



PLANNING COMMISSION Staff Report

Zoning Text Amendment
Section 705 Home Occupations
10/14/2025

Synopsis

Rewrite regulations of home occupations.

Background

Neighborhood and compliance issues in the last year have drawn attention to the text of the City's home occupation regulations. These have not been substantially updated since the 1986 zoning code update, and the current text leaves certain ambiguities and enforcement challenges. Additionally, the current text does not reflect the character of home occupations in the 21st century. Council has directed that it be updated.

Discussion

The purpose of home occupation regulations is to strike the right balance between allowing residents to conduct business activity from their homes, while minimizing negative impacts on the neighborhood. This is one of the fundamental tasks of zoning in general—in business or industrial zones, the priority is given to businesses; in residential zones, the priority is given to residences. Home occupations are also by definition an accessory use, meaning the primary use of the property is as a residence.

Almost all localities regulate home occupations, but every locality has different specific parameters based on their needs. In Buena Vista, there is a robust community of home-based enterprises that form an important part of our local economy. Currently, there are approximately 100 home-based businesses with active business licenses. See end of report for breakdown of current licenses by type. The largest share are tradesmen and contractors, followed by miscellaneous non-personal services such as pest control, followed by retailers.

The current text is very short, and takes the approach that any type of business can be a home occupation, provided it is not "detrimental to the character of the surrounding area." It gives a few specific parameters but leaves too much to the interpretation of City staff, who have too little clear text on which to base their judgement. Additionally, it states that home occupations can only provide products or services "produced by members of the family living on the premises," meaning no commercially-produced products could be sold. This gives preference to artisans and those who provide professional or non-professional services, but this provision has been ignored in practice, as for many years home occupations have been licensed that are wholesalers or otherwise deal in products not produced on premises. Finally, the current text gives enforcement authority to City Council directly, which conflicts with the enforcement and appeal process for all other aspects of zoning and with state code.

Note that although short term rental units and bed & breakfasts meet the definition of a business operated from a home, they are governed by separate regulations and not by the section under consideration.

Draft Text

The draft text pulls inspiration from over a dozen other home occupation codes from other Virginia localities as well as staff brainstorming on policy points. More than many code sections, there are many important small policy decisions found through this text, all of which are worth of discussion and review. Below are some highlights:

- 1) Enforcement – Gives detailed on when and how a permit expires or is revoked and makes enforcement authority clear.
- 2) Employees – allows up to one non-resident employee, but there has to be an off-street parking space for that person
- 3) Customer traffic – no drop-in traffic allowed, max of 2 customers at any given time, and max of 12 customers per day
- 4) Parking – limits number of commercial vehicles, requires off-street parking space for any vehicle used primarily for business
- 5) Outside storage – prohibits outside storage of materials & equipment; many localities have this provision
- 6) Signage – allows no more than one “minor sign” (no larger than 2 sq ft) for the business
- 7) General character provision – prohibition on nuisance activities
- 8) Certain occupations prohibited
- 9) CUP – Allows a home occupation to apply for Conditional Use Permit if they want to do something prohibited, so that Council can look on a case by case basis

Additional policy questions

Additional items to discuss for inclusion in the text:

- a) Addressing parking for home occupations where multiple employees report to a home for work, but do not work on the premises, such as a contractor whose headquarters is a home occupation.
- b) Sunsetting of nonconforming home occupations – if there are existing home occupations that do not meet the requirements of newly adopted text, must the come into compliance or are they “grandfathered”?

Next Steps

This is a preliminary draft. Additional input will be sought from business owners, Council members, and others to refine the text before it goes to public hearing.

Home Occupation Type, 2025

