



Zoning Ordinance Modernization



Lunch & Learn
Home-Based Businesses
July 28, 2021

What is a home-based business?

An occupation, profession, or trade, that is conducted by a resident of the dwelling unit and is clearly incidental and subordinate to the residential purpose of the dwelling unit. Examples of home-based businesses include home offices, music lessons, art studios, home crafts, and home-based food production. A home-based business does not include any other accessory use defined in this Ordinance, including but not limited to, home day care facility or short-term lodging.



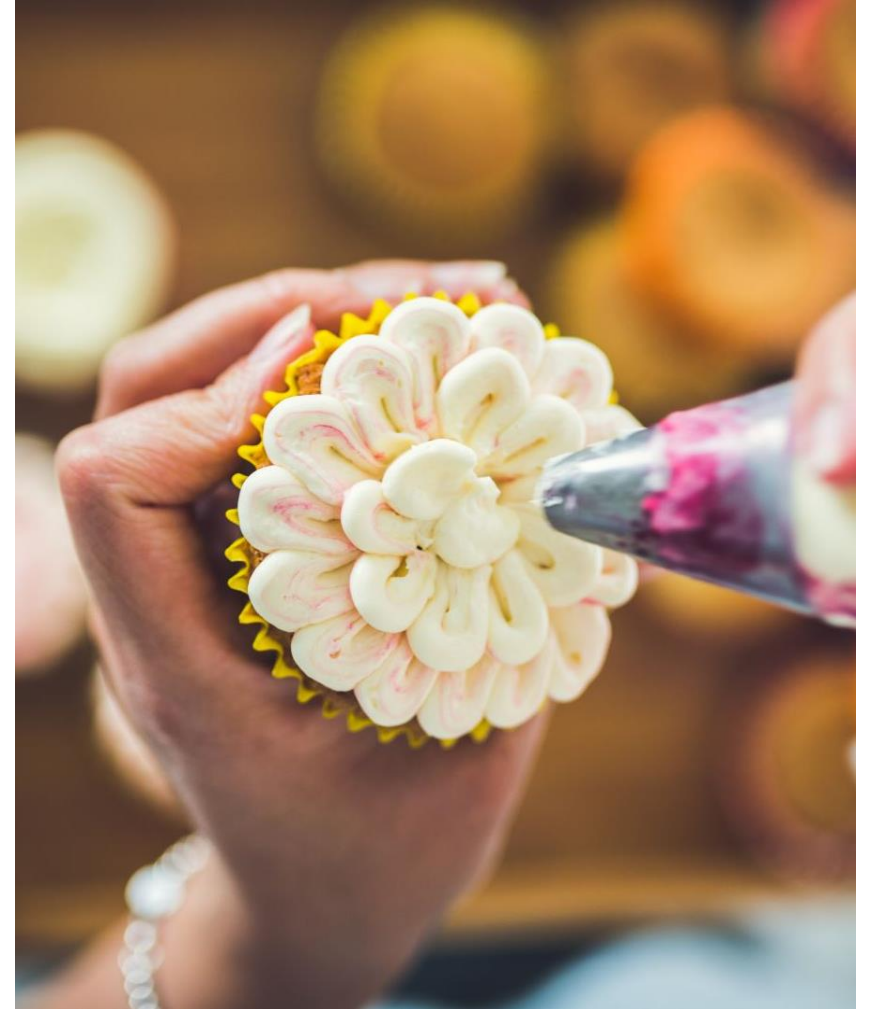
New Process

Administrative Permit:

- Replaces home occupation permit
- \$100 fee

Special Permit:

- To allow customers (except teaching is allowed with AP)
- To modify certain standards
- Any permitted HBB use can apply – SP for home professional office and barbershop/beauty parlor removed
- \$435 fee



Administrative Permit Standards

- (1) A home-based business must be conducted by the person to whom the home-based business permit is issued and must be located within the dwelling that is their **primary residence** or in an accessory structure located on that same lot.



Administrative Permit Standards

(2) A home-based business may only include the following uses:

- (a) General retail sales, where the sale and delivery of items occurs exclusively online or off-site;
- (b) Health and exercise facility, small;
- (c) Household repair and rental service, limited to **repairing small household items** such as musical instruments, sewing machines, radios, and watches;
- (d) Office;
- (e) Personal service, limited to **sewing or tailoring**. A barbershop or hair salon is only allowed with special permit approval;
- (f) Music, photography, and art studios;
- (g) Small-scale production, limited to items created on-site and home-based food production, where the sale and delivery of items occurs exclusively online or off-site; and
- (h) Specialized instruction center

** Other businesses from the home, such as home day care or Rover, do not require an HBB approval. They are subject to their own use-specific standards.*

Administrative Permit Standards

- (3) The premises must have the exterior appearance of a dwelling or residential accessory structure. There must be **no exterior evidence** that the property is used in any way other than for a dwelling. No sign is allowed, other than yard signs as permitted under subsection 7100.4.D.* The home-based business must take place entirely within enclosed structures.
- (4) Outside display or storage of goods, equipment, or materials used in connection with the home-based business is not allowed.

* Yard signs cannot exceed 12 square feet in total area, with no single sign exceeding four square feet in area or a height of 4 feet



Administrative Permit Standards

- (5) The total area used for the home-based business, including storage, is limited to a maximum size of **400 square feet**.



Administrative Permit Standards

- (6) Only one commercial vehicle is permitted per dwelling unit, subject to subsection 4102.1.B(2).*
- (7) The delivery or distribution of products or materials related to the home-based business must be from vehicles that do not exceed a maximum length of **28 feet**. The use of semitrailers, including tractor or trailer units, for delivery or distribution is not permitted.



** Commercial vehicles do not include vehicles such as food trucks, tow trucks, construction equipment, vehicles exceeding 21 feet in length/8 feet in height/8.5 feet in width, trailers, vehicles with 3+ axels, and any other similar vehicle*

Administrative Permit Standards



(8) Employees:

Employees on-site are limited to persons who occupy the dwelling as their primary residence, except that in a **single-family detached dwelling**, one employee who does not occupy the dwelling as their primary residence is also allowed. The limitation on the number of employees applies regardless of the number of home-based businesses or home day care facilities operating on the lot. A nonresident employee, whether paid or not, may work on-site only between the hours of **7:00 AM to 6:00 PM**.

**Number of employees or hours can be modified with SP*

Administrative Permit Standards

(9) Customers or clients:

- (a) On-site customers or clients are not allowed without approval of a special permit, except for **instructional activities** with a health and exercise facility or specialized instruction center, where up to **four** students at a time and **eight** in a day are allowed. If a home day care facility is established on-site, visits to the site by customers or clients of the home-based business are not allowed.
- (b) If the home-based business has on-site customers or clients, one designated off-street **parking space** must be made available for the customer or client parking.
- (c) The hours during which customers or clients may visit the premises are limited to **8:00 AM to 9:00 PM**.

Administrative Permit Standards

- (10) A permit for a home-based business is valid for the original applicant only and is not transferable to any other resident, address, or occupation. Upon termination of the applicant's residency, the home-based business permit becomes null and void.



Administrative Permit Standards

(11) If the dwelling is served by a well or septic system, the applicant must obtain Health Department approval prior administrative or special permit approval.



(12) A home-based business may not use, store, or generate flammable or combustible liquids, explosives, or hazardous materials in an amount that requires a permit under Chapter 62 of the County Code (Fairfax County Fire Prevention Code).



Special Permit Standards

(13) The home-based business must conform to all applicable standards above, except that the BZA may approve a special permit for a home-based business to modify one or more of the standards as identified in the subsections below:

- (a) Subsection (3) to allow outdoor activities such as swimming or soccer lessons;
- (b) Subsection (5) to allow a larger area;
- (c) Subsection (8) to allow more employees or different work hours; and
- (d) Subsection (9) to allow more customers or clients.



Special Permit Standards

- (14) The BZA may require the provision of off-street **parking** spaces in addition to the requirements specified in Article 6.
- (15) The BZA must determine that the proposed business, together with all other nonresidential uses in the area, will not modify or disrupt the predominantly **residential character** of the area.
- (16) A barbershop or hair salon may not include other services such as nail, facial, or massage services.



HBB PLUS Website

www.fairfaxcounty.gov/planning-development/zoning/home-based-business

A home-based business is an occupation, profession, or trade that is conducted by a resident of the dwelling unit and is clearly incidental and subordinate to the residential purpose of the dwelling unit. Examples of home-based businesses include home offices, music lessons, art studios, home crafts, and home-based food production. A home-based business does not include any other accessory use defined in the Zoning Ordinance, such as a home day care facility or short-term lodging. In addition, teleworking is not a home-based business.



A list of the permitted home-based businesses and additional information can be found below and in [subsection 4102.7.H](#) of the Zoning Ordinance.

HOW TO SUBMIT AN APPLICATION

All home-based business applications must be submitted electronically through the [PLUS application portal](#).

For additional information on how to use the PLUS application portal, please visit the [DPD PLUS Information & Support](#) page.

If you have questions or need assistance using the PLUS system, please contact the Help Desk:

- Hours of Operation: Mon. - Fri., 8 a.m. - 4 p.m.
- Email: PLUSSupport@FairfaxCounty.gov
- Phone: 703-324-2222, TTY 711

[Launch PLUS →](#)

HBB PLUS Website

ADDITIONAL INFORMATION

- An application for a home-based business may take approximately 14 calendar days to process.
- The administrative permit application fee is \$100. Fees are paid electronically at the end of the application submission process. A service charge of 2.35% will be added to all fees paid with a credit card.
- A home-based business may only be operated by a resident of the property.
- Customers or clients are not allowed to come to the home with this administrative permit (except for teaching activities associated with a small health and exercise facility or specialized instruction center). To have customers or clients, submission of a [special permit](#) application for approval by the Board of Zoning Appeals is required.
- As part of the application process, you must agree to abide by the standards for administrative permits and the standards for home-based businesses, as described in subsection 4102.7.H of the Zoning Ordinance and below.
- The home-based business administrative or special permit grants zoning approval, but other approvals or licensing may be required, depending on the nature of the business. Home-based businesses may also be subject to the [Business, Professional, and Occupational License \(BPOL\)](#).
- Home-based food production is limited to certain foods. All home-based businesses that involve the production of approved foods must submit a [Home-Based Food Production Supplemental Form](#).
- A limited riding or boarding stable is not considered a home-based business. To apply for an administrative permit, please submit a [Limited Riding and Boarding Administrative Permit](#) application.
- Fairfax County is committed to helping our small and local business community succeed. Understanding the required permits and licenses before you start can help make the process easier. Visit the [Starting a Business in Fairfax County?](#) webpage to learn about requirements and resources available to assist you.

REQUIRED DOCUMENTS

Floor Plan: Must depict the area where the business will operate. Label each room and provide square footage.

Interior photos: Must show all rooms and areas where the business will operate. Label and date each photo.

Exterior photos: Must show all exterior sides of the dwelling (front, sides, and rear) where the business will operate. Please label and date each photo.

Supporting Documentation (optional): Any additional documentation that supports the request.

HOME-BASED BUSINESS STANDARDS

The use-specific standards applicable to a home-based business are included below:

Standards when permitted by administrative permit:

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Standards when permitted by special permit:

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RELATED RESOURCES

[Summary of the Adopted Home-Based Business Provisions](#)

[Home-Based Business Frequently Asked Questions](#)

[Starting a Business in Fairfax County?](#)

Questions & Discussion



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