

# **Index File**

**UP-785-10**

**Greg Garrett Oyster and Seafood Company**

**122 Sandbox Lane**

**Assessor's Parcel No. 20-1-2**

**Application No. UP-785-10, Greg Garrett Oyster and Seafood Company:** 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 four non-resident employees on a 6-acre parcel located at 122 Sandbox Lane and further identified as Assessor's Parcel No. 20-1-2. The applicant proposes to grow, harvest, shuck, package, and ship oysters at his property on the York River. The property is zoned Rural Residential and designated Low Density Residential in the *Comprehensive Plan*.

## Attachments:

- Staff report
- Zoning map
- Vicinity Map
- Sketch Plan (3 pages)
- Oyster Ground Lease Map
- Condemned Shellfish Areas Map
- Amended Sketch Plan as Recommended by Staff, dated November 1, 2010
- Proposed Resolution No. PC10-20

# COUNTY OF YORK

## MEMORANDUM

**DATE:** November 2, 2010 (PC Mtg. 11/10/10)

**TO:** York County Planning Commission

**FROM:** Timothy C. Cross, AICP, Principal Planner

**SUBJECT:** Application No. UP-785-10, Greg Garrett Oyster and Seafood Company

### 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 four (4) non-resident employees on a 6.0-acre parcel of land located at 122 Sandbox Lane (private road) and further identified as Assessor's Parcel No. 20-1-2.

### DESCRIPTION

- Property Owners: Gregory M. and Elizabeth Garrett
- Location: 122 Sandbox Lane (private road)
- Area: 6.0 acres
- Frontage: None
- Utilities: Public water and sewer
- Topography: Flat
- 2025 Land Use Map Designation: Low Density Residential
- Zoning Classification: RR – Rural Residential
- Existing Development: Single-family detached home
- Surrounding Development:
  - North: None
  - East: None
  - South: None
  - West: Single-family detached home
- Proposed Development: Use of existing piers for oyster harvesting as a home occupation with up to four (4) non-resident employees

## **BACKGROUND**

Pursuant to Section 24.1-283(d) of the Zoning Ordinance, docking workboats and off-loading seafood as a home occupation is permitted only in the RR and RC (Resource Conservation) zoning districts upon the issuance of a Special Use Permit by the Board of Supervisors and subject to certain performance standards. This requirement and the so-called “waterman provisions” of the Zoning Ordinance were adopted by the Board in 1990 in response to the discovery that all existing waterman operations (defined as the docking of workboats and the off-loading of seafood catches) in residential areas were not permitted unless they pre-dated the adoption of the County’s first Zoning Ordinance in 1957. Subsequent to the adoption of these provisions, the Board sponsored a Special Use Permit application on behalf of ten watermen in the County who were using or planned to use their residential property to harvest seafood and submitted requests for permission to dock their workboats at their waterfront property. Nine of those ten requests were ultimately approved on March 21, 1991; one application was denied.

The applicant proposes to grow, harvest, shuck, package, and ship oysters at his RR-zoned residential property on the York River. These activities fall within the scope of a waterman’s operation. (The Zoning Ordinance defines a waterman as “an individual who is self-employed in the harvesting of seafood for sale.”) Although there are no workboats or “off-loading” of seafood associated with the proposed oyster harvesting operation, it is considered to be a “materially similar” use and therefore requires a Special Use Permit. In addition, the applicant proposes to have up to four non-resident employees, which also requires a use permit.

## **CONSIDERATIONS/CONCLUSIONS**

1. The subject property is located in the Dandy area on the York River at the end of Sandbox Lane, which is a private road off of Dandy Loop Road that serves five other residential properties. Like most of the Dandy area, the property is zoned RR (Rural Residential) and is designated Low Density Residential in the Comprehensive Plan. Surrounded by water on three sides, the parcel is connected to the rest of Dandy by a relatively narrow (50 feet) strip of land occupied by a 390-foot driveway. The property has an approximately 150-foot pier (the “river pier”) extending to the north into the York River and a second 150-foot pier (the “cove pier”) extending westward into the cove formed by this parcel and the adjacent waterfront parcel located at 118 Sandbox Lane.
2. In addition to applying for a Special Use Permit, the applicant has submitted a Joint Permit Application seeking approval from the Virginia Marine Resources Commission (VMRC) for the several state permits that will be required. As depicted on the application and sketch plans submitted to the VMRC, the proposed oyster harvesting operation would consist of a series of oyster cages, floats, lantern nets, and bags – totaling up to 1,530 in number – to be used for growing and cultivating oysters in the waters along the north shore of the subject property and in the cove along the western shore. Most of the oysters would be shipped in the shell, while a small

percentage would be shucked on the pier using a small hand-operated shucking device.

The various components of the proposed oyster harvesting operation are listed below:

- 400 bottom cages in the York River along the north shore of the property
- Eight (8) pilings installed with a string/cable of up to 400 bottom cages or oyster bags off the north shore
- Up to 90 bottom cages tied to the river pier
- Up to 200 floats – ranging in size from 2½’ by 2½’ to 3’ by 9’ – tied to the cove pier
- Up to 200 in-line floats tied to the first 90 feet of the cove pier and running parallel to the west shore of the property
- Up to 200 polyethylene oyster bags – measuring approximately 2’ by 3’ – on the west shore
- Up to 40 multi-layered lantern nets tied to the river pier.

Because the surface waters within the cove have been seasonally condemned by the Virginia Department of Health for direct marketing of shellfish, certain aspects of the proposed harvesting activities in the cove will also fall under the jurisdiction of the Health Department. Oysters grown in condemned waters have to be sanitized for consumption through a process referred to as “relaying” whereby the oysters are transferred to non-condemned waters meeting certain thresholds for temperature and salinity. This must be done under the supervision of the VMRC in accordance with very specific procedures outlined in the Virginia Administrative Code (4VAC 20-310-10 et. seq.). The applicant plans to use the waters along the north shore as the relaying area for oysters grown in the cove; by state law, the oysters must remain in the relaying area for a minimum of fifteen (15) days.

3. 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.** The applicant estimates that the proposed home occupation would generate a maximum of fourteen (14) daily vehicle trips, with up to three (3) oyster shipments (totaling 6 trips) and up to eight (8) employee trips per day. This does not include occasional visits from Virginia Marine Police officers to monitor the relaying of oysters from the condemned cove waters to the York River. Compared with other home occupations (including beauty and barber shops, naturopathic doctors, and child care centers for more than six children) 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. In addition, any home occupation that generates a demand for three or more parking spaces requires Special Use Permit approval. The property has plenty of space to accommodate the four parking spaces for the non-resident employees plus the two spaces required for the existing home. There are a four-car garage, two parking areas capable of accommodating about two and three vehicles respectively, as well as a circular driveway with a circumference of roughly 240 feet, all of which are approximately 400 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” in connection with any home occupation. Unlike the waterman businesses that have been previously approved, the proposed operation does not involve docking of workboats, so there are no concerns about the noise that can be associated with diesel engines starting up early in the morning. There would, however, be a significant number of cages, floats, and bags to be cleaned on a regular basis, presumably with one or more power washers. 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 has proposed a condition of approval prohibiting the use of power washers before 8:00 AM or after 6:00 PM.
- **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*” (emphasis added). In this case, staff has some concerns about the visibility of the proposed oyster harvesting activity on the cove side, where the placement of 200 floats in open water would be highly visible from the residential property across the cove. In addition, the 200 oyster bags, which, though placed in the water no more than twelve inches (12”) above the bottom land, will likely be visible at low tide. Staff does not believe these components of the application are consistent with the Zoning Ordinance and has proposed a condition of approval limiting activities on the cove side to the floats tied to and immediately surrounding the pier (as depicted on the attached exhibit).
- **Size and Scale.** Section 24.1-281(b) of the Zoning Ordinance limits the size of home occupations to 400 square feet or 25 percent 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. The 400-square foot limitation, however, probably did not envision and was not meant to apply to home occupations that are conducted outdoors, and no such limitation was placed on the waterman activities approved in 1991. According to County property records, the combined area of the two piers where most of the work would be conducted is 3,457 square feet, and the applicant has indicated that the maximum

area of submerged land that would be occupied by the proposed structures is 1,200 square feet. (For purposes of comparison, the maximum cumulative area of aquaculture structures allowed by the VMRC for private, non-commercial oyster cultivation is 160 square feet.)

While the proposed number of floats, cages, bags, etc. to be utilized in the conduct of the oyster harvesting business appears rather extensive for a home occupation, which the Zoning Ordinance defines as “an accessory use” that is “clearly incidental and subordinate to the residential use of the property,” it should be noted that at six (6.0) acres, the subject property is extremely large for a residential parcel, and also that it is relatively isolated from nearby residences. Furthermore, extent of the oyster harvesting operation, if approved, will be limited by use permit conditions and Zoning Ordinance standards intended to ensure compatibility with the residential surroundings.

4. 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 these home occupations 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 some 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; with this application, there is only one adjacent property, which is occupied by a single-family detached home that is 400 feet from the applicant’s dock. The adjacent property also has a dock, and they are the only home and dock within a 400-foot radius of the proposed oyster harvesting operation. 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 docks 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).

There would be no workboats associated with the proposed home occupation and hence none of the maintenance activities – such as minor tune-ups, oil changes, wash-down and drainage of workboats, winterizing (draining lines, etc.) – commonly associated with waterman operations. However, it is expected that the oyster cages,

floats, and bags will need to be cleaned approximately every two weeks in the summer and every 3-4 weeks in the winter.

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.”*

The applicant has indicated that it would not be unusual for the activity to start at 5:00 AM since oysters need to stay in the water until the last minute before shipping, and the applicant plans to sell oysters at various farmers’ markets in the region, which typically start around 8:00 AM.

5. 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 four (4) non-resident employees in connection with the home occupation. 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 two-year 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 (of which there is one 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.

Although somewhat unusual, the request for up to four non-resident employees is not unprecedented. The Board has approved a total of seven home occupations with non-resident employees, four 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 respectively.

6. 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 twenty feet (20') of any property line, and must be screened from view from all public streets and adjacent properties.
  - All federal, state, and local requirements for docking facilities 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 are permitted to operate 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.

The applicant has indicated that there would be no on-premises oyster sales or outdoor storage of goods, equipment, or oyster shells, and no heavy trucks would operate from the property; a pickup truck would be used for shipping the oysters to market. With regard to the docking facilities, they have already gone through the state and local permitting processes; however, additional permits will be required from the VMRC and the York County Wetlands Board if this application is approved. The cultivation of shellfish qualifies as a permitted wetland activity as defined in the County's Wetlands Ordinance (Chapter 23.1-6 of the County Code), and the construction of the two residential piers on the subject property also qualified as a permitted wetlands activity. However, the residential pier categorization will no longer be applicable if the home occupation is approved. Accordingly, if this use permit application is approved, the applicant will need to apply for a York County wetlands permit to change the use of the piers from residential to commercial; as noted earlier, he has already made application to the VMRC for the various state permits that will be required.

## **RECOMMENDATION**

This is an application for which there is no precedent in York County. It is not directly comparable to other home occupation requests that have come before the Commission – not even the nine applications for home-based waterman-type businesses that were

approved in 1991, all of which involved the docking of workboats and off-loading of seafood at private residential docks and piers. Furthermore, none of the 1991 applications involved aquaculture, nor were there any non-resident employees, which the home occupation provisions of the Zoning Ordinance did not provide for at the time.

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 “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, particularly on the York River side, where the waters are suitable for the taking of shellfish. On the cove side, however, staff has concerns about the aesthetic impact on the adjacent property owner and has recommended a condition to limit the amount of activity that can occur. With this and the proposed conditions of approval in place, staff believes the home occupation can operate without adversely affecting the surrounding area. 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 subject to the conditions set forth in proposed Resolution No. PC10-20.

#### TCC

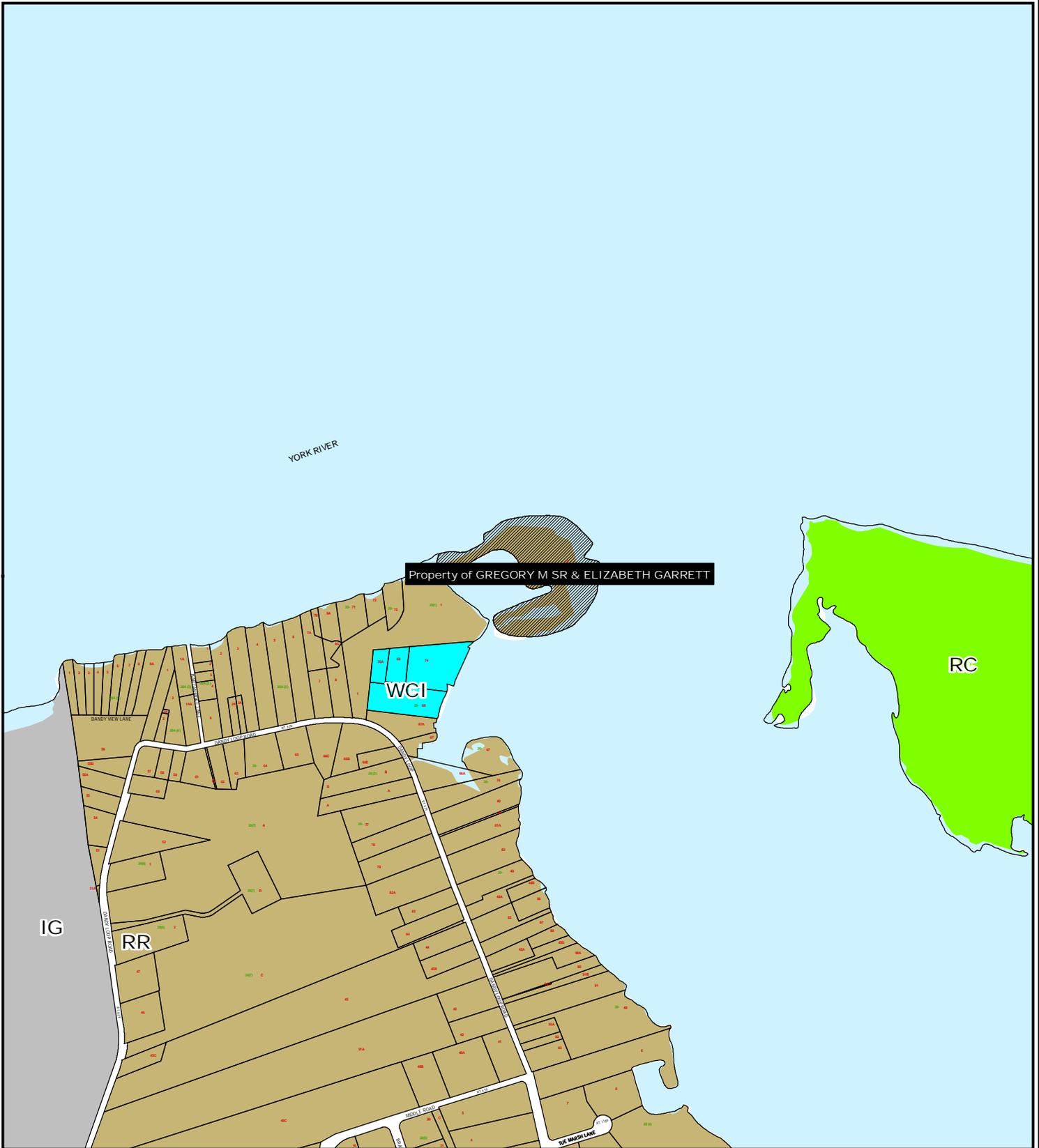
##### Attachments:

- Zoning Map
- Vicinity Map
- Sketch Plan (3 pages)
- Oyster Ground Lease Map
- Condemned Shellfish Areas Map
- Amended Sketch Plan as Recommended by Staff, dated November 1, 2010
- Proposed Resolution No. PC10-20

**APPLICANT**  
**Greg Garrett Oyster and Seafood Company**  
*Seafood Harvesting as a Home Occupation*  
122 SANDBOX LN

# ZONING MAP

APPLICATION NUMBER: UP-785-10



★ = Conditional Zoning  
0 350 700 1,400 Feet  
Printed on September 24, 2010



SOURCE: YORK COUNTY GIS PARCEL DATA and ZONING COVERAGE

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



## 122 Sandbox Lane



**GEOGRAPHIC INFORMATION SYSTEMS**  
 Division of Computer Support Services  
 Department of Financial & Management Services  
[WWW.YORKCOUNTY.GOV](http://WWW.YORKCOUNTY.GOV)

Image Copyright 2010  
 Commonwealth of Virginia

HORIZONTAL ACCURACY: +/- 2.5 feet DATUM: VA State Plane South, NAD 83  
 VERTICAL ACCURACY: +/- 1 foot DATUM: NAVD 1988  
 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 herein or derived here from. The buyer and/or user assumes all risks and liabilities whatsoever resulting from, or arising out of the use of this map.

There are no oral agreements or warranties relating to the sale and/or use of this map.



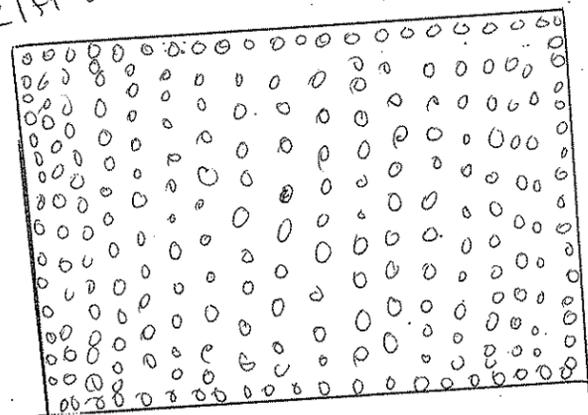
THIS IS NOT A LEGAL PLAT.  
 This map should be used for information purposes. It is not suitable for detailed site planning.

*Flood Information Courtesy of:  
 Federal Emergency Management Agency  
 (FEMA) This flood data has been certified.*



# YORK RIVER

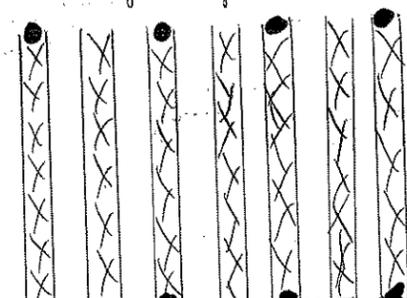
400 Bottom Cages  
(21ft off bottom)



90 Bottom Cages hanging from dock.

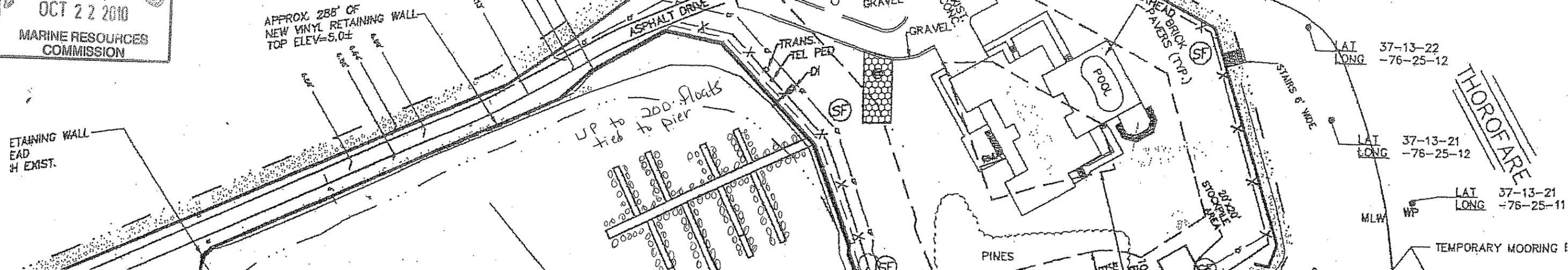
- LAT 37-13-24  
LONG -76-25-13
- LAT 37-13-24  
LONG -76-25-13
- LAT 37-13-24  
LONG -76-25-13
- LAT 37-13-23  
LONG -76-25-13

400 Bottom cages DR. oyster bags with no markers on top  
8 warning pilings to be installed



40 multi layered lantern nets hanging from pier

**RECEIVED**  
OCT 22 2010  
MARINE RESOURCES COMMISSION



RECEIVED  
OCT 22 2010  
MARINE RESOURCES  
COMMISSION

UNDER  
CONSTRUCTION

(TIDAL)  
COVE

200 Flocks tied to Cove Pier

SF

SF

PINES

EXIST. HOOD BULKHEAD  
TO BE REMOVED

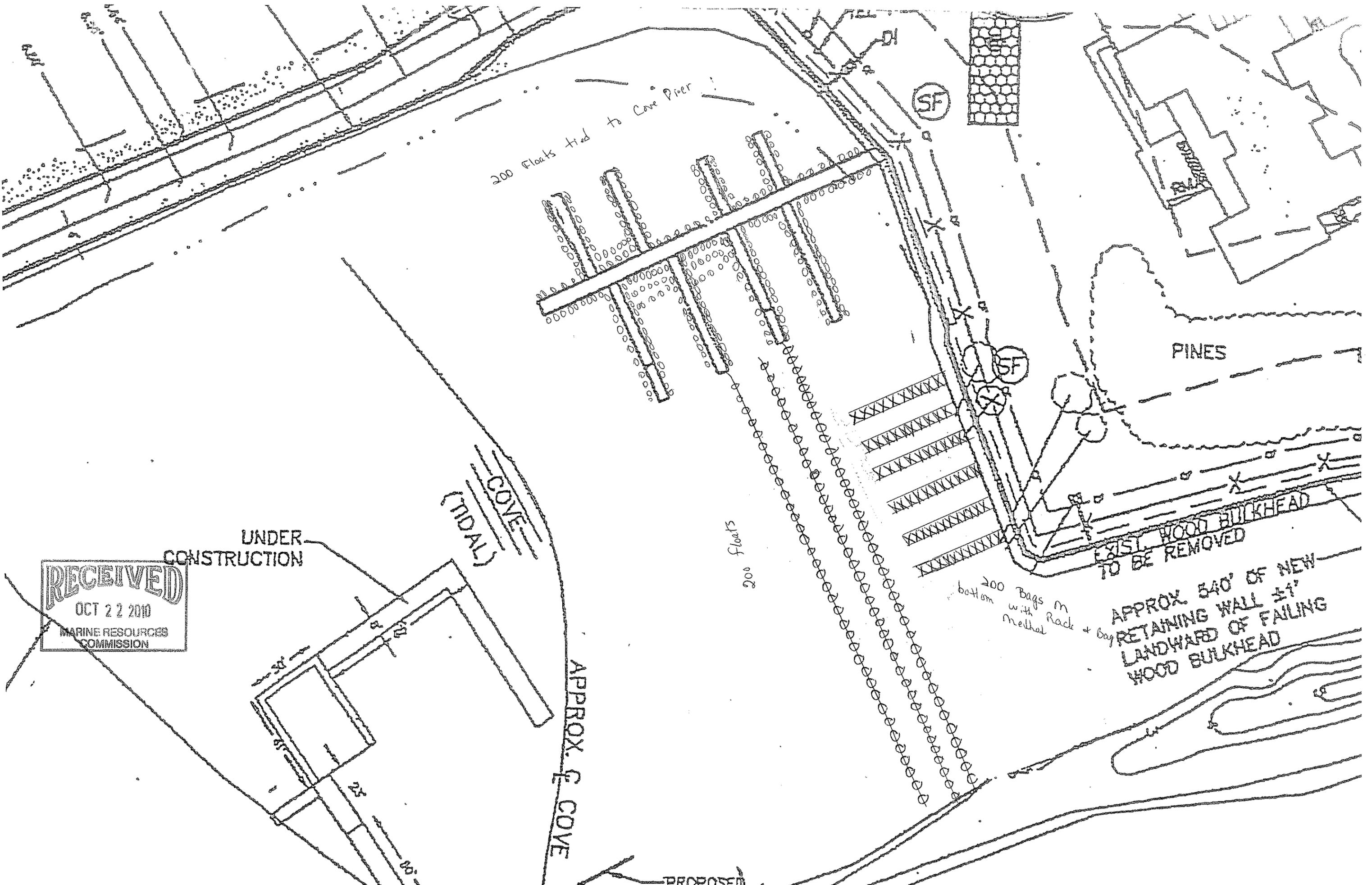
200 Bags m  
bottom with Rack + Bag  
Method

APPROX. 540' OF NEW  
RETAINING WALL ±1'  
LANDWARD OF FAILING  
HOOD BULKHEAD

200  
Flocks

APPROX. 6' COVE

PROPOSED



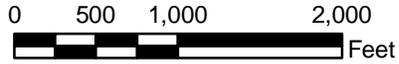
8591  
YARBOROUGH

17569  
GARRETT

17568  
GARRETT

*Thorofare*  
*06-01-00*

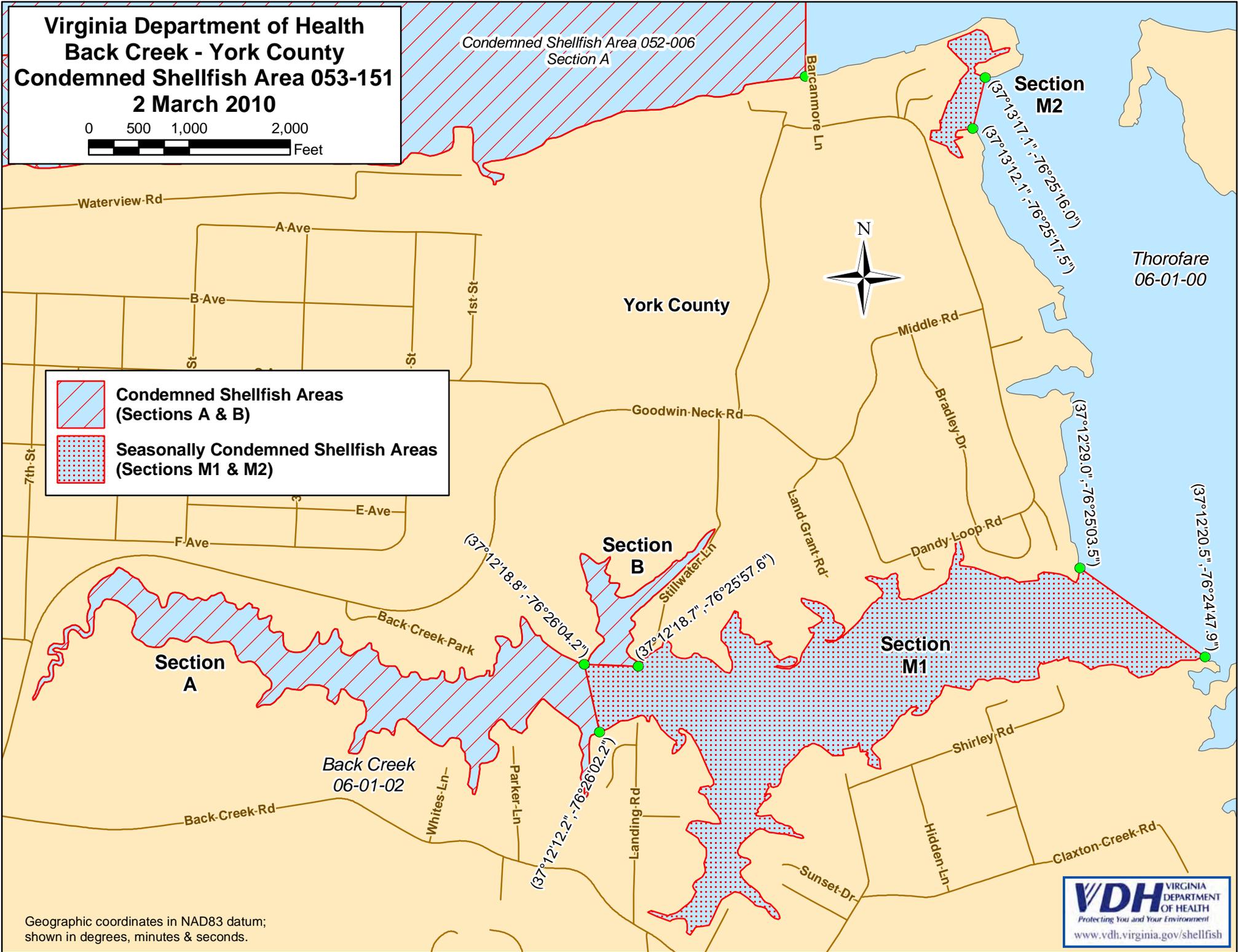
**Virginia Department of Health  
Back Creek - York County  
Condemned Shellfish Area 053-151  
2 March 2010**



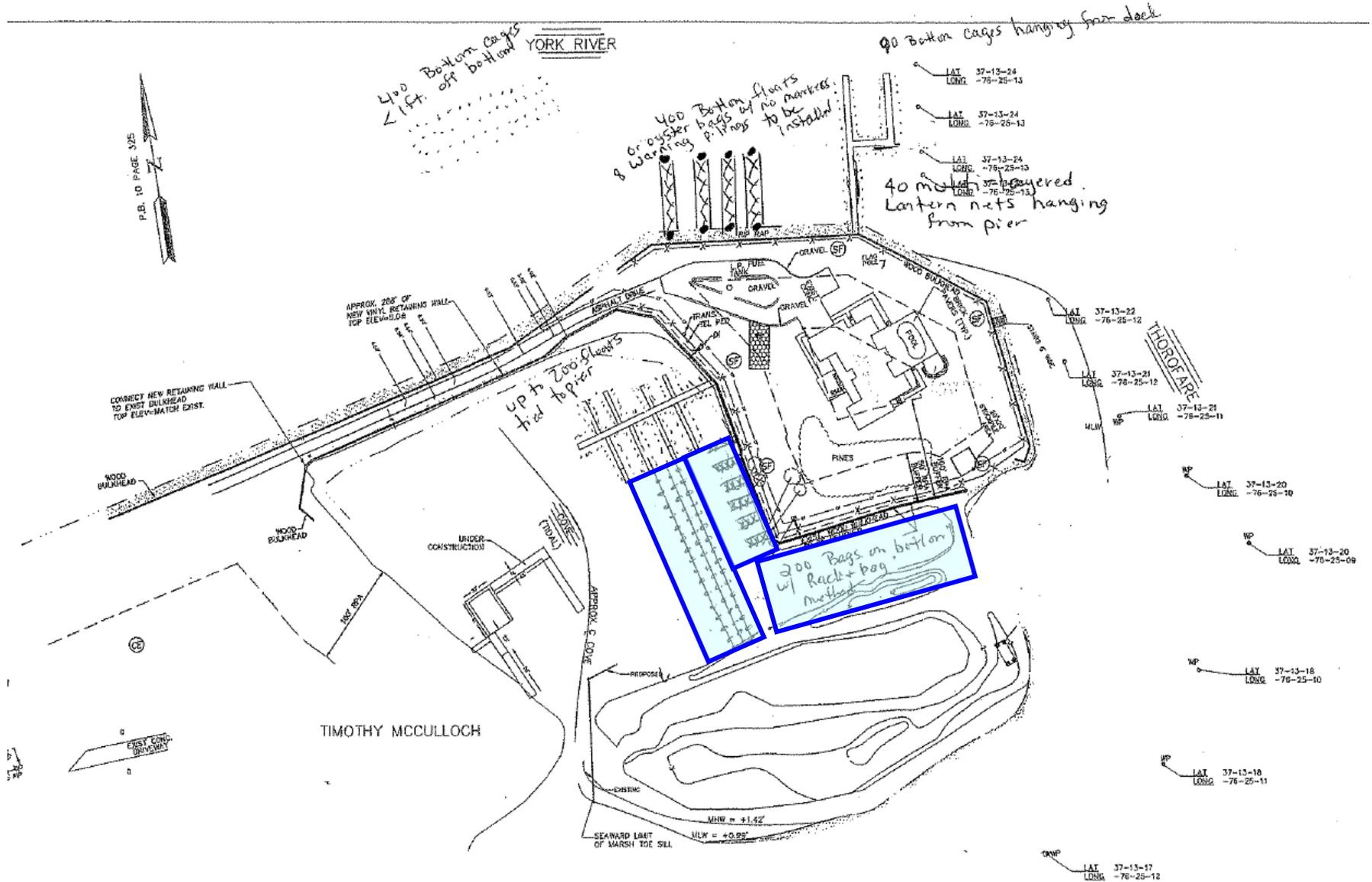
Condemned Shellfish Area 052-006  
Section A

 **Condemned Shellfish Areas (Sections A & B)**

 **Seasonally Condemned Shellfish Areas (Sections M1 & M2)**



Geographic coordinates in NAD83 datum;  
shown in degrees, minutes & seconds.



Activities shaded in light blue shall not be permitted

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 \_\_\_\_\_, 2010:

---

Present

Vote

Christopher A. Abel, Chair  
M. Sean Fisher, Vice Chair  
Alexander T. Hamilton  
Mario C. Buffa  
Richard M. Myer, Jr.  
John R. Davis  
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 SEAFOOD HARVESTING AS A HOME OCCUPATION WITH UP TO FOUR NON-RESIDENT EMPLOYEES AT 122 SANDBOX LANE**

WHEREAS, Greg Garrett Oyster and Seafood Company has submitted Application No. UP-785-10, 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 oyster harvesting as a home occupation with up to four non-resident employees on a 6.0-acre parcel of land located at 122 Sandbox Lane (private road) and further identified as Assessor’s Parcel No. 20-1-2 (GPIN U11d-3290-1193); 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 \_\_\_\_\_, 2010 that Application No. UP-785-10 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 oyster harvesting as a home occupation with up to four non-resident employees on a 6.0-acre parcel of land located at 122 Sandbox Lane (private road) and further identified as Assessor's Parcel No. 20-1-2 (GPIN U11d-3290-1193) subject to the following conditions:

1. This Special Use Permit shall authorize oyster harvesting as a home occupation with up to four non-resident employees on a 6.0-acre parcel of land located at 122 Sandbox Lane (private road) and further identified as Assessor's Parcel No. 20-1-2 (GPIN U11d-3290-1193).
2. The oyster harvesting operation 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. Establishment of the oyster harvesting operation shall be as depicted on the sketch plans submitted to the York County Planning Division October 22, 2010 – copies of which shall remain on file in the office of the Planning Division – except as modified herein.
4. In accordance with Section 24.1-281(c) of the Zoning Ordinance, oyster harvesting activities on the cove (i.e., western) side of the property shall be limited to the floats, not to exceed 200 in number, tied to and immediately surrounding the cove pier as depicted on the referenced sketch plans. The 200 in-line floats extending parallel to the western shore of the property from the cove pier to the southern portion of the property and the 200 “bags on bottom with rack and bag method” shown on the referenced sketch plans shall be specifically prohibited as depicted on the exhibit titled “Amended Sketch Plan as Recommended by Staff” dated November 1, 2010.
5. On-premises wholesale or retail sale of seafood shall be prohibited.
6. Outdoor storage of goods, equipment, or materials shall be prohibited.
7. No power washing of cages, floats, bags, or other equipment shall occur before 8:00 AM or after 6:00 PM.
8. All required permits shall be obtained from the Virginia Marine Resources Commission, the Virginia Department of Health, and the York County Wetlands Board prior to the commencement of commercial oyster harvesting activities on the property.

9. All oyster harvesting, shucking, packing, and shipping 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.
10. No heavy trucks (i.e., greater than 1-ton payload) shall be permitted to operate from the property.
11. Up to four (4) non-resident employees shall be permitted in conjunction with the home occupation. 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.
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 prior to application for a wetlands permit.

BE IT FURTHER RESOLVED that this Special Use Permit shall not be effective until such time as any and all applicable permits have been approved and issued by the Virginia Marine Resources Commission, the Virginia Department of Health, and the York County Wetlands Board.

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