



Proposed zMOD Changes – Home-Based Businesses

Frequently Asked Questions

The responses below are intended to clarify the proposed regulations for home-based businesses that may be adopted as part of zMOD. They do not address the current regulations. A table comparing the current and proposed standards is included below the questions.

1) What different types of businesses will I be able to do in my home?

Any business that is conducted from or registered to the home requires a permit, but this does not apply to teleworking. The draft allows the home-based business uses listed below. These uses are allowed today with a home occupation permit (except for the repair of small household items).

- General retail sales (such as the sale of clothing or kitchenware) when sale and delivery occur online or off-site (i.e., no on-site customers);
- Small health and exercise facility (such as yoga instruction);
- Repair of small household items (such as repair of musical instruments or watches);
- Office (such as an interior designer, accountant, or doctor's office);
- Barbershop and hair salon (no nail, facial, massage, or other services allowed);
- Sewing and tailoring;
- Music, photography, and art studios;
- Specialized instruction center (such as tutoring, music lessons, or art classes); and
- Small-scale production (such as jewelry making), limited to items created on-site and home-based food production, when sale and delivery occurs online or off-site (i.e., no on-site customers, except to view samples only). Small-scale production does not include heavy industrial activities.

2) How many customers can I have? What about employees?

The draft allows for two customers at a time and six in a day with approval of an administrative permit. An advertised range has been included to allow the Board of Supervisors to consider allowing between zero and up to four customers at a time and between zero and up to eight customers in a day. However, no customers would be allowed with retail sales or small-scale production uses, except to view samples only. One nonresident employee would be permitted in a single-family detached dwelling, with no nonresident employees allowed in all other dwelling types (e.g., townhouses, apartments). An option is included that allows the Board to consider permitting a nonresident employee in all dwelling types. Additional customers or employees could be approved with a special permit.

3) How many home-based businesses can I have? What if my spouse, partner, or roommate and I both have home-based businesses? Do we each get the maximum number of customers?

Under the current and proposed regulations, there is no limit to the number of home businesses. However, the number of customers is a cumulative maximum, including all home-based business customers and short-term lodging guests. For example, if there are two businesses on-site, the businesses together only may have two customers at a time and six in a day. If there is a home day care on-site (which is considered a separate use for zoning purposes), no customers are allowed for any home-based businesses.



- 4) What hours is a home-based business allowed to operate?
Customers are allowed between 8:00 AM and 9:00 PM, and a nonresident employee is allowed between 7:00 AM and 6:00 PM.
- 5) My HOA covenants do not allow home-based businesses. Will the County enforce the covenants on behalf of the HOA?
HOA covenants are a private matter to be enforced by the HOA and the State Code does not allow the County to withhold issuing a permit based on HOA or other private agreements. They may be more restrictive than the Zoning Ordinance provisions, but they may not be more permissive (such as allowing additional customers or any additional flexibility beyond the regulations). The application form for an administrative permit will advise an applicant to check as to whether any HOA or other private agreements apply to their property.
- 6) What kind of signage is permitted?
The Zoning Ordinance allows yard signs on all residentially zoned lots, including lots having a home-based business, regardless of the message. A single sign is limited to four feet in height and four square feet in area. Total signage on the lot is limited to 12 square feet (i.e. a maximum of three signs that are four square feet or four signs that are three square feet, etc.).
- 7) What are the parking requirements?
There is no specific parking rate for an accessory home-based business use, but if the home-based business involves customers, an off-street parking space that can be reserved or made available by the person operating the home-based business must be made available for those customers to park. This may include a driveway space or an assigned parking space, but public street parking cannot be used to meet this requirement.
- 8) Can I use my entire home for my home-based business?
No, the total area used for the home-based business is limited to 400 square feet in the draft. An advertised range from 200 square feet to 750 square feet has been included for Board consideration.
- 9) What if I want to do more than these limitations allow?
A special permit may be approved by the Board of Zoning Appeals to allow for outdoor activities (such as swimming or soccer lessons), a larger area used by the business, additional employees or different work hours, and additional customers or clients.
- 10) How much will this permit cost?
The administrative permit will be \$100 (with an advertised range from \$50 to \$200 for Board consideration), and the special permit will be \$435 (with an advertised range from \$435 to \$910 for Board consideration).
- 11) Other than the home-based business administrative or special permit, do I need any other approvals?
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 are also subject to the Business, Professional, and Occupational License (BPOL) Tax.
- 12) How can I find out about home-based businesses in my neighborhood?
Current home occupation permits and special permits for home professional offices and barbershops or beauty parlors are available through the [My Neighborhood](#) application. Future permits will also be available through this portal as well.



13) Why are you making these changes as a part of zMOD? Why can't they be pulled out as a separate amendment?

The scope of Phase I of zMOD includes the review and modernization of land uses and their associated regulations. The current administrative home occupation permit only allows customers for instructional uses, such as piano lessons or Pilates classes, and the current home professional office special permit only allows customers for certain "professional" and licensed uses, such as a doctor or accountant. We propose to modernize this approach and to treat all permitted uses the same, focusing on the external impacts instead (such as number of customers, employees, and parking). These standards are objective and can be applied administratively, and they are intended to mitigate the impacts on the community. The advertised options allow the Board to consider retaining the current limitations on customers.

14) Are there any additional requirements if the property is on a private well or septic system? Could a home-based business adversely affect the operation/function of a septic system?

Staff has advertised and recommends that the Board require approval by the Health Department prior to approval of an administrative permit or special permit for a home-based business if the property is served by a well or septic system.

Private well and Septic System

- The Health Department (HD) requires approval if the property is served by a well or septic system to ensure compliance with Chapters 68.1 and 70.1 of the Fairfax County Code, as well as State and Federal regulations.
- HD issues the operation permit for the septic system and has the regulatory authority to assess whether the system is operating in accordance with the permit.
- HD review could identify the need for a wastewater characterization study, expansion of the septic system, or denial of the permit. The proposed standard reads: "If the dwelling is served by a well or septic system, the applicant must obtain Health Department approval prior to administrative or special permit approval."
- All septic systems require a five-year pump out.
- Alternative septic systems require an annual inspection and sampling at five-year intervals by a third-party licensed professional.

Public Sewer

- We will also include a reminder of the items that cannot be disposed of in a sewer (in accordance with Ch. 67.1 of the County Code) on the application and on the permit.

Hazardous Materials

- We propose to add a standard limiting hazardous materials on all properties, to read: "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)."

See the latest Public Hearing Draft on our [zMOD website](#) for a list of all proposed home-based business standards.

The table below provides a comparison of the current and proposed standards.



Home-Based Businesses – Existing vs. Proposed zMOD Standards

Current Home-Based Business Regulations								
Use Name	Process of Approval	Uses Allowed	Customers	Employees	Location and Size	Parking	Signage	Vehicles
Home Occupation	Administrative	Open-ended list of allowed uses and 7 prohibited uses	For instructional uses only; 4 at a time 8 in a day	1	Any type of dwelling; No specific size limit	No requirement	None (the Ordinance allows yard signs on all residential lots)	1 commercial vehicle
Home Professional Office	Special Permit	Office for licensed or certified professional	Determined by the BZA	Up to 4; Up to 6 with 2+ ac.	Single-family detached; No size limit	No standard	No standard/ determined by the BZA	1 commercial vehicle
Barbershop or Beauty Parlor	Special Permit	Barbershop or beauty parlor	1 patron at a time	0	Any type of dwelling; No size limit	No standard	No standard/ determined by the BZA	1 commercial vehicle
Public Hearing Draft Home-Based Business Regulations								
Use Name	Process of Approval	Uses Allowed	Customers	Employees	Location and Size	Parking	Signage	Vehicles
Home-Based Business	Administrative	May only include listed uses ¹	2 at a time; 6 in a day (see additional limits) ^{2 3}	1 in single-family detached ⁴ ; 0 in other dwellings ⁵	Any type of dwelling; 400 sq. ft. ⁶	Designate one space for on-site customers	None (other than yard signs as allowed for any residence)	No change (see additional limits) ⁷
	Special Permit	Listed uses and certain outdoor uses	Determined by the BZA	Determined by the BZA	Determined by the BZA	Determined by the BZA		

¹ Uses include: a) online or off-site retail sales; b) health and exercise; c) repairing small household items; d) office; e) barber or hair salon, sewing or tailoring; f) music, photography, or art studios; g) small-scale production and home-based food production with online or off-site sale and delivery; and h) instructional uses.

² Additional limits on customers include: a) none if a home child care is on-site; b) must include short-term lodging guests in the count; c) by appointment only; d) appointments must be spaced 15 minutes apart; e) hours 8:00 AM to 9:00 PM; and f) no on-site customers allowed for retail sales or small-scale production, except to view samples of items created on-site.

³ Advertised range for Board consideration: 0 to 4 employees at a time and 0 to 8 in a day.

⁴ Employee hours limited to 7:00 AM to 6:00 PM.

⁵ Advertised to allow the Board to consider allowing one employee.

⁶ Advertised range for Board consideration: 200 to 750 square feet.

⁷ A standard has been added limiting vehicles delivering or distributing products to and from the business to a maximum length of 28 feet. Semitrailers are also prohibited.