



705 Home Occupations

DRAFT Text

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Definition

302.08 *Home occupation* means a business, profession, trade, activity, or use of a residential property that is accessory and subordinate; is typically conducted for gainful employment; and conforms to Section 705 of this chapter.

Sec. 705.00. - Home occupations.

705.01 Purpose. The intent of this section is to regulate the operation of businesses, professions, trades, or similar activities typically undertaken for gainful employment within residential zones. Home-based businesses are an important element of the City's economy and provide critical goods, services, and employment. Home occupations are secondary to the residential character of the property and neighborhood.

705.02 Permit required; validity; enforcement.

705.02-1 Any person desiring to establish a home occupation shall submit a zoning verification for home occupation permit application to the Zoning Administrator using a form provided by the City. The application, review, approval, denial, and appeals processes shall conform to Article 8 of the Land Development Regulations of the City of Buena Vista.

705.02-2 If the nature of the home occupation requires a business license issued by the City of Buena Vista, and the proprietor does not obtain such business license within the necessary timeframe, the zoning verification for home occupation shall be void.

705.02-3 Expiration and revocation. A zoning permit for home occupations shall expire or be revoked under the following conditions:

705. 02-3.1 Whenever the proprietor ceases to occupy the premises for which the home occupation permit was issued. No subsequent occupant of such premises shall engage in any home occupation until a new permit is issued in accordance with this section;

705.02-3.2 Whenever the home occupation ceases for any period of twelve (12) consecutive months.

705.02-3.3 Whenever the Zoning Administrator finds that the home occupation is in violation of any provision of this section.

705.02-4 In addition to, or instead of, revocation as specified in 705.02-3, the Zoning Administrator may exercise provisions of Article 11 of the Land Development Regulations of the City of Buena Vista to enforce this section.

705.03 General Requirements

705.03-1 Premises may display as signage for or advertising for the home occupation no more than one (1) minor sign.

705.03-2 The home occupation use shall be limited to no more than 30% of the square footage of the dwelling unit; or if an accessory building is used for the home occupation, than no more than 30% of the gross square footage of the dwelling unit and accessory buildings.

705.03-3 In addition to at least one (1) person residing on premises, home occupations may employ only the following persons. For the purposes of this section, “employee” means any person directly involved in the operations of the home occupation, whether compensated or not.

705.03-3.1 Additional persons residing on the premises

705.03-3.2 Persons whose work is exclusively off the residential premises, and are not regularly present on the premises

705.03-3.3 Up to one (1) additional person whose work is primarily or exclusively on premise, and who does not reside on premises, provided that there is at least one (1) off-street parking space provided on the premises in addition to the off-street parking spaces required for the premises under Section 703 of the Land Development Regulations of the City of Buena Vista.

705.03-4 Customer or client traffic to the premises must be on a pre-arranged appointment basis. Home occupations may not offer products or services to the general public on a drop-in basis. The number of customer or client appointments may not exceed two (2) at any given time, and a total of twelve (12) per day.

705.03-5 Delivery traffic to or from the premises may not be via tractor-trailer.

705.03-6 Parking

705.03-6.1 Only two motor vehicles or motor vehicle trailers may be operated from the premises in connection with a home occupation. Only one such vehicle may exceed 14,000 pounds GVWR (US Class 3 commercial vehicle).

705.03-6.2 The premises must provide an off-street parking space for each vehicle classified, for tax purposes, for business use by the home occupation.

705.03-6.3 Drive-through facilities for home occupations are prohibited.

705.03-7 Supplies, materials, merchandise, or equipment used for a home occupation may not be stored outside.

705.03-8 Home occupations shall not introduce to a property or neighborhood noise, dust, odors, glare, vibrations, or other hazards or nuisances that are detrimental to surrounding properties or exceed conditions typical of a residential neighborhood.

705.03-9 The following uses are prohibited as home occupations:

705.03-9.1 Adult businesses

705.03-9.2 Kennels

705.03-9.3 Private clubs and lodges

705.03-9.4 Restaurants, except for those that are part of a Bed and Breakfast

705.03-9.5 Businesses engaged in the medical or recreational sale of cannabis or CBD products

705.03-9.6 Self-storage facility

705.03-9.7 Waste collection facilities and recycling centers

705.04 Additional Provisions

705.04-1 The following uses are exempt from the provisions of this section:

705.04-1.1 Residential Transient Occupancies, as defined herein

705.04-1.2 Yard sales, with the following limitations:

705.04-1.2-1 Yard sales shall be held no more frequently than four times within any twelve-month period, for a duration of no more than two days per event.

705.04-1.2-2 The yard sale is not associated with a home occupation or business, whether or not the yard sale and the home occupation or business share the same premises.

705.04-2 Proprietors of home occupations are responsible for compliance with all applicable local, state, and Federal regulation or licensure or inspection requirements. Issuance of a zoning verification for home occupation shall not be construed as a determination by the City of compliance with, or exemption from, any state or Federal regulation or licensure or inspection requirement.

705.04-3 Issuance of a home occupation permit shall not exempt any premises from compliance with applicable state and local regulations pertaining to nuisances, public health and safety, or property maintenance.

705.05 Conditional Use Permits

705.05-1 Home occupations which do not conform to the provisions of Section 705.03 General Requirements or Section 705.04 Additional Provisions may be permitted by Conditional Use Permit approved by City Council. The following criteria shall be considered:

705.05-1.1 Impact on pedestrian and vehicular traffic and parking

705.05-1.2 Potential for noise, dust, odors, glare, vibrations, or other hazards or nuisances

705.05-1.3 Impact on surrounding property values

705.05-1.4 Economic impact and community value of product or service

CURRENT TEXT

Definition

302.08 *Home occupation* means an accessory use carried on by the occupant of a dwelling in connection with which there is no display, no one is employed other than immediate members of the family residing on the premises, and the activities are conducted within the dwelling or accessory building.

Regulation

Sec. 705.00. - Home occupations.

This ordinance uses a permit approach to the control of home occupations. The use of permits is to ensure compatibility of home occupations with surrounding residential uses. Custom or traditions are not to be considered as criteria for the evaluation of home occupations. The administrator may request advice from the planning commission as appropriate.

705.01 *Special requirements.* Home occupation, where permitted, must meet the following special requirements:

705.01-1 The applicant must be the owner of the property on which the home occupation is to be located, or must have written approval of the owner of the property if the applicant is a tenant;

705.01-2 The home occupation shall be operated only by the members of the family residing on the premises and no article or service shall be sold or offered for sale except as may be produced by members of the family residing on the premises;

705.01-3 The home occupation when restricted to the main building shall not occupy more than 50 percent of the floor area within said building;

705.01-4 The home occupation shall not generate excessive traffic or produce obnoxious odors, glare, noise, vibration, electrical disturbance, radioactivity, or other conditions detrimental to the character of the surrounding area, and in general, shall give no evidence of nonresidential character of use other than through the use of a sign meeting requirements for professional name plates, as spelled out in section 706.03-3;

705.01-5 The building in which the home occupation is to be located must be an existing structure ready for occupancy and not a proposed structure.

705.02 Expiration and revocation. A zoning permit for home occupations shall expire or be revoked under the following conditions:

705. 02-1 Whenever the applicant ceases to occupy the premises for which the home occupation permit was issued. No subsequent occupant of such premises shall engage in any home occupation until he shall have been issued a new permit after proper application;

705.02-2 Whenever the holder of such a permit fails to exercise the same for any period of six consecutive months.

705.02-3 Whenever the city council finds that the holder of the permit has violated the conditions of the permit for one or more of the special requirements in [section 705.00](#).