

BOARD OF SUPERVISORS  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the 18th day of February, 2025:

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<u>Present</u>	<u>Vote</u>
Sheila S. Noll, Chairman	Yea
Douglas R. Holroyd, Vice Chairman	Yea
M. Wayne Drewry	Yea
G. Stephen Roane	Yea
Thomas G. Shepperd, Jr.	Yea

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On motion of Mr. Shepperd, which carried 5:0, the following ordinance was adopted:

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF THE YORK  
COUNTY ZONING ORDINANCE, CHAPTER 24.1, YORK COUNTY  
CODE, TO INCORPORATE PROVISIONS CONCERNING MARINAS,  
DOCKS, AND BOATING FACILITIES

WHEREAS, pursuant to Section 24.1-113(a)(2) of the York County Zoning Ordinance, amendments to the Zoning Ordinance may be initiated by the York County Board of Supervisors whenever the public necessity, convenience, general welfare, or good zoning practice so requires; and

WHEREAS, the Board formally initiated the proposed amendments at its November 19, 2024 meeting through the adoption of Resolution No. R24-168; and

WHEREAS, said amendments have been considered by the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends denial of these amendments;  
and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on these amendments; and

NOW, THEREFORE BE IT ORDAINED by the York County Board of Supervisors this the 18th day of February, 2025, that it does hereby approve Application

No. ZT-202-24 to amend Sections 24.1-104, 24.1-306, 24.1-462, and 24.1-463 of the York County Zoning Ordinance, to read and provide as follows:

**Sec. 24.1-104. - Definitions.**

*Passenger tender vessel.* A watercraft that is auxiliary to and services a larger vessel and is used to transport persons between that vessel and the shore. This definition does not include cargo-only support vessels or emergency response vessels.

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**Sec. 24.1-306. Table of land uses.**

P=PERMITTED USE S=PERMITTED BY SPECIAL USE PERMIT USES	RESIDENTIAL DISTRICTS							COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R33	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
USES	CATEGORY 9—RECREATIONAL AND AMUSEMENT (NON- GOVERNMENTAL)													
14.Marina, Dock, Boating Facility (Commercial) <sup>1</sup>											P		P	P
15.Marina, Dock, Boating Facility (Private/Club) <sup>1</sup>	S	S	S	S	S	S	S				P		P	P

<sup>1</sup> See Section 24.1-462 and Section 24.1-463 for special provisions applicable to marinas serving vessels permitted to carry more than four-hundred (400) passengers or their passenger tender vessels.

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**Sec. 24.1-462. Standards for marina, dock or boating facility (commercial).**

- (a) Commercial marinas, docks and boating facilities shall be designed in accordance with Virginia Marine Resources Commission regulations.
- (b) All federal, state and local requirements for marina facilities shall be met and the necessary permits obtained prior to issuance of the zoning certificate for docks, piers or boat houses.
- (c) Restaurant facilities associated with commercial marinas shall be subject to the following requirements:

- (1) The restaurant shall be designed and operated as an accessory component of the marina. Restaurants shall not be permitted in conjunction with any marina having less than twenty (20) in-water berths/slips capable of accommodating a boat of at least sixteen (16) feet in length. Unless a greater size is authorized by a Special Use Permit, the maximum capacity (both indoor and outdoor dining space) of any restaurant established pursuant to these provisions shall be four (4) seats for every one (1) in-water berth/slip, but in no case greater than a 150-seat capacity. The maximum floor area of the dining area (both indoor and outdoor seating areas) and shall not exceed 25 square feet for each allowable seat.
- (2) The restaurant shall be located on the marina site and designed so as to be compatible in form, character, appearance and arrangement with existing improvements located on adjacent properties. In order to prevent or minimize potential adverse impacts on such properties, including but not limited to noise, light and odor, the following site and building design standards shall be observed. For the purposes of the following performance standards, the term "adjacent" shall be deemed to include properties located across a body of water:
  - a) Every reasonable effort shall be made to orient the principal and service entrances to the restaurant away from adjacent residentially-zoned property. The minimum unobstructed distance (measured on a line-of-sight) between the principal and service entrances to the restaurant and any adjacent existing residential structure on residentially zoned property shall be 200 feet. However, if no other reasonable alternative exists, the principal and service entrances may be as close as 100 feet (measured on a line-of-sight) to such existing residential structure(s) on adjacent residentially-zoned property if buffered by appropriate landscaping and fencing. Appropriate landscaping shall consist of evergreen trees as approved by the Zoning Administrator extending a sufficient linear distance to provide an effective screen between the two uses, and appropriate opaque fencing extending the same distance as the landscaping and complying with the height limitations set out in this chapter. Buildings on the restaurant (marina) property may be credited as obstructing the line-of-sight as long as they remain in place. In the event an existing building is determined to provide the line-of-sight obstruction, the above-noted separation distances shall not apply. Should such buildings be removed in the future, the marina operator shall be responsible for establishing a substitute buffer approved by the Zoning Administrator.
  - b) Entrance and exit doors shall be kept closed at all times of operation to avoid noise impacts. The loading or unloading of any delivery truck

associated with the restaurant operation shall not be permitted between the hours of 6:00 p.m. and 7:00 a.m.

- c) Parking spaces likely to be used by restaurant patrons and employees shall be located so as to minimize impacts on adjacent residentially zoned property. Any such parking area located within 300 feet of a residential structure shall be screened from view by buildings, fencing, landscaping, or combinations thereof.
  - d) Every reasonable effort shall be made to orient mechanical equipment such as refrigeration units, HVAC systems, venting systems, or other systems or components that might cause offensive or objectionable noise or odor so that they face away from adjacent residentially zoned property. All mechanical equipment, regardless of its location, shall be concealed from view from adjacent residentially-zoned properties by appropriate landscaping or architectural treatments and shielded to deflect noise and odor away from such properties.
  - e) Garbage, refuse and recycling containers shall be screened from view by a fence, wall or landscaping. Enclosures for such containers shall be located as far away as practicable from any adjacent residential structure and the restaurant operator shall be responsible for controlling odors through scheduling of collection, deodorizers or other means, so as not to be offensive to adjacent residential property owners. Refuse trucks shall not be permitted to service the dumpsters between the hours of 6:00 p.m. and 7:00 a.m.
- (3) Any proposed outdoor dining areas shall be clearly depicted on the plans submitted with the application to establish the restaurant. Outdoor dining areas shall be located and designed so as to ensure the greatest degree of compatibility with adjacent residentially zoned properties and shall be buffered from potential sound emissions to such residential properties by buildings, architectural treatments, landscaping, or combinations thereof. Such buffering and other treatments shall be designed to ensure that sounds (conversations, music) emanating from the outdoor dining area do not exceed the limits prescribed by Section 16-19 of the York County Code.
  - (4) Patrons of the restaurant may be admitted only between the hours of 6:00 a.m. and 10:00 p.m. and serving of food and beverages shall cease, and the restaurant shall close, no later than 11:00 p.m.
  - (5) The restaurant shall not include a specially-designed and dedicated dance floor nor shall live or recorded music be played (either indoors or outdoors)

so as to exceed the limits prescribed by Section 16-19 of the York County Code.

- (6) No outdoor paging or public address systems shall be permitted in conjunction with the restaurant.
- (7) All outdoor lighting associated with the restaurant and including but not limited to, its appurtenant parking lots, walkways, and service areas shall be designed, installed and maintained to prevent unreasonable or objectionable glare onto adjacent properties, rights-of-way, and waterways. The lighting standards established by the Illuminating Engineering Society of North America (IESNA) shall be used to determine the appropriate lighting fixtures and luminaries for such uses.
- (8) The marina operator shall be responsible for ensuring that parking occurs only in designated off-street parking spaces and shall not allow marina/restaurant patrons to park in access drives, service drives, fire lanes or landscaped areas. The marina operator shall be responsible for installing/erecting appropriate curbing, bollards, fencing or similar measures needed to limit parking to the approved parking spaces on the site.
- (9) The application for approval of a new marina with a restaurant, or for the addition or expansion of a restaurant at an existing marina, shall be accompanied by a traffic impact study prepared in accordance with the standards established in article II, division 5, of this chapter. Such study shall be required for all restaurant proposals, regardless of their size. Such study shall be based on the traffic generation figures associated with the marina, using the current Institute of Transportation Engineers (ITE) trip generation figures, and also including the restaurant as an additive traffic generator but at a factor of 25% of the volumes that would be expected if the restaurant were a stand-alone facility. Approval of the restaurant at the size proposed shall be contingent on demonstration through the traffic analysis that the capacity of the road system serving the marina can accommodate the projected traffic and that there will be no excessive or adverse impact on residential streets nor a demonstrable safety hazard to vehicular or pedestrian traffic along the access routes. The findings and conclusions of the traffic analysis shall be subject to approval by the Virginia Department of Transportation.
- (10) The owner of any property desiring to establish a restaurant in conjunction with a marina but which does not propose compliance with the above-stated standards may request consideration of such alternate proposal by submitting an application for approval of a Special Use Permit. In reviewing such a request, the Board of Supervisors may modify and supplement the above

stated standards in such manner as it deems appropriate to the specific property and proposal.

(d) For commercial marinas, docks, or boating facilities otherwise permitted as a matter of right under the provisions of Section 24.1-306, a special use permit shall nevertheless be required for any proposed commercial marina, dock, or boating facility serving vessels permitted to carry more than four-hundred (400) passengers at one time or any passenger tender vessel that services such vessel. Any redevelopment involving any addition, expansion, renovation, enlargement, or other modification of an existing commercial marina, dock or boating facility for the purpose of serving vessels permitted to carry more than four-hundred (400) passengers at one time or their passenger tender vessels shall be subject to the standards and procedures applicable to amendment of special use permits set forth in Section 24.1-115(d) of this chapter. Any special use permit application submitted under the provisions of this section shall be accompanied by the following items which, in addition to the standards set forth above, shall be considered by the Planning Commission and Board of Supervisors:

- (1) A traffic impact analysis in accordance with the requirements of article II, noting projected traffic generation, general traffic circulation, and employee and visitor parking. The traffic impact analysis shall further consider and depict or clearly note on an attached scaled plan all intersections, commercial entrances, median breaks, pavements markings, driveways, or other roadway features potentially affecting traffic flow from the proposed development to the closest arterial road. The recommended improvements must be fully implemented provided, however, that the zoning administrator shall require such additional improvements or traffic restrictions as may be necessary to ensure traffic safety and preserve roadway capacity.
- (2) A plan identifying all sensitive environmental features and measures to be used to protect such features;
- (3) A basic description of the proposed operation, including type and capacity of vessels to be served and hours of operation;
- (4) A sketch plan showing all proposed signage and physical improvements to the marina at which such vessels are to be moored, including landscaping, site lighting, and on-site pedestrian and vehicular traffic management; and
- (5) In addition to the regulations of this section, the Board may, on a case-by-case basis, review and impose such other conditions as it deems necessary and appropriate to assure that the use will be compatible with, and will not adversely impact, adjoining properties and the environment of the area.

**Sec. 24.1-463. Standards for marina, dock or boating facility (private or club).**

- (a) Use of private marinas, docks, or boating facilities shall be limited to a specific membership and shall not be intended for the general public or commercial purposes.
- (b) Private marinas, docks and boating facilities shall be designed in accordance with Virginia Marine Resources Commission regulations.
- (c) All federal, state and local requirements for marina facilities shall be met and the necessary permits obtained prior to the issuance of a zoning certificate for docks, piers or boat houses.
- (d) Restaurant facilities associated with private or club marinas shall be subject to the requirements set forth in Section 24.1-462(c) for commercial marina facilities.
- (e) Private or club marina facilities serving vessels permitted to carry more than four-hundred (400) passengers at one time or any passenger tender vessel that services such vessel shall be subject to the requirements set forth in Section 24.1-462(d) for commercial marina facilities.

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Heather L. Schott, MMC  
Deputy Clerk