplemented, if determined necessary by the zoning administrator or the board at the time of permit approval, by masonry or wooden fencing material. In its approval of a special use permit, the board may limit outdoor storage to less than one thousand (1,000) square feet or may require a setback greater than twenty feet (20') if deemed necessary based on the characteristics of the subject site or its surroundings.

~~(5)~~(3) Repair of workboats shall be limited to routine maintenance, which may include:

- a. minor tune-ups;
- b. change of oil and filters;
- c. washdown and drainage of workboats;
- d. winterizing (draining lines, etc.);
- e. other customary routine repairs or maintenance.

~~(6)~~(4) All federal, state and local requirements for docking facilities shall be met and the necessary permits obtained prior to the issuance of a building permit for docks, piers, or boat houses.

~~(7)~~(5) The workboats and seafood unloading operations shall be conducted in such a manner as to prevent potentially offensive odors from being produced. No overnight storage of seafood waste shall be permitted on the property.

~~(8)~~(6) Any outdoor or security lighting shall be shielded so that glare is not directed onto adjacent property.

~~(9)~~(7) The number of workboats docked at the property shall not exceed the capacity of the pier or boat house. The "rafting" of boats shall not be permitted.

~~(10)~~(8) No heavy trucks shall be permitted to operate ~~from~~on the property.

- ~~(11)~~(9) Any demand for parking generated by the conduct of such use shall be accommodated off the street.
- ~~(12)~~(10) The storage and utilization of toxic substances shall be limited to types and quantities that would customarily be utilized or stored for residential use. Any storage or utilization of combustible, toxic, or flammable substances shall be in accordance with the National Fire Prevention Code.
- ~~(13)~~(11) The board shall, on a case-by-case basis, review and impose such other conditions as it deems necessary and appropriate to assure that the use will be compatible with, and will not adversely impact, adjoining properties and the environment of the area. Such conditions and restrictions may include:
- a. hours of operation;
 - b. number of workboats permitted to use the private residential pier or dock;
 - c. a requirement to prepare a water quality impact assessment;
 - d. additional screening or landscaping requirements for outdoor storage areas and equipment.
- (f) Any commercial or passenger vehicle(s), as defined below, utilized by a hHome occupation(s) shall be parked on, stored on, or operated from the property~~with non-resident employees.~~
- (1) Commercial Vehicle:~~All home occupation categories whether permitted as a matter of right or by special use permit under section 24.1-282 and 24.1-283 may be authorized under this section to include one (1) or more non-resident employees. The allowable number of non-resident employees shall be specified in the use permit approval.~~
- a. Any vehicle with a gross vehicle weight rating (GVWR) of nineteen thousand five hundred one (19,501) pounds or more;
 - b. Any trailer of an overall length (OAL) of seventeen (17) feet or more;
 - c. Any heavy construction equipment, whether located on the street or on a truck, trailer, or semi-trailer;
 - d. Any solid waste collection vehicle, tractor truck or tractor truck/semi-trailer or tractor/truck combination, dump truck, concrete mixer truck, or towing or recovery vehicle;
 - a.e. Any trailer, semi-trailer or other vehicle in which food or beverages are stored or sold.
- (2) Passenger Carrying Vehicle~~Evaluation of this allowance shall be based on the general provisions of section 24.1-281 and applicable requirements as set forth in section 24.1-283.;~~

- a. Any vehicle designed to carry sixteen (16) or more passengers, including the driver;
- b. Any vehicle licensed by this Commonwealth for use as a common or contract carrier or as a limousine.

(g) Enlargement or expansion of permitted home occupations.

- (1) The board may authorize by special use permit issued in accordance with the procedures stipulated in article I, enlargements or expansion of home occupations permitted in sections 24.1-282 and 24.1-283.
- (2) The board shall find that the overall spirit and intent of section 24.1-281 will not be violated by the issuance of a special use permit authorizing an enlargement or expansion and may attach any conditions deemed necessary to ensure such compliance.

Sec. 24.1-284. Prohibited home occupations.

The following uses shall not be permitted as accessory home occupations:

(a) Automobile repair and servicing.

(b) Funeral chapels or funeral homes.

~~(e)~~ Gift shops.

~~(d)~~(c) Medical or dental clinics or hospitals.

~~(e)~~(d) Restaurants, tearooms, or other eating or drinking establishments.

~~(f)~~(e) Commercial stables, commercial kennels.

(f) Veterinary clinics.

(g) Convenience store.

(h) Small engine and equipment repair.

(i) Tattoo parlor.

(j) Gambling or gaming establishment.

~~(g)~~(k) Any home occupation involving the use of a vehicle, regardless of size, used in transportation of hazardous materials as defined in section 103 of the federal Hazardous Materials Transportation Act (49 C.F.R. Par 172, Subpart F).

~~(h)~~(1) Other activities and land uses which the zoning administrator determines to be materially similar to the activities listed above.

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