



HOME OCCUPATION PERMIT

APPLICANT CHECKLIST & REGULATIONS

Applicant Information

Name	
Address	
Business Name	
Permit #	

Details on Operations

- 1) Are any signs proposed?
- 2) Where on the property will the home occupation take place?
- 3) Will there be any non-resident employees?
- 4) Describe expected customer/client traffic.
- 5) Describe what type of deliveries the business will have.
- 6) Will there be any vehicles dedicated solely to the business (not for personal use)? If so describe those vehicles.
- 7) Describe any potential noise, dust, smoke, odors, glares, vibrations, or other potential impacts on neighboring properties.

Acknowledgements

I acknowledge the following:

- 1) Without a business license issued by the City of Buena Vista Commissioner of Revenue, a zoning verification for home occupation is null and void.
- 2) I am responsible for compliance with all applicable local, state, and Federal regulation or licensure or inspection requirements pertaining to my proposed business. 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.
- 3) I and my business are not exempt from compliance with applicable state and local regulations pertaining to nuisances, public health and safety, or property maintenance.

Printed Name

Signature

Home Occupation Regulations

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