

**EXCERPT FROM THE CITY OF O'FALLON CODE OF ORDINANCES  
FOR REGULATING HOME OCCUPATION BUSINESS ACTIVITIES**

(For Informational Purposes Only)

**Section 158.016 DEFINITIONS.**

**HOME OCCUPATION, ACCESSORY USE.**

(1) 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:

- (a) Required to be licensed by the state;
- (b) Operating under an incorporated entity under applicable law or required to be so incorporated; or
- (c) 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.

(2) *HOME OCCUPATIONS* shall include, but not be limited to:

- (a) Office uses, including web-based businesses;
- (b) Art studio or home crafts including, but not limited to, quilting, sewing, jewelry making, home cooking for sale off-site;
- (c) Teaching, with instruction limited to three pupils at a time; and
- (d) Home day care.

**Section 158.038(B) SUPPLEMENTARY USE AND BULK REGULATIONS.**

(B) *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 Community Development 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.

- (1) 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.

- (2) 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 be no more than the range of typical visitations for other residential uses in the area.
- (3) 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.
- (4) 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.
- (5) 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 §§ [158.160](#) through [158.168](#). Such nameplate must be on the building.
- (6) 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.
- (7) 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.
- (8) Not more than one trailer associated with the home occupation may be allowed on the premises, subject to the following requirements.
  - (a) Such trailer may not exceed eight feet wide or 25 feet long.
  - (b) 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.
  - (c) Such trailer must be able to enter and exit the premises by way of an improved, dust-free surface.
- (9) The home occupation shall allow no more than one commercial vehicle parking on the premises, subject to the following additional requirements.
  - (a) 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.
  - (b) Parking or storage of any vehicles used as a tool in the business (tow trucks, tree removers and the like) 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.
- (10) 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.

- (11) 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.
- (12) 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.
- (13) 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:
- (a) Mere home offices used for telecommuting to a primary off-site business location; and
  - (b) 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 (ILCS Ch. 35, Act 120) or ILCS Ch. 805

\*For Home Daycare, also see **Section 158.038(V) Home child care** for additional regulations.