

Index File

UP-849-14

RIGGINS ENTERPRISES, LLC

Assessor's Parcel Nos. 30-57-1-17

Application No. UP-849-14; Riggins Enterprises, LLC: Request for a Special Use Permit, pursuant to Sections 24.1-283 (d) and (e) of the York County Zoning Ordinance, to authorize seafood harvesting as a home occupation with up to three non-resident employees on 2.56 acres located at 1818 Calthrop Neck Road (Route 606), abutting the Poquoson River and Lambs Creek, and further identified as Assessor's Parcel No. 30-255. The applicant proposes to conduct various activities on the property that are associated with a commercial oyster-farming business. The property is zoned Rural Residential (RR) and designated Low Density Residential in the Comprehensive Plan.

Attachments:

- Staff Report
- Zoning Map
- Narrative
- Sketch Plan
- Proposed Resolution No. PC14-22

COUNTY OF YORK

MEMORANDUM

DATE: July 31, 2014 (PC Mtg. 8/13/14)
TO: York County Planning Commission
FROM: Earl W. Anderson, AICP, Planner
SUBJECT: Application No. UP-849-14, Riggins Enterprises, LLC

ISSUE

This application requests a Special Use Permit, pursuant to Sections 24.1-283(d) and 24.1-283(e) of the York County Zoning Ordinance, to authorize seafood harvesting as a home occupation with up to three non-resident employees on a 2.56-acre parcel of land located at 1818 Calthrop Neck Road (Route 606) and further identified as Assessor's Parcel No. 30-255.

DESCRIPTION

- Property Owner: Lee Riggins Rich
- Location: 1818 Calthrop Neck Road (Route 606)
- Area: 2.56 acres
- Frontage: 70 feet along Calthrop Neck Road
- Utilities: Public water and sewer
- Topography: Flat
- 2035 Land Use Map Designation: Low Density Residential
- Zoning Classification: RR – Rural Residential
- Existing Development: Single-family detached home
- Surrounding Development:
 - North: None
 - East and South: Single-family detached home
 - West: Single-family detached home and parcel with a shed and pier
- Proposed Development: Oyster harvesting as a home occupation (growth and propagation of harvestable shellfish and storage of oyster cages) with up to three (3) non-resident employees

CONSIDERATIONS/CONCLUSIONS

1. The subject property is a waterfront parcel located at the end of Calthrop Neck Road near the intersection of the Poquoson River and Lamb's Creek. The site is served by an approximately 550-foot private driveway off Calthrop Neck Road. The property has approximately 450 feet of shoreline on its northern side, but currently no pier, and the nearest single-family home is over 500 feet to the east of the applicant's home. The adjacent property to the west is primarily undeveloped except for a shed and pier. The property is zoned RR (Rural Residential) and is designated Low Density Residential in the Comprehensive Plan, as is the surrounding area.
2. The applicant has leased from the Virginia Marine Resources Commission (VMRC), 60 acres of oyster grounds in the waters adjacent to her property and has submitted this application to authorize establishment of a commercial aquaculture operation as a home occupation. According to the applicant's narrative, she began raising oysters in 2013, using bottom cages (cages placed on the river bottom) and oyster bags to grow the oysters in the waters of the Poquoson River. As the oysters grow, they are separated and placed in different cages so they do not become overcrowded. The cages can be moved from one area to another if the expected growth is not occurring. This is a labor-intensive method because the cages need to be cleaned regularly for optimal growth.

The operation will be conducted mainly from a pontoon boat that is docked and unloaded in the City of Poquoson. The boat will not be moored on the shoreline of the subject property. According to the narrative, activities on the property will be limited to storage and washing of 10 to 20 cages (three feet by four feet by six inches each) in a 10-foot by 10-foot area on the western side of the property and the loading of oyster seeds into bags. Once loaded into bags, the oysters would be walked out to the oyster grounds to be placed in the cages. No loading or off-loading between the shore and the boat will take place and no harvestable oysters will be brought onto the property, except for the applicant's personal use. New cages would be delivered periodically to the property by pick-up truck and would be walked to and from the oyster grounds either for initial placement or periodic on-shore cleaning.

3. While the VMRC has regulatory jurisdiction over the state-owned bottomlands, the use of the uplands for commercial aquaculture is subject to the County's zoning authority, as are any land-based activities associated with the commercial aquaculture operation, such as off-loading cages, bags or oysters onto the piers or land, cleaning of cages, and storage of equipment. The County has no jurisdiction to restrict the number of oyster cages the applicant can place on the bottomlands beyond the mean low-water mark, as the permitting for such activity is exclusively the Commonwealth's prerogative (administered by the VMRC).
4. The Zoning Ordinance defines a home occupation as "an accessory use of a dwelling unit by the occupant of the dwelling for or with the intent of gainful employment involving the provision of goods and services." In addition, the general requirements for home occupations spelled out in Section 24.1-281(b) of the Zoning Ordinance

state that home occupations “shall be clearly incidental and subordinate to the residential use of the property.” Compatibility with the surrounding area is an important consideration for every use permit application, but especially with home occupations since they involve the introduction of a commercial use in a residential area. Accordingly, the overriding purpose of the home occupation provisions of the Zoning Ordinance is to prevent home-based businesses from adversely affecting the residential character of both the subject property and the surrounding area. Typical considerations are traffic, off-street parking, noise, visibility, and the overall size and scale of the business.

- **Traffic.** Section 24.1-281(e) of the Zoning Ordinance requires that home occupations “shall not generate traffic, parking, sewerage, or water use in excess of that which is normal in the residential neighborhood.” The applicant has stated that there would be up to three (3) part-time non-resident employees at any one time, potentially adding up to six (6) vehicle trips per day in addition to the trips generated by the residential use (typically ten trips per day for a single-family detached home, according to the Institute of Transportation Engineers (ITE) *Trip Generation* manual). Compared with other home occupations that have been approved in the County, staff does not consider the amount of traffic that would be generated by the proposed use to be excessive.
- **Parking.** Section 24.1-281(g) of the Zoning Ordinance specifies that any parking demand generated by the home occupation that is in addition to the spaces required for the residential use must be accommodated off the street in a suitably located and surfaced space and must be at least ten feet (10’) from any property line. The property has sufficient space to accommodate the three parking spaces for the non-resident employees and the two spaces required for the existing home. There are a one-car garage, one-car carport, and several parking areas on the western side of the property, as well as a circular driveway with a circumference of roughly 200 feet, all of which are approximately 550 feet from the nearest home.
- **Noise.** Section 24.1-281(h) prohibits “the use of machinery, or equipment that creates noise, odor, smoke, dust or glare...detrimental to persons residing in the home or on adjacent property” in connection with any home occupation. Unlike the waterman businesses that have been previously approved, the proposed operation would not involve workboats with noisy diesel engines starting up early in the morning. There would, however, sometimes be cages to be cleaned with a pressure washer. The applicant proposes to wash most of the cages on the pontoon boat; however, some the cages would be washed in an area on the western side of the shoreline approximately 100 feet from the nearest property line and 400 feet from the adjacent property owner’s pier to the west. The surrounding area is heavily wooded.

In accordance with Section 24.1-281(i) of the Zoning Ordinance, which states that “No equipment or process used as a part of the occupation or activity shall disrupt residents of nearby dwellings,” staff believes it would be appropriate to establish a limit on the hours and days during which pressure washing can occur. A proposed

condition has been included in the resolution limiting pressure washing or operation of any gas-powered equipment to the hours between 10:00 AM to 4:00 PM, Mondays through Saturdays. In addition, notwithstanding the provisions set forth in Section 16-19.3(a) of the York County Code, which allow a maximum outdoor A-weighted sound pressure level of 65 dB on residential property between the hours of 7:00 AM and 11:00 PM and 55 dB between 11:00 PM and 7:00 AM, staff recommends a condition that no shellfish growing/harvesting activity exceed the maximum indoor daytime sound pressure level standard of 50 dB 24 hours a day.

- **Visibility.** Section 24.1-281(c) of the Zoning Ordinance specifies that “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.” The property is heavily wooded and any activity would only be noticeable from the Poquoson River.
 - **Size and Scale.** Section 24.1-281(b) of the Zoning Ordinance limits the size of home occupations to 400 square feet or 25% of the floor area of the home, whichever is less, unless a greater area is deemed appropriate and authorized by the Board of Supervisors through a Special Use Permit approval. However, the terms of Section 24.1-283(d), discussed in paragraphs that follow, provide an opportunity for outdoor storage associated with seafood harvesting home occupation to cover up to 1,000 square feet. The combined area of the oyster cage storage and table where most of the work would be conducted is approximately 200 square feet. It should be noted that at 2.65 acres, the subject property is larger than typical residential parcels and is isolated from nearby residences by the heavily wooded area.
5. In 1991 as part of its review of the ten use permit requests submitted by watermen and sponsored by the Board in 1991, staff developed the following evaluation criteria for gauging the compatibility of this type of home occupation with their respective surroundings:
- Size of the property
 - Width and/or dimensions of the shoreline
 - Distance and screening of the operation from adjacent property and residences
 - Location of outdoor storage facilities
 - Number of boats to be used
 - Size of pier/docking facility
 - Hours of operation
 - On-site maintenance of equipment
 - Character of the surrounding community
 - Site access

Using these criteria as a guide, staff believes that in a number of respects this application compares favorably with previously approved applications in terms of the intensity of use and potential impacts on surrounding properties. Lot sizes for the previously approved waterman businesses ranged from 0.44 to 3.2 acres. The three

properties surrounding the subject property (excluding the 1.7-acre parcel owned by the applicant) are 11.4, 0.96, and 10.3 acres. The adjacent property to the east is occupied by a single-family detached home over 470 feet away from the applicant's shoreline. The adjacent property to the west has a dock, which is approximately 170 feet away, but no single-family detached home. By comparison, for the nine (9) watermen's use permits approved in 1991, the average number of homes and docks within a 400-foot radius was 6.4 and 3.3 respectively, with the number of homes in that radius ranging from two (2) to fourteen (14) and the number of docks ranging from one (1) to six (6).

Pursuant to Section 24.1-283(d) of the Zoning Ordinance, any workboat maintenance would be limited to minor tune-ups, oil changes, wash-down and drainage, winterizing (draining lines, etc.) – commonly associated with waterman operations. Since the pontoon boat will never be moored or docked on the applicant's property this would not apply; however, it is expected that the oyster cages would need to be cleaned periodically.

Permissible hours of operation for waterman-type home occupations are not specified in the Zoning Ordinance or in any of the use permit conditions that were established for the nine applications approved in 1991. The 1991 staff report to the Board of Supervisors noted the impracticality of establishing such limits:

“In certain locations the channel conditions may be such that access to docking space (at the applicant's property) is available only during high tide. As such, many watermen set their operating hours to coincide with high tides and, therefore, they may vary considerably [from] time to time. It is important to understand that the establishment of hours of operation as a use permit condition could, depending on tidal conditions, cause a waterman to have to delay departures or arrivals to the next available high tide condition or simply to stay at the dock on certain days. In some cases, if certain hours of operations are deemed essential to granting approval of a request, outright denial of the application may be more appropriate – and more easily enforced.”

In this case, staff is proposing a restriction on the hours during which power washing can occur. For any other aspects of this proposed operation, staff sees no reason to deviate from the standard hours of operation for home occupations set forth in the Zoning Ordinance (8:00 AM to 8:00 PM, Mondays through Saturdays).

It has already been noted that site access is adequate and can accommodate the additional traffic generated by the home occupation with little impact on the safe ingress and egress of other residents who travel Calthrop Neck Road.

6. One feature of the proposed home occupation that would be more intensive than other approved home-based waterman operations is the presence of up to three (3) non-resident employees. Pursuant to Section 24.1-283(e) of the Zoning Ordinance, home occupations, whether permitted as a matter of right or by Special Use Permit, can be authorized to include one (1) or more non-resident employees, but only with a use

permit. In accordance with the Zoning Ordinance, the standard term of any use permit for non-resident employees is two (2) years unless the Board specifies some other time period, either lesser or greater. At the end of the specified term, the operator of the home occupation can request an extension of the non-resident employee term, which can be authorized by the Board without public hearings and Planning Commission review, provided that the request is accompanied by written statements from all adjacent property owners (there are two in this case) indicating that they have no objection to continuation of the non-resident employee authorization. If the applicant cannot provide such a statement of approval, the request for an extension would be processed and reviewed as if it were an original use permit application.

The request for up to three non-resident employees at a time is unusual but not unprecedented. The Board has approved a total of eight home occupations with non-resident employees, five of which were limited to a single employee – or one employee at a time – on the premises. The remaining three home occupations were all contracting businesses and were limited to two (2), five (5), and 25 non-resident employees respectively¹; however, the contractor employees were typically engaged in work at a job site rather than on the home occupation property. Terms of authorization have varied and have included the standard two (2) years, four (4) years, and ten (10) years in the case of a recent renewal. Non-resident employees are typically clerical or other support workers who assist the proprietor/homeowner in the conduct of the home business; this case is unusual in that it appears most of the labor will be conducted by the non-resident employees.

7. Specific performance standards for home-based watermen's businesses are set forth in Section 24.1-283(d) of the Zoning Ordinance. Those standards that would be applicable to the proposed home occupation are summarized below:

- On-premises wholesale or retail sale of seafood is prohibited.
- Outdoor storage of goods, equipment, or materials is limited to a total of one thousand (1,000) square feet, and cannot be located in any front or side yard or within 20 feet of any property line, except the shoreline, and must be screened from view from all public streets and adjacent properties.
- All federal, state, and local requirements must be met and the necessary permits must be obtained.
- Seafood unloading operations must 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.
- Any outdoor or security lighting shall be shielded so that glare is not directed onto adjacent property.
- No heavy trucks may be operated from the property.
- Other conditions deemed necessary by the Board to ensure that the use will be compatible with adjoining properties and the environment of the area.

¹ In 1999, the Board of Supervisors granted a Special Use Permit for an existing home-based contracting business with 25 non-resident employees on a 100-acre parcel in the Skimino area in order to allow it to continue operating for 3 to 5 more years while it looked for a new, more appropriate location in a commercial area.

The applicant is not proposing to have any workboat docking, on-premises oyster sales, nor customers coming to her property to pick up oysters and that commitment is reflected in the proposed SUP conditions.

RECOMMENDATION

This application is unlike many other home occupation requests that have come before the Commission such as home beauty or barber shops or other personal services (e.g., massage therapy, day care, health and nutritional counseling) in which the service is provided directly by the homeowner/home occupation owner. Even the nine applications for home-based waterman-type businesses that were approved in 1991 are not directly comparable; none of them involved aquaculture or non-resident employees, which the home occupation provisions of the Zoning Ordinance did not provide for at the time. There have been two other Special Use Permit requests for authorization to conduct an aquaculture business as a home occupation, one of which was proposed in York Point and the other in Dandy. The York Point application, which was proposed on a small subdivision lot, was denied by the Board of Supervisors. The Dandy application, which involves a larger property, was considered by the Commission at its July 9, 2014 meeting and will be considered by the Board of Supervisors at its August 19, 2014 meeting.

What all approved home occupations have in common is that they are, by definition, “accessory use[s] of a dwelling unit by the occupant of the dwelling for or with the intent of gainful employment involving the provision of goods and services” and that each is to be “clearly incidental and subordinate to the residential use of the property.” For that reason, the home occupation provisions are intended to allow homeowners to make reasonable use of their property for certain business purposes subject to guidelines and restrictions designed to limit the intensity of commercial activity and preserve the residential character of the surrounding area. In this case, the size and configuration of the subject property, as well as its distance from other residential properties, make it well-suited – under certain conditions – for oyster harvesting, as long as it does not interfere with neighboring residents’ quality of life. This is, after all, a residentially-zoned property in a residential area; preserving the residential character should take priority over any homeowner’s desire to operate a commercial venture in his or her home.

The applicant is proposing to do most of the oyster harvesting operation on a pontoon boat, which can be done without a Special Use Permit over state waters, outside of the County’s jurisdiction and not subject to the County’s regulatory authority as long as the activity or product is not brought onto the land in York County (the on-land activities and off-loading shellfish could, of course, be conducted on commercially zoned waterfront property). Because of the location of harvesting activities on the boat and along the shoreline, any adverse effects on neighboring properties, apart from a slight increase of road traffic on Calthrop Neck Road, would be subject to conditions limiting noise, traffic, and activity levels. Therefore, based on the considerations and conclusions as noted, staff recommends that the Commission forward this application to the Board of Supervisors with a recommendation of approval of the proposed home occupation subject to the conditions set forth in proposed Resolution No. PC14-22.

York County Planning Commission

July 31, 2014

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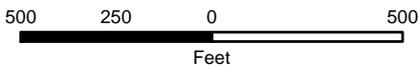
Attachments:

- Zoning Map
- Narrative
- Sketch Plan
- Proposed Resolution No. PC14-22

APPLICANT Riggins Enterprises, LLC
Request to authorize a seafood harvesting home
occupation with non-resident employees.
1818 Calthrop Neck Road

ZONING MAP

APPLICATION NUMBER: UP-849-14



Printed on July 17, 2014

SOURCE: YORK COUNTY
GIS PARCEL DATA and
ZONING COVERAGE

THIS IS NOT A LEGAL PLAT.
This map should be used for
information purposes. It is not
suitable for detailed site planning.

JUL 23 2014

Planning Division

Riggins Enterprises, LLC
Lee Riggins Rich
President and CEO
1818 Calthrop Neck Road
Yorktown, Virginia 23693

Telephone: (757) 868-0516

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American Institute of Aeronautics & Astronautics
Associate Fellow

Ch, York County Zoning Board
York River Sierra Club, Ch. Public Policy

June 6, 2014

Planning Commission, County of York
P.O. Box 532
York County, VA 23690

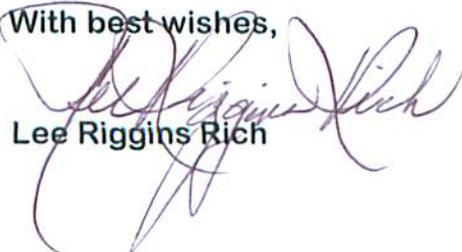
Dear Chairman and Members of the Commission:

The Riggins family has lived at the North end of Calthrop Neck Road for 220 years. The property lies between Poquoson River on the West and Lambs Creek on the east, facing Chesapeake Bay to the northeast between York Point and Hunt's point. For two centuries, fish, oyster, clam, and crab stocks were healthy, plentiful, and helped sustain the family. Then, pollution and disease struck.

My family is now (since 2013) trying to use oyster seeds, bags, and cages to rebuild the old oyster beds on 60 acres of bottomland leased from the Commonwealth in the uncontaminated waters immediately northeast of the property. We do not have a dock or heavy equipment/trucks operating on shore. Our operation is mainly conducted from a pontoon boat (VA1131NN) that is docked and unloaded in Poquoson (no mooring on the shoreline at any time). The only operations on shore (see map) are: storage of 10 to 20 cages (3-by-4 ft) in a 10-by-10-ft area surrounded by woods, and a plywood table on the beach used to fill mesh bags with oyster seeds (Note: 50,000 seeds are the size of a softball and are brought by car in a picnic cooler from Gwynn's Island every two weeks from April to October). Each location is more than 100 ft from any property line. The working 'crew' consists of two nonresident family members (son Ryan and son-in-law Dylan) and, summer 2014, a graduate student from VA Commonwealth Univ. All shore work (incl. walking cages to beds) requires less than 30hr/week.

After consulting with County staff, I am applying for a Special Use Permit in order to comply with current and future York County code/regulations. We will likely be putting in more oyster seeds and perhaps storing a few more cages onshore as our family business enterprise grows--no other changes. The property is wooded with no close neighbors. York County GIS maps are included with the application as well as Virginia Department of Health documents. A check (\$400 application fee) is attached. Please let me know if further documentation is needed.

With best wishes,



Lee Riggins Rich

ATTACHMENT

**Commercial Business Plan
Oyster Farm Operation First Stage
Startup By Riggins Enterprises, LLC
1818/1820 Calthrop Neck Road
Yorktown, Virginia 23693**

Goal: Restoration of ancient natural oyster beds with the aim of producing quantities sufficient for sale to commercial interests

Riggins on-shore oyster-growing operation

There is no dock attached to the Riggins property. Most of the activity associated with our oyster farming is carried out aboard a pontoon boat which is docked and unloaded in Poquoson. The on-shore activity consists of:

Storage of 10 to 20 coated-wire cages (3x4-ft half-inch mesh, 6-in deep) stacked 6-feet high in an 8-foot square area in the woods, more than 100 feet from any property line. New cages are brought in by pickup truck once a year.

A plywood/sawhorse table on the beach, also more than 100 feet from any property line, is used to divide oyster seeds in small-mesh bags (50,000 spats are brought by car from nursery every 3 weeks in a picnic cooler). These small bags are then put into cages and walked out to existing oyster beds.

Riggins off-shore oyster-farming operation

2013/2014 initial Investments in equipment/stock:

Pontoon boat (28 ft) equipped with

Power Wash (hoses, etc.)

Tumbler

Power Lift

Electric cooler (40 degrees)

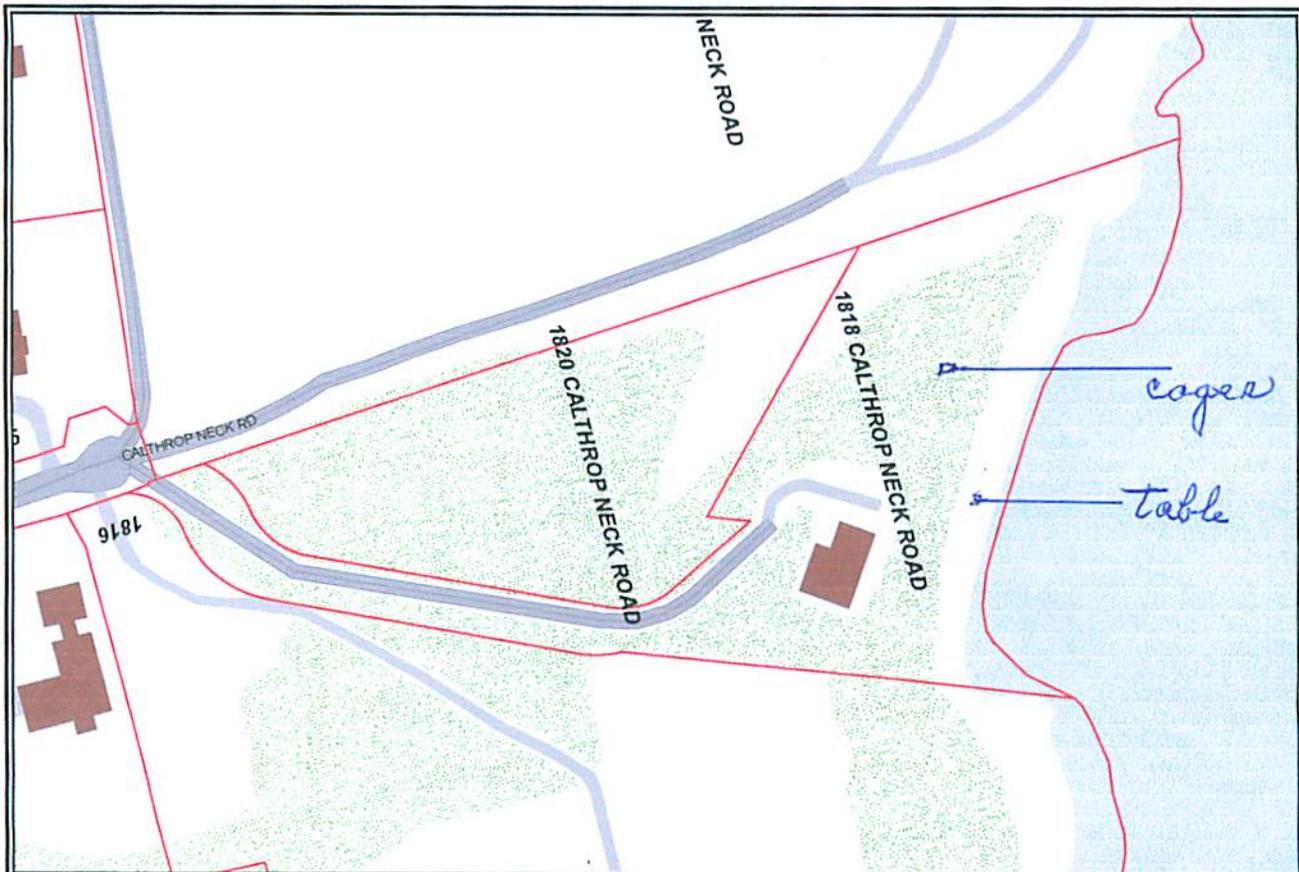
50 coated-wire double cages with bridles/clips
(4ft by 3ft by 6in)

150 heavy wide-mesh bags (1.5ft by 2.5ft)

200 fine-mesh bags (1.5ft by 2ft)

250,000 Spats/OysterSeedHoldings/Gwynn's Island

Lee Riggins Rich
Riggins Enterprises, LLC
1818 Calthrop Neck Road
Yorktown, Virginia 23693
June 2014

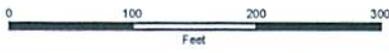


HORIZONTAL ACCURACY: ± 2.5 feet
 VERTICAL ACCURACY: ± 1.6 feet
 DATE OF ELEVATION INFORMATION: 2012

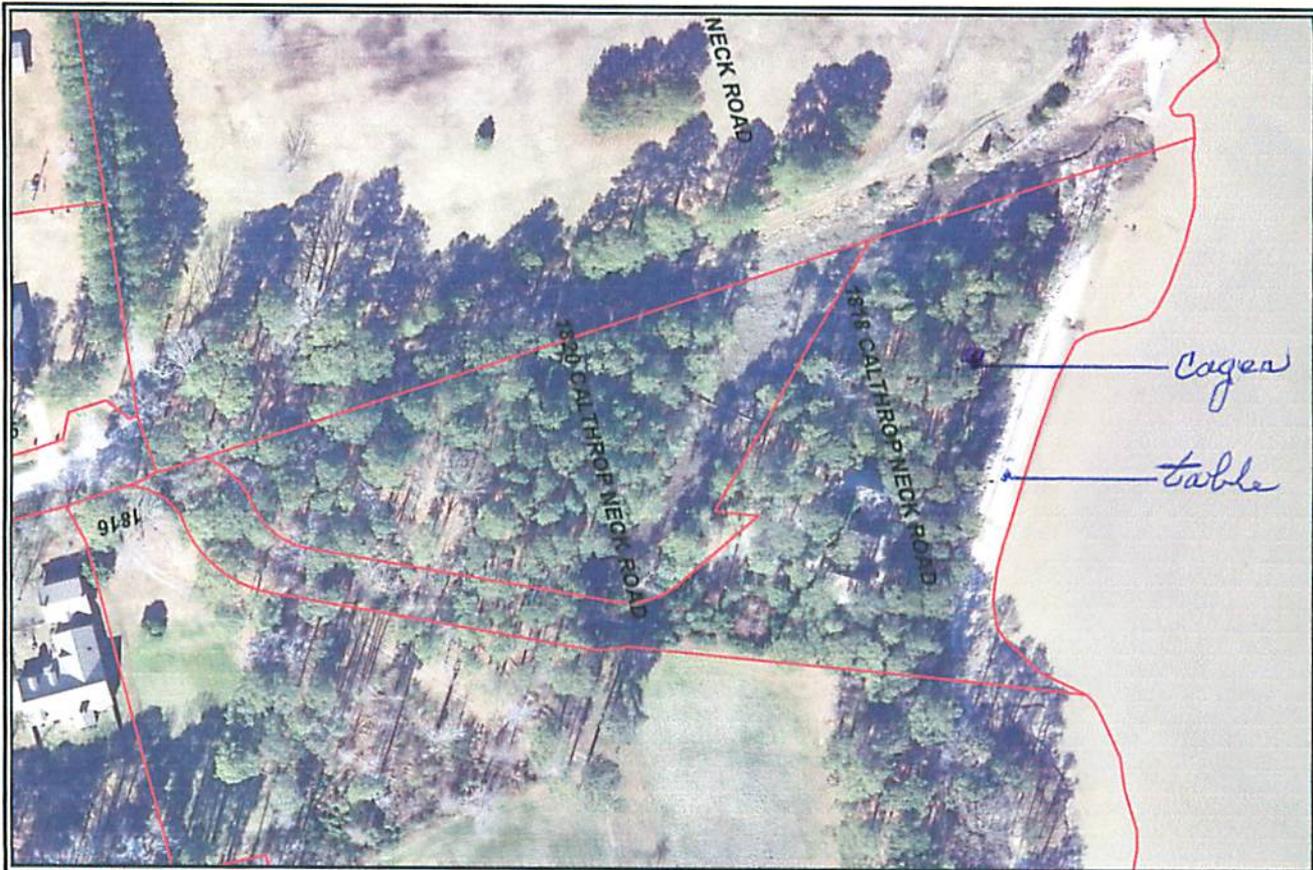
This map should NOT be used for engineering or other design purposes without full verification having been undertaken by a qualified surveyor.

The County of York, Virginia assumes no responsibility for the accuracy of this map or the information contained herein or derived herefrom. The user accepts some assurance of data and facilities whatsoever resulting from, or arising out of the use of this map. There are no oral agreements or warranties relating to the use of this map.

1818 & 1820 Calthrop Neck Rd



THIS IS NOT A LEGAL PLAT.
 This map should be used for information purposes. It is not suitable for detailed site planning.



York County
 VIRGINIA
 Division of Planning & Development
 1818 & 1820 Calthrop Neck Rd
 Image Copyright 2013
 Commonwealth of Virginia

HORIZONTAL ACCURACY: ± 2.5 feet DATUM: NAD 83
 VERTICAL ACCURACY: ± 1 foot DATUM: NAVD 83
 DATE OF ELEVATION INFORMATION: 2007

This map should NOT be used for engineering or other design purposes without full verification having been undertaken by a qualified surveyor.

The County of York, Virginia assumes no responsibility for the accuracy of this map or the information contained hereon or derived herefrom. The buyer and/or user assumes all risks and liabilities whatsoever resulting from, or arising out of, the use of this map.

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1818 & 1820 Calthrop Neck Rd



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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 _____, 2014:

Present

Vote

Melissa S. Magowan, Chair
 Timothy D. McCulloch, Vice Chair
 Montgoussaint E. Jons
 Glenn A. Brazelton
 Todd H. Mathes
 Richard M. Myer, Jr.
 Mark B. Suiter

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

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION FOR A SPECIAL USE PERMIT TO AUTHORIZE SHELLFISH HARVESTING AS A HOME OCCUPATION WITH UP TO THREE NON-RESIDENT EMPLOYEES AT A TIME AT 1818 CALTHROP NECK ROAD

WHEREAS, Riggins Enterprises, LLC has submitted Application No. UP-849-14, which requests a Special Use Permit, pursuant to Sections 24.1-283(d) and 24.1-283(e) of the York County Zoning Ordinance, to authorize seafood harvesting as a home occupation with up to three non-resident employees on a 2.65-acre parcel of land located at 1818 Calthrop Neck Road (Route 606) and further identified as Assessor's Parcel No. 30-255 (GPIN U05b-4813-4368); 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 _____, 2014 that Application No. UP-894-14 be,

and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval for a Special Use Permit, pursuant to Sections 24.1-283(d) and 24.1-283(e) of the York County Zoning Ordinance, to authorize seafood harvesting as a home occupation with up to three non-resident employees on a 2.65-acre parcel of land located at 1818 Calthrop Neck Road (Route 606) and further identified as Assessor's Parcel No. 30-255 (GPIN U05b-4813-4368) subject to the following conditions:

1. This Special Use Permit shall authorize seafood harvesting as a home occupation with up to three non-resident employees on a 2.65-acre parcel of land located at 1818 Calthrop Neck Road (Route 606) and further identified as Assessor's Parcel No. 30-255 (GPIN U05b-4813-4368).
2. All permitted activities shall be conducted in accordance with all applicable provisions set forth in Sections 24.1-281, 24.1-283(d), and 24.1-283(e) of the Zoning Ordinance, except as modified herein.
3. All permitted activities shall be established and conducted as depicted on the Sketch Plan and as described in the Narrative submitted by the applicant, copies of which shall remain on file in the office of the Planning Division.
4. Permitted activities associated with the home occupation shall consist of growth and propagation of harvestable shellfish, and cleaning of shellfish, cages, floats, and bags in accordance with the standards set forth herein.
5. On-premises wholesale or retail sale of seafood, docking of workboats, offloading of produce onto the subject property or any piers attached thereto, and transporting the produce to market from the property shall be prohibited.
6. Up to three (3) non-resident employees shall be permitted in conjunction with the home occupation at any one time, and they shall work a cumulative total of no more than thirty (30) man-hours per week. Pursuant to Section 24.1-283(e)(3) of the Zoning Ordinance, this authorization of non-resident employees shall expire two years from the date of approval of this application. Any request to reauthorize the approval of non-resident employees shall be in accordance with the procedures set forth in Section 24.1-283(e) of the Zoning Ordinance.
7. Pressure washing or the operation of any gas-powered equipment on the property shall be limited to the hours of 10:00 AM to 4:00 PM, Mondays through Saturdays.
8. No permitted activity shall generate noise, measured at or outside the property boundary of the noise source or at any point within any other property affected by the noise, that exceeds a maximum A-weighted sound pressure level standard of 50 dB at any time.

9. All permitted activities shall be conducted in such a manner as to prevent potentially offensive odors from being produced which are detectable at or beyond any property boundary by a person of ordinary sensitivity. No overnight storage of seafood waste shall be permitted on the property.
10. Outdoor storage of goods, equipment, or materials shall be limited to a total of one thousand (1,000) square feet, located a minimum of 100 feet from the western, southern, and eastern property lines, and adequately screened with landscaping, supplemented as necessary by fencing, from view from all public streets and adjacent properties. Any outdoor storage, structures, or impervious cover associated with the activity shall be subject to all applicable requirements of Chapter 23.2, Chesapeake Bay Preservation Areas, of the York County Code.
11. Any outdoor or security lighting shall be shielded so that glare is not directed onto adjacent property.
12. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.