



## **Daycare Home Occupation**

Dear Resident:

Thank you for your inquiry into establishing a Home Child Care in O'Fallon. I'm sure that providing high quality day care is one of your most important concerns, as it is for the City. To ensure uniform regulations and standards for Home Child Care facilities, the City passed a Home Child Care provision to the Zoning Code of Ordinances in 2005 to help ensure more uniformity of standards for Home Child Care facilities within the City. We realize the State of Illinois DCFS regulates these very closely – the City's regulations focus primarily on the suitability of the site and its relationship with the neighbors rather than on items already regulated by the State.

Enclosed is a packet of information for your consideration if you desire to proceed with a Home Child Care business. Home Child Care requirements are comprised of three parts: Home Occupation Requirements; Home Child Care Requirements; and Business Registration Requirements. Attached to the forms and checklists you will find the appropriate sections of the City code relating to Home Child Care facilities. You will notice that one of requirements is to provide written notification of you intent to establish a Home Child Care facility to the adjoining property owners within 100 feet of your home. The St. Clair County Mapping & Platting office, 5<sup>th</sup> Floor of the St. Clair County Courthouse, will be able to advise you who those adjoining property owners are, and they will provide a list of them for you.

Please do not forward the business registration fee or the zoning permit fee at this time. Once Home Child Care compliance is confirmed, you will then be given instructions to pay the annual \$25.00 business registration fee and a one time zoning permit fee of \$35.00.

Please call me at (618)624-4500, Ext. 4, if you need any assistance. Thank you.

Sincerely,  
CITY OF O'FALLON

Ted K. Shekell  
Planning Director



HOME CHILD CARE ZONING PERMIT APPLICATION

Planning & Zoning Department, O'Fallon City Hall
255 South Lincoln Avenue, 2nd Floor
O'Fallon, IL 62269 Phone (618)624-4500 Ext. 4

(Do not write in this space -- For office use only)

Date: \_\_\_\_\_, 20\_\_\_\_ Zoning fee of \$35.00 to be paid to City Clerk after permit is approved

( ) Permit issue No. \_\_\_\_\_ \$ \_\_\_\_\_ Date: \_\_\_\_\_

( ) Permit denied If denied, cause of denial: \_\_\_\_\_

( ) Application appealed No. \_\_\_\_\_

( ) Special Use Permit No. (If required) \_\_\_\_\_

\* \* \* \* \*

1. Name of property owner(s): \_\_\_\_\_ Phone: \_\_\_\_\_

Complete mailing address: \_\_\_\_\_

2. Name of landlord/property manager: \_\_\_\_\_ Phone: \_\_\_\_\_

Complete mailing address: \_\_\_\_\_

3. Applicant ( [ ] Owner [ ] Renter): \_\_\_\_\_ Phone: \_\_\_\_\_

Complete mailing address: \_\_\_\_\_

4. Legal description: Parcel # or Tax ID#: \_\_\_\_\_ Zoning District: \_\_\_\_\_

5. A site plan accompanying your application is required. Please provide the site plan drawing on a separate page. Drawn to approximate scale, please include the following:

- a) Dimensions and use of all buildings (show overall dimensions of house including garage if applicable);
b) Location of driveways and off-street parking spaces (show distance from lot lines and overall dimensions);
c) Location and dimensions of fenced outdoor play areas;
d) Any additional information as may be reasonably required by the Planning & Zoning Department and applicable requirements of Section 2.04(e).

PLEASE NOTE: Zoning Compliance will not be approved by staff, until the Home Child Care is in compliance with sections 3.02 Home Occupations and 3.25 Home Child Care (See Home Child Care Application Checklist).

6. Application is hereby made for Zoning Compliance for Home Child Care, as required under the Zoning Ordinance of the City of O'Fallon, Illinois. In making this application, the applicant represents all of the above statements and any attached maps and drawings to be a true description of the proposed new or altered uses and/or buildings. The applicant agrees that the permit applied for, if granted, is issued on the representations made herein and that any permit issued may be revoked without notice on any breach of representation or conditions. It is understood that any permit issued on this application will not grant right of privilege to erect any structure or to use any premises described for any purpose or in any manner prohibited by the Zoning Ordinance, or by other ordinances, codes or regulations of O'Fallon, Illinois.

(Applicant) \_\_\_\_\_

CERTIFICATE OF ZONING COMPLIANCE FOR HOME CHILD CARE

The plans and specifications submitted with this Application are in conformity with the zone district requirements applicable to the subject property. Changes in plans or specifications shall not be made without written approval of the appropriate city officials. Failure to comply with the above shall constitute a violation of the provisions of the City of O'Fallon Zoning Ordinance.

Dated: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Planning & Zoning Official, City of O'Fallon, Illinois

**STATEMENT OF COMPLIANCE  
HOME OCCUPATION ORDINANCE**

(Please initial next to each section and sign below)

- a) Such use shall be conducted entirely within a dwelling and carried on by the inhabitants there and no others. Home occupations may not serve as a headquarters or dispatch center where employees come to the home and are dispatched to other locations.
- b) Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the residential character thereof. Client visitations to the home shall no more than the range of typical visitations for other residential uses in the area.
- c) No vehicular or pedestrian traffic generated by a home occupation shall be allowed to cause a nuisance to neighboring properties or block or interfere with the regular flow of traffic within the neighborhood.
- d) The total area used for such purposes shall not exceed the equivalent of one-half the floor area, in square feet, of the largest floor of the dwelling unit.
- e) There shall be no advertising, display or other indications of home occupation on the premises, except one unanimated, non-illuminated flat nameplate having an area of not more than one square foot may be permitted, as part of an otherwise authorized "address and Residential Occupant Sign, subject to other requirements of the Sign Code. Such nameplate must be on the building.
- f) No in-person sales transactions, such as selling stocks of merchandise, supplies, or products may be filled on the premises, provided that orders previously made by telephone or at a sales party may be delivered or received on site subject to limits on the level of activity set forth above.
- g) There shall be no exterior storage on the premises or public right-of-way of material or equipment used in the home occupation, nor of any highly explosive or combustible material.
- h) Not more than one (1) trailer associated with the home occupation may be allowed on the premises, subject to the following requirements:
  - 1) Such trailer may not exceed 8 feet wide or 25 feet long.
  - 2) If the trailer has no visible equipment, whether it is an enclosed trailer or an empty flat bed trailer, it may be parked in the driveway. If equipment is visible, the trailer must be parked inside a garage.
  - 3) Such trailer must be able to enter and exit the premises by way of an improved, dust-free surface.
- i) The home occupation shall allow no more than one (1) commercial vehicle parking on the premises, subject to the following additional requirements:
  - 1) The commercial vehicle is limited to a passenger car, van, pickup truck or service vehicle with a License Category of B, C, or D and vehicle weight of up to 12,000 pounds.
  - 2) Parking or storage of any vehicles used as a tool in the business (tow trucks, tree removers, etc.) in connection with the home occupation is prohibited on premises, unless fully concealed in the dwelling or accessory residential building. Exception: parcels in the Agricultural zoning district will be permitted to store equipment and vehicles consistent with agricultural operations as outlined in the Zoning Code.

j) Parking or storage of, or delivery by, heavy equipment including, but not limited to, back hoes, skid loaders, dump trucks, and other similar items on the premises, is prohibited. This shall include businesses where the home is the base of operations where heavy equipment would be dispatched from the home and would create noticeable traffic to and from the home. Exception: parcels in the Agricultural zoning district will be permitted to store equipment and vehicles consistent with agricultural operations as outlined in the Zoning Code.

k) There shall be no noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line from any business activity and all activity shall comply with applicable building and fire codes.

l) In addition to other restrictions, the following types of uses are also prohibited: service, repair, or painting of any motorized vehicle, including, but not limited to, motor vehicles, trailers, boats, personal watercraft, recreation vehicles, and snowmobiles where the work is done on the premises where the home occupation is located; headquarters or dispatch centers where employees or contractors arrive or depart; contracting, excavating, welding, or machine shops where the work is done on the premises where the home occupation is located; tow truck services where the tow truck is stored on site; the sale, lease, trade, or other transfer of firearms or ammunition; sale or use of hazardous materials in excess of consumer quantities packaged for consumption by individual households for personal care or household use; and any other use of residential property that is detrimental or inconsistent with the residential character of the neighborhood.

m) Exemptions: The following home occupations shall be exempt from obtaining a Home Occupation Permit, provided that all other criteria and conditions established in this Section are complied with at all times of such accessory use:

- 1) Mere home offices used for telecommuting to a primary off-site business location;
- 2) Home-based direct sale of products and distribution in which any corporate activity is registered at another address and provided that (1) any sales parties or demonstrations are conducted off-site, and (2) the home-based business activity is not registered or required to be registered under the provisions of the Retailers' Occupation Tax Act (35 ILCS 120/) or Chapter 805 of the Illinois Compiled Statutes.

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*I have read and agreed to the above provisions of the City of O'Fallon Home Occupation ordinance.*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date



## Home Child Care Application Checklist

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Below is a checklist of requirements for the Home Child Care Application. Failure to meet any of the following requirements could lead to denial and/or delay in issuance of the permit.

### Logistical Requirements

- If you rent your residence, written permission from owner approving the use is obtained and submitted together with application. If the owner is represented by a landlord/property manager, provide a statement from the landlord/property manager indicating that the landlord/property manager has the legal authority to act on the owner's behalf.
- State of Illinois Department of Children & Family Services licensure for the specified address has been obtained and submitted together with application
- If subject property's neighborhood has a Home Owners Association, the use application complies with its covenants and restrictions
- Written notice to adjacent properties within 100' of proposed Home Child Care has been completed (a sample letter is attached for applicant's use)
- The use and site fully comply with all applicable federal, state and local laws.

### Physical / Architectural Requirements

- A permanent, four foot (4 ft) fence around all designated outdoor play areas is provided
- A minimum of two (2) off-street parking spaces located on the site is provided
- Safe, efficient and neighborhood-compatible ingress and egress design and turn-around capacity are incorporated into the site plan
- A site plan reflecting compliance with all applicable site requirements is submitted (see item # 5 on zoning permit application form)

### Zoning Ordinance Compliance

- Zoning of property is SR-1, SR-1B, SR-2, SR-3, MR-1, MR-2, MH-1, or MH-2 District or satisfies the general requirements for a Special Use Permit under Section 3.25 of the code
- Number of children is limited to eight (8), including the caregiver's own natural, adopted, or foster children, related children, and unrelated children under age 12 living in the home.
- Hours of operation do not exceed amounts permitted by the state license.
- Only inhabitants of the residence are/will be employees

\*\*\*Upon approval, a one-time zoning permit fee of \$ 35.00 should be paid to the Planning Department, in addition to the annual Business Registration fee of \$ 25.00, payable to the City Clerk's office.

*Note: The zoning authorization and site plan approval may be revoked by the Planning Director if any of the requirements herein are at any time not satisfied during Home Child Care use. Petitions for application denial/revocation can be submitted to the Director, appealing to the City Council.*

**Home Child Care**  
**100 Ft. Property Owner**  
**Notice**

I, (*your name here*), applicant, intend to file an application with the City of O'Fallon, Illinois, on (*insert date filed here*) to conduct a home-based daycare business located in my home (*insert your home address here*). The City of O'Fallon requires I notify you, one of the adjoining property owners within 100 feet of the Home Child Care site, of my intentions to operate a Home Child Care facility.

The name and address of the legal owner of the property is:

Mr. John and Nancy Farmers  
555 Atlantic Shores Drive  
Boca Raton, Florida 11111

This notice is being mailed via certified mail, return receipt requested or hand-delivered\* to all owners of record within 100 feet in each direction of the subject property. Feel free to contact me or the City of O'Fallon Planning and Zoning Office at 618-624-4500 x 4 if you have any questions concerning this Home Child Care facility.

Signed,

Jane Doe, President  
The Home Daycare People

*\*If hand-delivered:*

*Please take two (2) copies of the same letter: one for the property owner to keep for their records and the other for them to sign and give back to you to return to the Planning & Zoning Office as your proof of notification.*

\_\_\_\_\_  
*Signature of recipient*

\_\_\_\_\_  
*Printed name of recipient*

\_\_\_\_\_  
*date signed*

\_\_\_\_\_  
*Address of recipient*

\$25.00 Annual Fee

Year Business Started \_\_\_\_\_  
New \_\_\_\_\_ Renewal \_\_\_\_\_

**CITY OF O'FALLON  
APPLICATION FOR BUSINESS REGISTRATION**

1. BUSINESS NAME \_\_\_\_\_ TELEPHONE # \_\_\_\_\_

2. BUSINESS ADDRESS \_\_\_\_\_

3. MAILING ADDRESS \_\_\_\_\_  
(if different) Address City State Zip Code

4. BUSINESS OWNER \_\_\_\_\_  
Name Telephone  
Address City State Zip Code

5. CORPORATE NAME/CONTACT: \_\_\_\_\_  
CORPORATE ADDRESS \_\_\_\_\_  
PHONE NUMBER \_\_\_\_\_

6. EMERGENCY CONTACT PERSONS (Name of person in the immediate area with keys and alarm codes that can respond if necessary, AFTER HOURS).  
Name Telephone

7. ILLINOIS DEPARTMENT OF REVENUE SALES TAX NUMBER \_\_\_\_\_

8. FEDERAL EMPLOYEE IDENTIFICATION NUMBER (FEIN) \_\_\_\_\_

9. IS THIS A HOME-BASED BUSINESS? YES  NO  IF YES, SUBMIT A COPY OF APPROVAL LETTER.

10. ANY FEDERAL, STATE OR COUNTY LICENSES OR CERTIFICATES HELD: \_\_\_\_\_

11. TYPE OF BUSINESS \_\_\_\_\_ 12. NUMBER OF EMPLOYEES – PART-TIME \_\_\_\_\_ FULL-TIME \_\_\_\_\_

12. TYPE AND LOCATION OF ANY TOXIC, FLAMMABLE, OR HAZARDOUS MATERIALS STORED AT LOCATION. \_\_\_\_\_

ATTACH EXTRA SHEET, IF NECESSARY

13. Applying for a City of O'Fallon food license? Yes  No  **IF YES, ATTACH A COPY OF THE HEALTH CERTIFICATE ISSUED BY THE ST. CLAIR COUNTY HEALTH DEPARTMENT AND REMIT \$25.00 FOR A FOOD LICENSE**

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_  
(FOR OFFICE USE ONLY)

ZONING CLASSIFICATION OF PROPERTY: \_\_\_\_\_

Date Approved for proposed use: \_\_\_\_\_  Commercial Occ. Required Date of Inspection: \_\_\_\_\_

Required  Special Use  Rezoning  Spec. Home Occ  Home Sales Office

Planning & Zoning Approval \_\_\_\_\_ Date \_\_\_\_\_

O'FALLON POLICE DEPARTMENT  
BUSINESS INFORMATION

Date \_\_\_\_\_

Business Name \_\_\_\_\_  
Address \_\_\_\_\_

Phone \_\_\_\_\_

Type of Business \_\_\_\_\_

Owner Name \_\_\_\_\_  
Address \_\_\_\_\_

Phone \_\_\_\_\_

Emergency Contacts (please list in calling order, name, address, and phone)

1. \_\_\_\_\_  
\_\_\_\_\_
2. \_\_\_\_\_  
\_\_\_\_\_
3. \_\_\_\_\_  
\_\_\_\_\_

Does business have a commercial burglar/fire alarm?                      Yes                      No  
Alarm Company \_\_\_\_\_  
Address \_\_\_\_\_  
Phone Number \_\_\_\_\_

Does the business have a safe?                      Yes                      No  
Location \_\_\_\_\_

Additional Information: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please notify the O'Fallon Police Department if any of the information changes.

By mail: 285 N. Seven Hills  
By phone: 624-4545  
By fax: 632-6370

**EXCERPT FROM THE CITY OF O’FALLON ZONING CODE FOR  
REGULATING HOME CHILD CARE FACILITIES**  
(For Informational Purposes Only)

Section 3.25 HOME CHILD CARE

1. Home child care shall be a permitted accessory use to a residential dwelling and subject to all home occupation requirements within an SR-1, SR-1B, SR-2, SR-3, MR-1, MR-2, MH-1, or MH-2 District, provided that for any home child care use for four or more children, the following site and use requirements shall be satisfied at all times:
  - (a) Any residence, which is renter-occupied, shall provide written permission from the property owner approving the use of the residence for home health care.
  - (b) Proof of licensure from the State of Illinois Department of Children & Family Services for the specified address.
  - (c) Construction of a permanent, four foot (4’) fence around all designated outdoor play areas located on the subject property. All play equipment shall be kept in good repair.
  - (d) Minimum of two (2) off-street parking spaces located on-site per facility. Adequate street access, turn-around capacity, and safe and efficient ingress and egress design so as to not interfere with neighboring properties or area traffic.
  - (e) Inspection by City staff when approved for use by state license to ensure adherence to current building codes and fire codes prior to issuance of permit.
  - (f) Number of children is limited to eight (8), including the caregiver’s own natural, adopted, or foster children, related children, and unrelated children under age 12 living in the home. This does not include facilities which receive only children from a single household.
  - (g) Hours of operation shall not exceed amounts permitted by the state license, however children received by a home child care facility must be for less than 24 hours per day.

- (h) When a home child care is in violation of certain covenants and restrictions adopted through a Homeowner's Association, Board of Trustees, or other subdivision governing body, the City does not enforce or take into account private covenants when granting home child care permits.
- (i) Employees are limited to only inhabitants of the residence in accordance with Section 3.02 Home Occupation provisions of this ordinance.
- (j) The use and site fully complies with all applicable federal, state and local laws.
- (k) An approved site plan reflecting compliance with all applicable site requirements.

No Site plan shall be approved until at least ten days after the applicant has provided written notice of the application to adjoining property owners within 100 feet of the site. Proof of such written notice and the date such notice was provided to adjoining property owners shall be provided to the City prior to approval. The zoning authorization and site plan approval may be revoked by the Director if any of the requirements herein are at any time not satisfied during Home child care use.

2. Where the facility does not fully qualify as a permitted accessory use but satisfies the general requirements for a Special Use Permit established by this Code and otherwise meets the purposes of this Section, and granting such permit is necessary to satisfy the public interest, then a home child care may be approved as an accessory use to a residential dwelling by Special Use Permit in any SR-1, SR-1B, SR-2, SR-3, MR-1, MR-2, MH-1, or MH-2 District
3. Any person aggrieved by a decision of the Planning Director in approving or denying zoning authorization for a Home Day Care and site plan as meeting the requirements set forth herein as a permitted use may be appealed to the City Council by filing a written appeal with the Director within 10 days after the decision, which shall stay such decision until Council action. Council decision on the appeal shall occur at its next regular meeting after filing of such appeal, unless the Council extends such time for good cause.

*Source: Excerpt from Ordinance # 3379*

**EXCERPT FROM THE CITY OF O’FALLON ZONING CODE  
FOR REGULATING HOME OCCUPATION BUSINESS ACTIVITIES**  
(For Informational Purposes Only)

Paragraph 117 of Div. IV “Definitions” of Article 1

- 117) Home occupation, accessory use: Activity conducted in a dwelling unit as an economic enterprise or for compensation by members of the household residing therein that is clearly incidental and secondary to the use of the dwelling unit for residential purposes. For purposes of this definition, “activity” shall be presumed to include any activity occurring in whole or part from a residence in the City that is: 1) required to be licensed by the State of Illinois, 2) operating under an incorporated entity under applicable law or required to be so incorporated, or 3) otherwise determined to be a business activity operating out of the home by the Planning Director based on the character of the activity at the location such as: (1) use of residential location on marketing or other materials, (2) customer visits, (3) signage, and (4) deliveries or other activities of a degree or nature that are not typical of purely residential uses. Home occupations shall include, but not be limited to:
- (1) Office uses, including web-based businesses;
  - (2) Art Studio or home crafts including, but not limited to quilting, sewing, jewelry making, home cooking for sale off-site;
  - (3) Teaching, with instruction limited to three (3) pupils at a time; and
  - (4) Home day care.

Section 3.02 HOME OCCUPATIONS

Home occupations are required to obtain a Home Occupation Permit, subject to compliance with all requirements herein and with such additional conditions, where applicable, as established by the Planning & Zoning Department. The Permit shall be applied for on such form as established by the Director, and shall be approved, denied, or conditioned by the Director as necessary to conform to the requirements herein. In any district where home occupations are permitted, the establishment and continuance of a home occupation shall be subject to the following requirements:

- a) Such use shall be conducted entirely within a dwelling and carried on by the inhabitants there and no others. Home occupations may not serve as a headquarters or dispatch center where employees come to the home and are dispatched to other locations.
- b) Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the residential character thereof. Client visitations to the home shall no more than the range of typical visitations for other residential uses in the area.
- c) No vehicular or pedestrian traffic generated by a home occupation shall be allowed to cause a nuisance to neighboring properties or block or interfere with the regular flow of traffic within the neighborhood.
- d) The total area used for such purposes shall not exceed the equivalent of one-half the floor area, in square feet, of the largest floor of the dwelling unit.
- e) There shall be no advertising, display or other indications of home occupation on the premises, except one unanimated, non-illuminated flat nameplate having an area of not more than one square foot may be permitted, as part of an otherwise authorized “address and Residential Occupant Sign, subject to other requirements of the Sign Code. Such nameplate must be on the building.
- f) No in-person sales transactions, such as selling stocks of merchandise, supplies, or products may be filled on the premises, provided that orders previously made by telephone or at a sales party

may be delivered or received on site subject to limits on the level of activity set forth above.

- g) There shall be no exterior storage on the premises or public right-of-way of material or equipment used in the home occupation, nor of any highly explosive or combustible material.
- h) Not more than one (1) trailer associated with the home occupation may be allowed on the premises, subject to the following requirements:
  - 1) Such trailer may not exceed 8 feet wide or 25 feet long.
  - 2) If the trailer has no visible equipment, whether it is an enclosed trailer or an empty flat bed trailer, it may be parked in the driveway. If equipment is visible, the trailer must be parked inside a garage.
  - 3) Such trailer must be able to enter and exit the premises by way of an improved, dust-free surface.
- i) The home occupation shall allow no more than one (1) commercial vehicle parking on the premises, subject to the following additional requirements:
  - 1) The commercial vehicle is limited to a passenger car, van, pickup truck or service vehicle with a License Category of B, C, or D and vehicle weight of up to 12,000 pounds.
  - 2) Parking or storage of any vehicles used as a tool in the business (tow trucks, tree removers, etc.) in connection with the home occupation is prohibited on premises, unless fully concealed in the dwelling or accessory residential building. Exception: parcels in the Agricultural zoning district will be permitted to store equipment and vehicles consistent with agricultural operations as outlined in the Zoning Code.
- j) Parking or storage of, or delivery by, heavy equipment including, but not limited to, back hoes, skid loaders, dump trucks, and other similar items on the premises, is prohibited. This shall include businesses where the home is the base of operations where heavy equipment would be dispatched from the home and would create noticeable traffic to and from the home. Exception: parcels in the Agricultural zoning district will be permitted to store equipment and vehicles consistent with agricultural operations as outlined in the Zoning Code.
- k) There shall be no noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line from any business activity and all activity shall comply with applicable building and fire codes.
- l) In addition to other restrictions, the following types of uses are also prohibited: service, repair, or painting of any motorized vehicle, including, but not limited to, motor vehicles, trailers, boats, personal watercraft, recreation vehicles, and snowmobiles where the work is done on the premises where the home occupation is located; headquarters or dispatch centers where employees or contractors arrive or depart; contracting, excavating, welding, or machine shops where the work is done on the premises where the home occupation is located; tow truck services where the tow truck is stored on site; the sale, lease, trade, or other transfer of firearms or ammunition; sale or use of hazardous materials in excess of consumer quantities packaged for consumption by individual households for personal care or household use; and any other use of residential property that is detrimental or inconsistent with the residential character of the neighborhood.
- m) Exemptions: The following home occupations shall be exempt from obtaining a Home Occupation Permit, provided that all other criteria and conditions established in this Section are complied with at all times of such accessory use:
  - 1) Mere home offices used for telecommuting to a primary off-site business location;
  - 2) Home-based direct sale of products and distribution in which any corporate activity is registered at another address and provided that (1) any sales parties or demonstrations are conducted off-site, and (2) the home-based business activity is not registered or required to be registered under the provisions of the Retailers' Occupation Tax Act (35 ILCS 120/) or Chapter 805 of the Illinois Compiled Statutes.