

ALBEMARLE COUNTY CODE

- c. Upon a determination that all requirements of the zoning ordinance are satisfied, and imposing all conditions of such approval required by the offices identified in subsection 5.1.42(j)(4)(a), the zoning administrator shall issue a zoning compliance clearance for one or more festivals. The zoning compliance clearance shall be conditional upon the owner's compliance with all requirements of the zoning ordinance, all conditions of the approved special use permit, the approved site plan, and all conditions imposed by the zoning compliance clearance; and
- d. The zoning administrator may issue a single zoning compliance clearance for two (2) or more festivals if: (i) the application submitted by the owner includes the required information for each festival to be covered by the zoning compliance clearance; (ii) the zoning administrator determines that each such festival is substantially similar in nature and size; and (iii) the zoning administrator determines that a single set of conditions that would apply to each such festival may be imposed with the zoning compliance clearance.

(Ord. 05-18(7), 6-8-05)

5.2 HOME OCCUPATIONS**5.2.1 CLEARANCE OF ZONING ADMINISTRATOR REQUIRED**

Except as herein provided, no home occupation shall be established without approval of the zoning administrator. Upon receipt of a request to establish a home occupation, Class B, the zoning administrator shall refer the same to the Virginia Department of Highways and Transportation for approval of entrance facilities and the zoning administrator shall determine the adequacy of existing parking for such use. No such clearance shall be issued for any home occupation, Class B, except after compliance with section 5.2.3 hereof. (Amended 3-18-81)

5.2.2 REGULATIONS GOVERNING HOME OCCUPATIONS

5.2.2.1 The following regulations shall apply to any home occupation:

- a. Such occupation may be conducted either within the dwelling or an accessory structure, or both, provided that not more than twenty-five (25) percent of the floor area of the dwelling shall be used in the conduct of the home occupation and in no event shall the total floor area of the dwelling, accessory structure, or both, devoted to such occupation, exceed one thousand five hundred (1,500) square feet; provided that the use of accessory structures shall be permitted only in connection with home occupation, Class B;
- b. There shall be no change in the outside appearance of the buildings or premises, or other visible evidence of the conduct of such home occupation provided that a home occupation, Class B, may erect one home occupation Class B sign as authorized by section 4.15 of this chapter. Accessory structures shall be similar in facade to a single-family dwelling, private garage, shed, barn or other structure normally expected in a rural or residential area and shall be specifically compatible in design and scale with other development in the area in which located. Any accessory structure which does not conform to the setback and yard regulations for main structures in the district in which it is located shall not be used for any home occupation;
- c. There shall be no sales on the premises, other than items hand crafted on the premises, in connection with such home occupation; this does not exclude beauty shops or one-chair barber shops;

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- d. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street;
- e. All home occupations shall comply with performance standards set forth in section 4.14;
- f. Tourist lodging, nursing homes, nursery schools, day care centers and private schools shall not be deemed home occupations.

5.2.2.2 Prior to issuance of clearance for any home occupation, the zoning administrator shall require the applicant to sign an affidavit stating his clear understanding of and intent to abide by the foregoing regulations.

(12-10-80, § 5.2.2; Ord. 01-18(3), 5-9-01)

5.2.3 CERTAIN PERMITS REQUIRED

No home occupation, Class B, shall be established until a permit shall have been issued therefor. The provisions of section 5.2.1 of this ordinance shall apply hereto, mutatis mutandis.

5.2.4 REVOCATION

The zoning administrator may revoke any clearance or permit issued pursuant to this section, after hearing, for noncompliance with this ordinance or any condition imposed under the authority of this section.