



PLANNING COMMISSION Staff Report

Zoning Text Amendment
Section 705 Home Occupations
12/2/2025

Update From November 2025 Planning Commission Meeting

At the 11/12/225 Planning Commission Public Hearing, several members of the public shared thoughts about the issue of home occupations (HO's) and the draft text, and staff discussed these and their own thoughts.

- 1) One of the issues discussed was the "2/12" regulation on customer traffic (no more than two customers at a time, no more than 12 customers per day). Several people noted concerns that this was too restrictive. After review, staff recommend changing to "3/12", or no more than three customers at a time and no more than 12 customers per day. Staff is open to other suggestions for this, but the purpose of this provision is to limit traffic to homes. If a business is generating 14 or 18 or 20 vehicles per day, even if only one day in a week, this is a substantially higher number of vehicles than would be coming to a house without a business. This level of traffic could impact the safety and character of a neighborhood, as it seems to have in Racey Acres.

If an HO generates a volume that exceeds 3/12, then it could arrange pickups or drop-offs at an off-site location. During the meeting, the Food Lion parking lot was mentioned as an option, but other locations include the Police Dept and City Hall parking lots, both of which have camera surveillance. Another option is to partner with another business that has a brick and mortar location. For example, the recently-opened Junction 245 is marketplace for home-based vendors with merchandise on-site and a full-time salesperson, but they may also be open to more limited pick-up arrangements with other businesses, especially seasonal ones.

- 2) Another item raised was the use of the term "gainful employment" in the definition of home occupation. This was changed to "income generation."
- 3) Staff added a new provision 705.04-1.3 to clarify that the home occupation regulation section does not address family day homes, the Code of Virginia term for in-home childcare establishments. "Family day homes" are their own issue that we need to address and update our zoning code on separate from home occupations. Note that per Code of Virginia 15.2-2292, a family day home that cares for between 1-4 children must be treated the same as any other residential home—no additional conditions or requirements can be imposed, including the parking and employment requirements of the home occupation draft text.

Next Steps

- Solicit more feedback from residents
- City Council public hearing in January (likely)



PLANNING COMMISSION Staff Report

Zoning Text Amendment
Section 705 Home Occupations
11/4/2025

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 (HO) 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 HO's 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. HO;s are also by definition an accessory use, meaning the primary use of the property is as a residence.

Almost all localities regulate HO;s, 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 an HO, 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 HO's 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 HO's 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.

Violations and Grandfathering

Non-conforming status and “grandfathering” was discussed at length in the last meeting. Staff reviewed the expiration and revocation language in the draft text (which was pulled largely from the current text) and determined that it may not conform to enforcement authority granted in the Code of Virginia for zoning violations. The current text speaks of a permit being “revoked” when the HO is found not in compliance, but this is not a term used in zoning enforcement. It is not clear how revocation is different from determination of a zoning violation, and what penalty revocation would impose. Additionally, staff could find no other HO codes from other Virginia localities that included separate enforcement/violation language or referred to revoking a HO permit.

Given this, staff removed the subsection about expiration and revocation of permit. HO permits will be treated like any other zoning permit. Expiration of permits not acted upon is already addressed by Section 802.05-3, which imposes a six month time frame. Violation is addressed by Article 11. Non-conforming status (“grandfathering”) is addressed by Section 708.03:

708.03 Nonconforming uses of land. Where a lawful use of land exists at the time of enactment or amendment of this ordinance that would not be permitted by the regulations imposed herein and where such is either:

- (1) An accessory use involving the use of no separate accessory structure; or*
- (2) A principal use involving no individual structure, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:*

708.03-1 No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the time of enactment or amendment of this ordinance;

708.03-2 No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the time of enactment or amendment of this ordinance;

708.03-3 In the event that such use ceases for reason other than destruction for a period of more than one year any subsequent use shall conform to all requirements of this ordinance for the district in which the land is located;

708.03-4 No additional structure not conforming to the requirements of this ordinance shall be constructed in connection with such nonconforming use.

Although different options for dealing with non-conforming existing HO’s were discussed, staff recommend following the same provisions for non-conforming uses as other use regulations. This places the City of firm legal footing (by not creating a new and separate enforcement scheme) and provides consistency and simplicity. Any HO active at the time the regulations are passed can continue to operate as it has been, but cannot expand, change operations, or move

to a different building on the premises. Any new HO must meet the new regulations. If an HO ceases to operate for one year, the proprietor must re-apply and it must meet the new regulations.

The idea of requiring annual renewal of HO's was raised. Since so few HO's cause problems, it is likely a significant amount of administrative work with little payoff. Because HO's are often secondary side gigs, and there is significant annual turnover (businesses that are active for one or two years then cease), many HO's would likely fail to or be late submitting renewal. Staff would have to follow up with each of these and develop an appropriate penalty for non-renewal.

Draft Text

The draft text pulls inspiration from over a dozen other HO 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 – Violations are handled the same as any other zoning violation, except that the Zoning Administrator can also request that the business license be revoked. Pre-existing HO's that do not conform to new regulations can continue to operate but not expand.
- 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 (except wayside farm stands), 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) Special Exception – Allows a home occupation to apply for Special Exception, heard by the Board of Zoning Appeals, if they want to do something otherwise prohibited so it can be considered on a case by case basis.

Updates since last draft

- a) 705.02-3 Violation – see above
- b) 705.03-4 - Exempted wayside stands from the prohibition on drop in traffic. The code defines wayside stands as “any structure or land used for the sale of agricultural or

horticultural produce, livestock or merchandise produced by the owner or his family on their farm.”

- c) Parking for employees not working on premises – this issue was raised at the last Commission meeting. While it is a good point, staff have not heard of this being an issue on the ground, and suspect it would only apply to a small number of establishments. It would also be difficult to determine how many off-premise employees an HO has. For these reasons, staff have chosen not to change the text to address these. If it becomes an issue in the future, the text can be amended.
- d) 705.03-5 Deliveries – Added a permissible window of 9:00 AM to 6:00 PM.
- e) 705.03-9 Prohibited HO’s
 - a. Added automobile service stations, automobile sales, vehicle towing, and automobile graveyards. There are several of these in existence currently, so they could continue to operate but could not expand or change operations.
 - b. Removed self-storage facilities. The reason for inclusion was to prevent a homeowner from building multiple excessive storage facilities, but this would be prevented by the 30% space maximum found in 705.03-2, so it is not necessary to prohibit.
- f) 705.04-1.2 Yard Sales – updated to allow up to 4 per year
- g) 705.04-3 – Added a provision to clarify that just because a person has a HO permit to conduct a particular use, they are still subject to the same nuisance regulations as everyone else.
- h) 705.05 - Changed the process to do a home occupation otherwise prohibited from a Conditional Use Permit to a Special Exception. CUPs go to City Council and require 60-90 days with multiple public hearings. SE’s go to the Board of Zoning Appeals in 30 days and can be decided in one meeting. When considering a home occupation that would deviate from one or more of the provisions of the new text, the basic question is whether that home occupation would match the intent of protecting the character of the neighborhood. I think this fits with the quasi-judicial nature of the BZA. Placing this with the BZA would potentially make the decisions less political and less contentious and would not bog down Council with more public hearings. That said, which process to use is fairly debatable and staff is not opposed to a CUP.

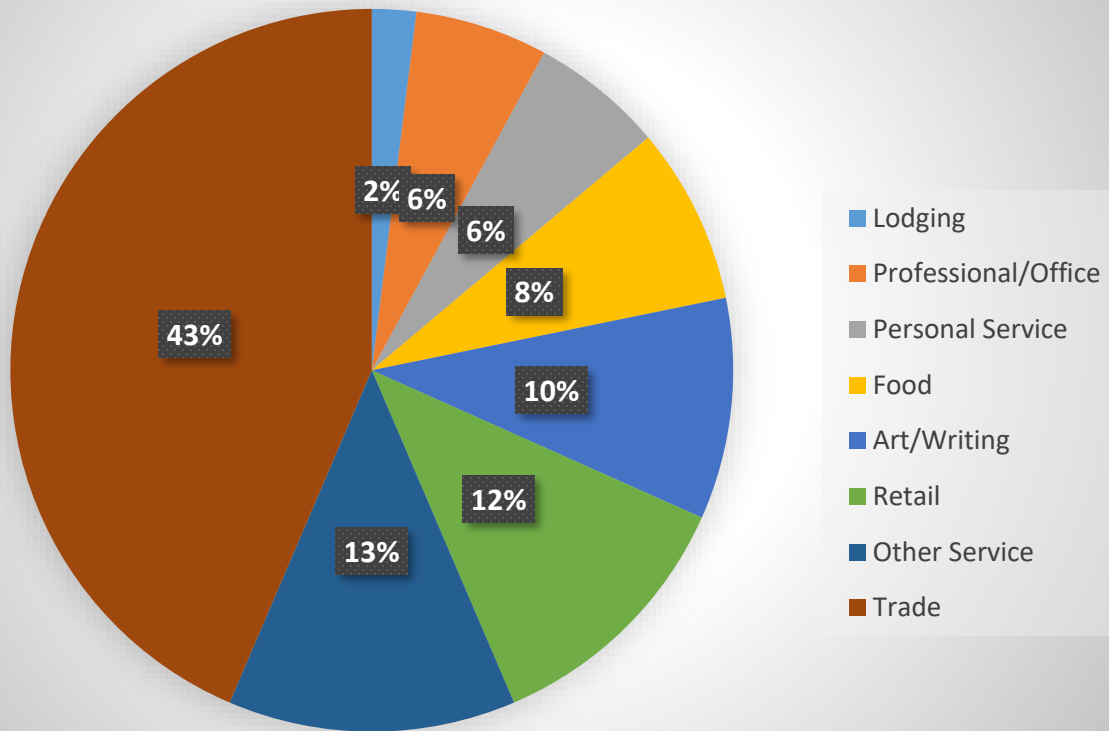
Additional policy questions

Additional items to discuss for inclusion in the text:

- a) Should the prohibition on tractor trailer deliveries be removed? Staff received feedback that this prohibition would be problematic and could delay deliveries. Thoughts?

Next Steps

Home Occupation Type, 2025





705 Home Occupations

DRAFT Text

12/2/2025

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 generating income; 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, appeals, and expiration 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 Violation. When the Zoning Administrator finds that a home occupation is in violation of any provision of this section, in addition to the remedies referenced in Article 11 of the Land Development Regulations of the City of Buena Vista and any remedies available to the him or her under the Code of Virginia, the Zoning Administrator may request that the Commissioner of Revenue revoke the business license of the home occupation.

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 premises on a drop-in basis, except for wayside stands as herein defined. The number of on-premise customer or client appointments may not exceed three (3) at any given time, and a total of twelve (12) per day.

705.03-5 Delivery traffic to or from the premises must be within business hours of 9:00 AM to 6:00 PM. Tractor trailer deliveries are prohibited.

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 Automobile service stations, automobile sales, vehicle towing, and automobile graveyards

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.

705.04-1.3 Family day homes, as defined by Code of Virginia § 22.1-289.02. Nothing in this section shall be interpreted to provide a process for approval of family day homes for between five and 12 children, per Code of Virginia § 15.2-2292(b).

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 Special Exceptions

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 Special Exception approved by the Board of Zoning Appeals. 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](#).