

New Home Occupations Ordinance Frequently Asked Questions

Q: Why are changes being made to the home occupations ordinance?

A: The current home occupations ordinance is strict and does not allow for unique home occupations and the Village wants to be welcoming of home occupations that complement the character and use of the neighborhood they're located in. Also, the current ordinance does not reflect the types of home occupations the residents of Yorkville want to operate on their properties. The Village wants to allow the types of uses that are most common around the Village and disallow potentially nuisance causing home occupations and those that otherwise change the character of the neighborhood they're operating in.

Q: What does the current home occupation ordinance require?

A: The current home occupation ordinance requires that:

- The home occupation be “clearly incidental” to the use of the dwelling unit as a residence;
- The home occupation requires no more than 2 non-resident employees;
- The proprietor of the home occupation must live in the dwelling unit;
- The proprietor is not operating a home occupation that requires:
 - The storage or use of toxic, explosive, flammable, combustible, corrosive, radioactive, or other restricted materials;
 - The loading of bullets or preparation of ammunition;
 - The sale, trade, lease, or rental of firearms and/or ammunition;
 - The use of more than 2 additional off-street parking spaces for clients or customers;
 - The use of processes that creates visual or audible electrical interference with off-premises radio or television receivers or creates a fluctuation in voltage off premises;
 - The display of stock in trade
 - The use of processes that generate noise, vibration, glare, odors, fumes, or hazards detectable to the normal senses off the property;
 - The use of an accessory building for any use besides storage;
 - The repair, servicing, salvage, wreckage, or painting services for non-property owner vehicles.

Q: I'm an accountant who operates my business out of my home office. Do I need a permit?

A: No, you likely will not need a conditional use permit to operate your accounting business out of your home. An accounting business would fall under a type A home occupation, which does not require a permit and allows up to 4 individual clients at any one time but does not allow any outside/non-resident employees to work at the home.

Q: I am a seamstress who operates my tailoring business out of my home. I also have customers stopping by for fittings. Do I need a permit?

A: You may need a conditional use permit for this home occupation. That largely depends on how many clients or customers you will have visiting at any given time and whether you require an outside or non-resident employee to perform your business required tasks.

If your business anticipates 4 or fewer clients or customers at any one time with no outside employees, then your tailor's business fits within type A, and you will not need a permit.

If you anticipate your business will have more than 4 clients or customers at any one time or your business requires an outside employee, your business will be classified as a type B home occupation, and you will need a permit.

Q: I have a business that falls under type A or B. Can I operate my business out of an accessory structure on my property?

A: No, an accessory building can only be used for storage for type A and B home occupations.

Q: I have a tractor repair business that I run on 20-acre farm. Do I need a permit?

A: Yes, you will need a conditional use permit. This type of business falls under the Rural type of home occupations which allows mechanical repairs on vehicles other than your own personal vehicle but does require a permit for this use.

Q: I am an auto mechanic, and I want to operate a repair garage in an outbuilding on my farm where I service my client's cars; am I allowed to do that?

A: Yes but, you must get for a conditional use permit.

Q: Where do I obtain a permit for a type B or Rural home occupation?

A: An application for a conditional use permit will be submitted to the county. An application for a conditional use permit can be found on the county's website.

Q: What is the process for getting a conditional use permit?

A: A conditional use permit application requires (1) an application be filled out; (2) a public hearing must be noticed and held by the Village Plan Commission; (3) the Plan Commission must recommend the matter to the Village Board for approval; and (4) the Village Board must approve the conditional use permit application.

Q: I operate a business out of my home that doesn't fit into any of the categories in the new ordinance. Does that mean I'm not allowed to operate my home occupation?

A: No, this does not mean you cannot operate your home occupation. The new ordinance allows the Village Board to consider a type of home occupation that does not fall within the three categories and, upon their discretion, approve the home occupation with modifications to the categories that the new ordinance sets out.

Q: I operate an online business where I ship products to my customers, but no customers come to the house, and I have no other employees. Do I need a permit?

A: No, you will not need a permit. This type of use fits squarely within the type A requirements: no outside employees, not more than 4 customers at a time, and no outside evidence of a home occupation taking place.

Q: I do my own mechanical work on my personal car. Does this mean I need a permit to continue to work on my own vehicles?

A: No, you will not need a permit to work on your own vehicles on your own property. Working on your own car is not a home occupation.

Q: Will I need a permit to have a garage sale?

A: No, you will not need a permit for a garage sale. A garage sale is not an occupation under the ordinance. Occasional yard sales do not need a permit, however if the yard sales become a serial occurrence, a permit may be required.

Q: My kids want to have a lemonade stand. Will I need a permit for this use?

A: No, you will not need a permit for a lemonade stand. This is not an occupation under the ordinance.

Q: I want to host a Tupperware party. Will I need a permit?

A: No, you will not need a permit to host or sell Tupperware at a Tupperware party. The primary purpose of the party is for socialization, and therefore it is not an occupation under the ordinance.

Q: I am renting my house from a landlord. Can I operate a home occupation out of a house I am renting?

A: The home occupation ordinance allows renters to operate a home occupation with a few caveats. If the home occupation sought to be operated is a type B or Rural home occupation that requires a permit, then written permission from the property owner must be obtained before a conditional permit application will be considered. For type A home occupations, which do not require a permit, it is still a good idea to get permission from the property owner and check your lease prior to starting the home occupation to make sure there are no prohibitions against operating a home occupation as a renter.

Q: Will the changes to this ordinance affect my roadside stand?

A: No, you will still be able to operate your roadside stand in an A-2 or A-3 zoned area.

Q: Am I allowed to sell produce I grow on my farm without a permit?

A: Yes, you are allowed to sell produce you grow on your farm as long as your home occupation is in compliance with §20-1225(15) of the Code regarding Home Based Agricultural Related Businesses (HBARB).

Q: I have an existing home occupation that is in compliance with the current home occupation ordinance—will I need to do anything additional to comply with the new ordinance?

A: If you are in compliance with the current ordinance and have proof of your home occupation having been established before the effective date of the new ordinance, you will be “grandfathered” in under the current ordinance and will not need to change anything.

Q: If my home occupation was not technically allowed by the current zoning ordinance, but no-one has made a complaint, do I still need to comply with the new ordinance?

A: Yes, you will need to comply with the new ordinance to continue to operate your home occupation. Compliance with the new ordinance will protect you from complaints in the

future, and ensures that your home occupation is compatible with the use of your house for dwelling purposes, not just business purposes.

Q: How do I know what type of home occupation my business operates as and what is required and allowed under the new ordinance?

A: The Village has created a chart that helps citizens easily understand the ordinance and determine which type of home occupation they may be seeking to operate. The chart is available on the last page of this document.

Q: Does the Village Board have any flexibility to modify the ordinance requirements as part of the conditional use process?

A: Yes, the Village Board can deviate from the ordinance when a conditional use permit is applied for pursuant to type B and Rural home occupations. The Village Board will only deviate from the ordinance requirements when, in their discretion, the character of the neighborhood and property will not be affected, and the change makes sense with the type of home occupation being performed on the property.