

# CERTIFICATE OF ZONING APPLICATION

COUNTY OF NEW KENT, VIRGINIA  
 WEB SITE: WWW.CO.NEW-KENT.VA.US

◆ Community Development Department -- Planning Division ◆ PO Box 150 ◆ 12007 Courthouse Circle ◆ New Kent, VA 23124 ◆  
 ◆ Phone 804-966-9690 ◆ Fax 804-966-8531 ◆

**DESCRIPTION OF PROPERTY**

Tax Map Parcel Number(s): \_\_\_\_\_  
 GPIN: \_\_\_\_\_  
 Current Zoning: \_\_\_\_\_

**OFFICE USE ONLY**

Application No: CZ- \_\_\_\_\_  
 Date Received: \_\_\_\_\_

**PROPERTY OWNER**

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**BUSINESS INFORMATION**

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Number of Employees (including yourself): \_\_\_\_\_  
 Type of Business: \_\_\_\_\_ Home office use only:

I hereby certify that I have the authority to make the foregoing application, that the information is correct and that the Business operation will conform with the regulations in the Zoning Ordinance; and by issuance of this permit, the County assumes no responsibility for enforcing any private deed restrictions by the proposed use of this property.

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_  
 Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

**ZONING OFFICE USE ONLY**

Disapproved:  \_\_\_\_\_  
 Approved:  \_\_\_\_\_  
 Conditionally Approved:  \_\_\_\_\_  
 Approved as Home Office:  \_\_\_\_\_  
 Zoning Administrator: \_\_\_\_\_ Date: \_\_\_\_\_

**COMMISSIONER OF REVENUE OFFICE ONLY**

Current N.K. Business License No.: \_\_\_\_\_  
 Federal Business I.D. No.: \_\_\_\_\_  
 Contractors No.: \_\_\_\_\_

**PLEASE RETAIN FOR YOUR RECORDS!**

**THE CODE OF THE COUNTY OF NEW KENT, VIRGINIA**

**Sec. 98-16. Home occupations.**

Subsection

(a) *Home occupations permitted.* Home occupations shall be permitted in conjunction with any legal residential use if in conformance with the following standards:

1. No person other than individuals residing on the premises shall be engaged on the premises in such home occupation.
2. The home occupation shall be clearly incidental and subordinate to the residential use of the property. The home occupation use may not exceed the greater of 400 square feet or 25 percent of the living space of the residence.
3. There shall be no change in 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 except for a single four square foot identification sign.
4. There shall be no on-premises direct retail sales of goods or materials to the general public. This shall not be interpreted to preclude the occasional delivery of products produced on the premises in low volume or as a custom order, inclusive of specialty bakeries, dressmakers, tailors, artists, and similar craft and artisan occupations.
5. Exclusive of child or adult day care, on-site customer or client contact shall be limited to the period between 8:00 a.m. and 8:00 p.m., Monday through Saturday.
6. Parking is limited to two off-street spaces in addition to the spaces required for residential occupation. Parking must be ten feet from any property line and shall be suitable surfaced and effectively screened and buffered by landscaping from view of adjacent residential properties.
7. The occupation or activity shall not require the use of machinery or equipment that creates noise, odor, smoke, dust or glare or is unreasonably dangerous or disruptive to persons residing in the home or on adjacent property nor shall flammable or toxic substances 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.
8. Commercial vehicles must be kept behind the principal setback line applicable in the district unless kept in a garage or an enclosed and screened storage yard. Only two vehicles or pieces of equipment may be operated from the site in connection with a home occupation except as permitted in subsection (b) (2) below. In the R-0, R-0A, R-1, R-1A, R-2, R-3, and PUD districts, the maximum gross vehicle weight for any vehicle operated from that property shall be 26,000 pounds.

(b) *Certain home occupations limited to certain districts.*

1. The following home occupations and those with similar patterns and intensities of customer visitation and activity levels may only be conducted in the A-1, R-0, R-0A, R-1, and R-1A, districts:
  - a. Photography studios.
  - b. Adult day care centers for not more than four, aged, infirm or disabled adults who reside elsewhere.
  - c. Tutoring, music or voice lessons or similar services for not more than four persons, other than the family members of the provider, at any single time.
2. Small contracting businesses operated as a home occupation where equipment and material are stored on site may only be conducted in the A-1 district provided that the criteria established

below are met. The business office operations of a small contracting business where no materials or equipment are stored on the premises of the home, nor are employees and sub-contractors physically on the premises to receive task orders shall not be subject to the limitations of this subsection.

- a. The minimum area for any lot used for a small contracting business in the A-1 district shall be five acres.
  - b. All structures, parking and loading areas, and storage areas associated with such use shall be located behind the residential structure on the site and inside of all required setbacks and shall be effectively screened from view from all adjacent properties by landscaping supplemented if necessary by fencing.
  - c. Not more than three vehicles and/or pieces of equipment associated with the operation of a business shall be operated from the site or stored there overnight. Small transportable equipment including lawn mowers, chain saws, power hand tools, table band or radial arm saws, and similar items shall not be included in this limitation.
  - d. The total indoor area in accessory buildings used in connection with the home occupation uses shall not exceed a total of 2,500 square feet.
  - e. The total outdoor area used in connection with the home occupation shall not exceed a total of 1,500 square feet.
- (c) *Home Occupations permitted by conditional use permit.* The board may authorize, by conditional use permit the enlargement or expansion or intensification or operation of home occupations beyond the limits otherwise specified herein, including the employment of one or more non-residential employees. In so doing, the board shall specify the allowable number of non-resident employees and shall impose such conditions as deemed necessary to protect the residential character of the property and structure(s) used in the conduct of the home occupation and the properties in the general vicinity of the subject property. Such conditions may include a specific time in the future by which the home occupation shall cease on the property.
- (d) *Prohibited home occupations.* The following uses shall not be permitted as accessory home occupations unless permitted as a principal use in the district in which located:
1. Automobile repair and servicing.
  2. Funeral chapels or funeral homes.
  3. General retail sales.
  4. Medical or dental clinics or hospitals.
  5. Restaurants, tearooms, or other eating or drinking establishments.
  6. Animal clinics or hospitals, commercial stables, commercial kennels.
  7. Other activities and land uses which the Zoning Administrator determines to be materially similar to the activities listed above.

(Ord. No. O-14-06, § C, 1-8-2007)