

COUNTY OF YORK

MEMORANDUM

DATE: May 22, 2013 (PC Mtg. 6/12/13)

TO: York County Planning Commission

FROM: J. Mark Carter, Assistant County Administrator 

SUBJECT: Application No. ZT-143-13, York County Board of Supervisors: Weddings and Wedding Receptions in Conjunction with Bed and Breakfast Establishments

ISSUE

This application, sponsored by the Board of Supervisors, requests that consideration be given to a Zoning Ordinance text amendment to allow, by Special Use Permit, the operators of Bed and Breakfast establishments to host larger-scale weddings, receptions, or other events as a commercial venture.

CONSIDERATIONS

Bed and Breakfast establishments can be authorized by Special Use Permit in the RC, RR, R20, R13, and RMF residential zoning districts. The operators of the Bay Tree Manor Bed and Breakfast establishment (Mr. and Mrs. Stephens), located at 4301 Seaford Road, have expressed interest in obtaining authorization to host wedding receptions (as a business venture) in conjunction with their bed and breakfast accommodations. The Bay Tree Manor Bed and Breakfast was authorized by Special Use Permit approved in 2009 and is limited to a maximum of 4 guest suites and 8 overnight guests. A letter describing their desired wedding ceremony/reception activities is attached along with excerpts from information posted on the Bay Tree Manor website. Prior to recent discussions with County staff, Mr. Stephens indicated he was not aware of the need for any special approvals for hosting such activities.

Currently, in the administration of the Zoning Ordinance and, in particular, the Special Use Permit and YVA zoning conditions that apply to this and other bed and breakfast operations, weddings and receptions involving and attended exclusively by registered guests of the establishment have been considered to be a permitted activity. Likewise, as with any residential property in the County, "family" weddings, receptions and other non-commercial parties and events are considered to be permitted uses. Staff is aware, for example, that the Hornsby House Inn has hosted various "family" events. However, both Mr. and Mrs. Stephens and the operator of the Hornsby House Inn (Mr. Bowditch), have expressed interest in being authorized to host larger-scale, non-family events that are not limited in attendance to registered guests. In the case of the Bay Tree Manor Bed and Breakfast, Mr. Stephens has indicated that the wedding party would have to be registered guests of the B&B but that the number of other "guests" could result in as many as 160 persons at the ceremony/reception – were the Zoning Ordinance to be amended to provide an authorization opportunity and process.

A *bed and breakfast* operation is somewhat similar to a *home occupation* although B&B's are not technically categorized as such by the Zoning Ordinance. Nevertheless, in considering the possibility of adding a commercial reception opportunity for bed and breakfasts, staff believes that some of the home occupation performance standards may be transferrable in terms of evaluating whether such a use can appropriately co-exist with their neighboring residential uses and surroundings.

The following statements are excerpted from the general Home Occupation provisions set forth in Section 24.1-280 et.seq. of the Zoning Ordinance, and staff comments are provided for each with respect to general observations as well as specifics that would relate to either Bay Tree Manor or the Hornsby House Inn if commercial reception opportunities were to be provided:

- 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).

Comment: Receptions would be likely to involve various non-residents such as caterers, florists, photographers, bands, etc., all of whom would result in additional traffic coming and going from the residential property. The special approval process for non-resident employees would provide an opportunity to evaluate these potential impacts.

- The use may not exceed four hundred (400) square feet or twenty-five percent (25%) of the floor area of the residence, whichever 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.

Comment: The Bay Tree Manor operation is proposed to be housed in a 2,100-square foot tent to be installed on the grounds of the B&B to complement the existing pool, patio and lawn areas that would be available for use, all of which greatly exceeds the 400 square foot limit. The operators of the Hornsby House indicate a preference for indoor or lawn/garden/patio receptions, but would like to keep open the possibility of using a tent in the backyard area, and, in any case the total area involved would exceed the 25% threshold.

- 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. Signs and outdoor storage are not permitted.

Comment: The use of assembly-type tents would clearly change the appearance of the properties involved and, depending on the location, would be visible from public streets and/or adjacent properties. That visibility may or may not be perceived by passers-by or neighbors as being detrimental, and the length of time during which the tent remains in place may influence whether or not there are concerns. Even without the use of tents, the periodic assembly of large numbers of guests on a property (and their cars) would be a visible indication that something other than typical residential use was occurring on the property.

- There shall be no on-premises sales of goods or materials to the general public or on-site customer or client contact except as may be authorized by special use permit in accordance with the standards established in section 24.1-283; and, 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.

Comment: In the context of other home occupations, this limitation is intended to prevent, except when specifically authorized by the Board, customer traffic to and from a residence. In cases where on-site customer contact has been authorized, it has been limited to relatively few clients / appointments per day and to the specified hours so as to minimize traffic impacts on the residential neighborhood and to spread those impacts out over the course of a day. Conversely, wedding ceremonies and receptions would bring steady pre- and post-event set-up/take-down/service traffic and then the concentrated and heavier volume of traffic associated with the arrival of guests, as well as the possibility of the event and the traffic impacts extending well beyond 8:00 pm. The ability of the roads serving the site to safely handle the volumes and frequency of traffic would need to be evaluated, as would the potential impact of that traffic on the surrounding area – e.g., cars arriving or leaving the designated parking areas, whether noise or headlight glare would be disrupting to neighbors, etc. if events were authorized to extend beyond 8:00 pm.

- Such home occupation shall not generate traffic, parking, sewerage or water use in excess of that which is normal in the residential neighborhood.

Comment: Traffic volumes and the duration of the flow of traffic to and from the site would be beyond “normal” neighborhood conditions during the wedding event and, if on a recurring basis, certainly would exceed “normal” occasional large party or social gathering that might occur at a residential property. In addition to the traffic and parking issues, recurring assemblages of people would overtax the capacities of normal residential dwelling septic systems while the capabilities of public sewer and water systems would need to be evaluated on a site-by-site basis.

- No mechanical or electrical equipment or flammable or toxic substances shall be utilized other than that which would customarily be utilized in the home in association with a hobby or avocation not conducted for gain or profit.

Comment: Audio equipment, whether used by bands or for recorded music, would likely be different and more powerful than that associated with normal residential uses and activities.

- Any demand for parking generated by the conduct of such home occupation 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 and in accordance with the applicable standards established in article VI for business and commercial uses. 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.

Comment: Clearly, the accommodation of parking demand for a well-attended ceremony/reception will be a critical factor in determining whether such a use can “fit” on a particular property. With the exception of Yorktown, the general premise of the York County Zoning Ordinance is that parking demand associated with a use must be met on-site on a suitable all-weather surface. Yorktown is an exception since the YVA provisions allow various options such as off-site private or public parking lots, trolley service, and on-street parking to be considered in a “parking plan” for a non-residential use. However, in either case, the basic standard of adequacy for a commercial reception facility (per current zoning requirements) would be one (1) space for every 60 square feet of assembly area. While the 9.4-acre Bay Tree Manor site offers the potential to accommodate the parking demand for such a function on-site, the Hornsby House Inn would need to depend on allowable off-site options.

- The occupation or activity shall not require the use of machinery or equipment that creates noise, odor, smoke, dust or glare 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.

Comment: The sound levels associated with ceremony and reception music (live or recorded) would have the greatest potential for impacting surrounding uses while evening/after dark events could have negative impacts if lighting levels are not given proper attention.

- No equipment or process used as a part of the occupation or activity shall disrupt residents of nearby dwellings.

Comment: Sound amplification equipment has the greatest potential for disruption of neighbors. All applicable provisions of the County Noise ordinance would have to be observed; however, the potential frequency of events at such an establishment and the proximity of adjacent residences would need to be carefully evaluated on a site-by-site basis for any proposed facility.

With this as background, and after researching the standards applied to such uses by various other jurisdiction, staff drafted the proposed amendments to Section 24.1-409 – *Standards for Bed and Breakfast Establishments* contained in the attached resolution and sponsored for consideration by the Board. The draft amendments would add various performance standards specifically related to reception proposals and would address:

- **Eligibility** – as proposed, the B&B would have to have been in operation for at least one (1) year, the intent being that business plans should not be built solely on the reception functions and that the primary use – B&B should be in operation long enough to allow neighbors to become familiar with the activities occurring on the property and their impacts, if any, before introducing the possibility of the reception activity and its potential impacts.
- **Maximum Number of Guests** – Property size, proximity of neighboring residences, availability of parking, the condition and capacity of roads serving the property, and various other factors will influence the number of people that a particular property is capable of accommodating. There is no perfect formula or ratio that can be inserted into an ordinance performance standard. Accordingly, the draft language proposes that the maximum number be established by the Board on a case-by-case basis.
- **Facilities** – Assembly of people, whether in a Bed and Breakfast or in a tent on the property, would necessitate compliance with various building and fire safety codes. Additionally, consideration would need to be given to the placement of any tent as well as the length of time that it could remain erected on the property. Also, reference is made to the emergency access driveway width/clearance requirements set out in the Zoning Ordinance.
- **Duration of Events / Noise** – Late night activity, whether the assembled guests or the after event clean-up, could be disturbing to neighboring residents, and traffic leaving the event could impact an even larger neighborhood. The proposed draft

recommends that events end by 10:00 PM and that clean-up activities cease by 11:00 PM. The proposed standards mention specifically the need to adhere to all applicable requirements of the Noise Ordinance.

- **Lighting** – The proposed standards reference the property line light intensity limits applicable to all non-residential uses that abut a residential property.
- **Parking** – A minimum parking ratio of 1 space for every 2 persons, based on occupancy/attendance limits is proposed. The proposed standard would allow parking requirements to be met on the subject property, on an abutting property owned or controlled by the operator, or by conveniently located public parking.
- **Sanitation** – Adequate sanitation / restroom facilities would be required. The adequacy and condition of any on-site septic system would have to be documented. If portable restroom facilities are proposed, they would have to be appropriately screened from view and serviced within a short period of time after any event.
- **Caterers / Vendors** – Applicants would be responsible for ensuring that caterers / vendors are properly licensed and that all necessary permits (Health Department, ABC, etc.) have been obtained.

These proposed amendments would establish an opportunity for a B&B operator to apply for authorization to host commercial reception events on their property. Providing the opportunity to apply does not commit the Planning Commission or the Board to recommend or to approve any specific application.

RECOMMENDATION

Staff believes that the provision of an opportunity for B&B operators to seek authorization for this type of use would be appropriate. Therefore, staff recommends that the proposed amendments be forwarded to the Board of Supervisors with a recommendation for approval. Adoption of proposed Resolution PC13-11 would accomplish that.

Carter/3337

Attachments:

- Letter from Mark and Paige Stephens, dated February 1, 2013
- Excerpts from Bay Tree Manor website
- Proposed Resolution No. PC13-11

*Bay Tree Manor
Bed and Breakfast
Yorktown Va*

Mark and Paige Stephens
4201 Seaford Road
Seaford, Virginia 23698
(757) 897 - 8061

February 1, 2013

York County Planning Division/Administrator
224 Ballard Street
Post Office Box 532
Yorktown, VA 23690-0532
757-890-3404

Dear Mr. McReynolds:

We would like to apply for a Special Use Permit in order to host Weddings in conjunction with our Bed & Breakfast. We have a very secluded 9.5 acres in Seaford, which is perfect for outdoor events. All our neighbors have been so supportive of our Bed and Breakfast and have sent hundreds of guests our way. For this we thank them for making our venture a success. We plan to also apply for a tent permit so that all activity can take place outside. We would require all catering be done by professional licensed caterers and also be maintained outside.

We have been informed that we must have a handicapped accessible restroom and we will make sure to rent an ADA Compliant Portable Toilet for people with disabilities attending the events outside, until we can secure a more permanent solution.

We have made every effort to bring quality tourism to York County. We refer our guests to other Bed and Breakfasts in the county whenever necessary, as well as many other York County businesses. We also make it a point to be a model business for York County. We were voted one of the top three Bed & Breakfasts in Eastern Virginia by Virginia Living Magazine in 2012 and hope to continue to make York County a desirable tourist destination. It has come to our attention that York County as a whole has a shortage of Wedding Venues as stated by many Wedding coordinators. In turn visiting guests spend money to help our county in this time of shortfalls on revenue.

If you would like to see what our guests are saying about us please visit the following websites to see our reviews:

<http://www.bedandbreakfast.com/va-seaford-bay-tree-manor-page.html#reviewslink>

http://www.tripadvisor.com/Hotel_Review-g58169-d1654524-Reviews-Bay_Tree_Manor-Seaford_Virginia.html

If you require more information please contact us at anytime.

Sincerely,



Mark and Paige Stephens
Bay Tree Manor Bed & Breakfast
www.btmanor.com
stay@btmanor.com

Bay Tree Manor Bed and Breakfast

Web site excerpts (as of 2/26/13)

If you're looking for a casual waterfront location for an outdoor wedding, an intimate indoor wedding, family reunion or other special event, we can help!

Located along the tranquil shores of the Chesapeake Bay, Bay Tree Manor will transport you to a world of warmth and relaxation. Experience the simple pleasures of a majestic water view of the largest estuary in the United States, the amazing Chesapeake Bay.

The estate is situated over nine and a half acres of waterfront and wooded areas that provide an oasis of seclusion. Bay Tree Manor features a full breakfast, for all overnight guests and luxuriously appointed rooms.

Bay Tree Weekend Package Includes:

- » Rehearsal space, wedding breakfast, ceremony and reception space, four suites and farewell breakfast
- » Grand 66'x 33' marquee tent
- » Tables, chairs and linens for reception and ceremony for up to 130 guests
- » Elegant Rhapsody Pavilion decorated with white sashes for your ceremony
- » Use of the bar with 2 keg capacity kegerator, Tournament size Pool table and Ping Pong table.
- » Our landscape includes views of the Chesapeake Bay, waterfowl and a waterfall for your photographer's pleasure!
- » Large pool deck with stone pavers ideal for dancing!
- » Ample parking space
- » No Time Limits
- » Full breakfast for up to 10 guests served the day of and the day after the wedding
- » Recommendations for all that you can envision such as local caterers, photographers, florist, music and cake! The options are limitless!

You are welcome to use your own professional licensed vendors.

Bay Tree Manor Bed and Breakfast can accommodate up to 160 people for a formal or informal wedding ceremony and reception

PLANNING COMMISSION
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2013:

Present

Vote

Richard M. Myer, Jr., Chair
Mark B. Suiter, Vice Chair
Alexander T. Hamilton
Christopher A. Abel
Timothy D. McCulloch
Todd H. Mathes
Melissa S. Magowan

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO AMEND CHAPTER 24.1, ZONING, YORK COUNTY CODE, BY ADDING PROVISIONS TO ALLOW AUTHORIZATION OF WEDDING RECEPTIONS CONDUCTED ON THE PREMISES OF OPERATING BED AND BREAKFAST ESTABLISHMENTS

WHEREAS, in response to property owner inquiries, the Board of Supervisors has sponsored Application No. ZT-143-13 to allow consideration of amendments to the Zoning Ordinance to provide opportunities for the operators of bed and breakfast establishments to host wedding receptions on the same premises; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the ___ day of _____, 2013, that Application No. ZT-143-13 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to amend the York County Zoning Ordinance (Chapter 24.1, York County Code) to incorporate the following amendments:

Sec. 24.1-409. Standards for boarding house, tourist home and bed and breakfast establishments.

- (a) When located in single-family residential zoning districts, boarding houses, tourist homes, and bed and breakfast establishments shall have the appearance of a single-family detached residence and normal residential accessory structures.
- (b) Other provisions of this chapter notwithstanding, one freestanding, non-illuminated sign, not exceeding four (4) square feet in area, may be permitted to identify such use.
- (c) In all residential districts, required off-street parking for the subject use shall be effectively screened by landscaping from view from adjacent residential properties and shall not be located in any required front yard area.
- (d) The board shall specify the maximum number of persons who may be accommodated in the proposed use. Such determination shall be based on a consideration of the density and character of the vicinity in which located and of the size and characteristics of the proposed site.

(e) The owner/proprietor of an authorized and operating bed & breakfast (B&B) establishment or tourist home may apply for a supplementary Special Use Permit authorization to host private weddings and receptions for a fee as a business venture. In order to be eligible to apply for such supplementary Special Use Permit, the B&B or tourist home shall have been in continuous operation for at least one (1) year prior to the date of the submission of the application. The following performance standards and conditions shall be observed unless specifically modified or waived by the Board of Supervisors at the time of approval:

(1) *Frequency of events:* No more than one (1) event per day, or two (2) events in any 7-day period, shall be allowed. A wedding ceremony and its associated reception shall be considered to be a single event.

(2) *Maximum number of guests:* The maximum number of guests shall be established as a condition of the Special Use Permit approval and shall be based on an assessment of the capacity and suitability of the site in consideration of the size of the property and facilities, the amount of parking available to accommodate guests, the capacity and condition of the highway network providing access to the site, the surrounding land uses and their proximity, and such other considerations as the Board of Supervisors deems to be relevant to prevent adverse effects upon neighboring properties.

(3) *Facilities:* Any building or temporary tents used to accommodate ceremonies or receptions shall comply with all applicable Building and Fire Code requirements including, but not limited to: access; materials and fire ratings; emergency lighting; exit lights; fire detection and suppression; etc. Any tent(s) shall be positioned on the property in accordance with all applicable setback requirements for principal structures or such greater setbacks as may be established as a condition of the Special Use Permit approval. Tents shall be

dismantled within 48 hours of the conclusion of each event, unless the Special Use Permit shall allow a greater time.

- (4) *Duration of event:* Events shall be limited to the time period between 10:00 am and 10:00 pm. Set-up and take-down activities may take place no earlier than 8:00 am and no later than 11:00 pm.
- (5) *Lighting:* Exterior lighting shall be limited to fixtures and illumination intensities that will not produce illumination intensities exceeding 0.1 footcandles at any property line.
- (6) *Noise:* The activities on the subject property shall be conducted in complete accordance with all requirements of the York County Noise Ordinance set forth in Section 16-19 of the York County Code.
- (7) *Parking:* Except as specified below and as documented in the Special Use Permit approval, all parking demand associated with the event shall be accommodated on the site on a suitable all-weather surface. The minimum number of spaces shall be calculated at a ratio of one (1) parking space per every two (2) persons based on the maximum allowable occupancy/attendance limit plus one (1) space for every regular or contract employee associated with the reception facility.

The Special Use Permit may allow:

- a. the use of an abutting property owned or controlled by the applicant and from which event attendees can walk without obstruction to reach the reception site. For the purposes of this section, the term abutting shall be construed to include property located on the opposite side of a street right-of-way, provided that event attendees will be able to cross perpendicularly and safely and will not be required to walk along a road or road shoulder;
- b. the use of any available and conveniently located public parking spaces from which attendees can walk safely.

Any parking areas constructed or established specifically for support of the reception use shall be located a minimum of 25 feet from any abutting property not owned by the proprietor, unless with the consent of the owner of the abutting property, and shall be screened from view from those abutting properties and public rights-of-way by evergreen landscaping, unless the abutting property owner consents to waiver of the screening requirement. All applicable stormwater management standards and requirements associated with the installation of the required parking spaces shall be observed.

- (8) *Fire and Emergency Vehicle Access:* Driveway access to the site shall comply with all requirements as to weight capacity, base and surface material, width, configuration and alignment, and vertical and horizontal clearance as set forth in Section 24.1-261. Existing driveways shall be upgraded to meet these standards if they are deficient in any aspect.
- (9) *Sanitation:* Restrooms or toilet facilities shall be provided for event attendees based on the ratios/requirements set forth in the Virginia Uniform Statewide Building Code. Reception venues that would be dependent on the dwelling's on-site septic system will not be approved unless the applicant provides written authorization from the Health Department as to the adequacy of the system. In

the event portable restroom or toilet facilities are proposed to be used, all shall be screened from view from adjacent public rights-of-way and abutting properties and all shall be serviced or removed within two working days of the conclusion of the event.

- (10) Caterers / Vendors: The proprietor shall ensure that any caterers or other vendors providing services for a reception are properly licensed and permitted, whether such caterer/vendor is hired by the proprietor or by the client contracting for the use of the facility. Likewise, the proprietor shall ensure that all applicable ABC permits have been obtained, either by the client or by the proprietor, and are kept valid.