

**CITY OF DARIEN**  
**PLANNING AND ZONING COMMISSION**

Wednesday, June 7, 2023

7:00 PM

City Hall Council Chambers

1702 Plainfield Road

**AGENDA**

- 1) Call to Order
- 2) Roll Call
- 3) Regular Meeting – New Business
  - a. **Public Hearing – PZC2023-03 (PAGE 8)**  
**Short-Term Rentals**  
Petition from the City of Darien to amend the Zoning Ordinance to prohibit rentals for a period of less than thirty (30) days (i.e. short-term rentals). The proposed text amendment is for all zoning districts throughout the City.
- 4) Staff Updates & Correspondence
- 5) Approval of Minutes                      April 19, 2023
- 6) Next Meeting                                June 21, 2023
- 7) Public Comments                        [On Any Topic Related to Planning and Zoning]
- 8) Adjournment

**MINUTES  
CITY OF DARIEN  
PLANNING & ZONING COMMISSION MEETING  
Wednesday, April 19, 2023**

**PRESENT:** Lou Mallers – Chairperson, Robert Erickson, Bryan Gay, Shari Gillespie, Hilda Gonzalez, Chris Green, Chris Jackson, Julie Kasprovicz, Ralph Stompanato

**ABSENT:** None

**OTHERS:** Jordan Yanke - City Planner; Dan Gombac – Director of Municipal Services

Chairperson Lou Mallers called the meeting to order at 7:00 p.m. at the Darien City Hall, Council Chambers, 1702 Plainfield Road, Darien, Illinois. Chairperson Mallers declared a quorum present and swore in the audience members wishing to present public testimony.

**Regular Meeting – New Business**

- a. **Public Hearing – PZC2023-02 – PAGE 5 7702 Cass Avenue – Variations**  
**Petitioner (City of Darien) seeks approval for variation requests from the City’s Sign Code. The petition specifically requests to allow for the construction/installation of electronic messaging displays (i.e., LED marquee signs) to be incorporated with a freestanding ground-mount sign. The displays will be utilized for showing messages for City of Darien organizations and advertising for all business tenants located within the Darien Professional Building. Property is located within the B-1 Neighborhood Convenience Shopping District and the variation requests are from the following standards in the Sign Code: - Section 4-3-7(A)(11) General Sign Regulations - Section 4-3-7(C)(4) Illumination of Signs - Section 4-3-7(E) Placement of Signs on Lots - Section 4-3-7(F) Placement of Signs on Corner Lots - Section 4-3-10(B) Permitted Signs in Business Districts - Section 4-3-10(B)(3) Area of Permitted Ground Sign.**

Mr. Jordan Yanke, City Planner reported that the subject property is located at the southwest corner of Plainfield Road and Cass Avenue with a longstanding monument sign that served the property and was destroyed in 2022 due to an automobile accident.

Mr. Yanke reported that the City Council passed a motion directing City staff to negotiate sign, easement, landscape, and maintenance agreements with the property owner for a new marquee sign to replace the prior one and is part of additional enhancement efforts to the center of town. He reported that the new sign will maintain regular sign face advertising tenants within the office building while adding electronic messaging panels to the top of the sign. He further reported that the City will own and maintain the electronic panels and that the agreement between the property owner and City will allow for electronic messages for City of Darien organizations and advertising for all business tenants located within the Darien Professional Building at no additional cost.

Mr. Yanke reported that the display sequencing for all information will be based on a rotational basis and that the property owner shall have no entitlement to any revenue derived by the City by virtue of the advertising activities. He reported that the main objective behind the electronic panels is to provide motorists and residents information regarding City events, meetings, seasonal information, and urgent notifications. He further reported that the media content will be approved by the City of Darien for display through a third-party digital data management firm.

Mr. Yanke reported that given the proposed sign detail, location, and its electronic messaging component, a series of variations is required for the sign. He reported on the variation requests associated with the sign and each specific code section.

Mr. Dan Gombac, petitioner, City of Darien stated that this is a unique proposition allowing the City to advertise events, nonprofit organizations, and meetings as well as emergency alerts, etc. and for the businesses in the building to advertise. He stated that the City will have total control and that the City Council may consider Darien businesses in the future.

Mr. Gombac provided an overview of the sign dimensions and stated that there will be modular pillars 12 feet high and sized to optimal viewing with landscaping and a water feature and a designated shut off.

Mr. Gombac stated that they are proposing 30 seconds for the north bound and south bound traffic to see the message on Cass. He stated that they are not selling anything but providing information.

Mr. Yanke reported that previously approved signs have a 60 second messaging, but 30 seconds is proposed.

Commissioner Shari Gillespie stated that the sign has too much going on with the marquee at the top and the businesses at the bottom and that it is very distracting.

Mr. Gombac stated that the sign is at the directive of the City Council and that it is needed as most residents do not read Direct Connect and the newsletters.

Commissioner Julie Kasprovicz stated that the sign looks the same and questioned the brick color and landscaping.

Mr. Gombac stated that the landscaping will be enhanced and that the brick will be power washed.

Commissioner Gillespie questioned if the signage could be all white and not so many colors.

Commissioner Chris Jackson questioned the dimensions of the sign replacement. He stated that with the columns it is going to be 3 feet taller and that he is concerned with visibility. Commissioner Jackson also questioned the location and why not the Darien Historical Society which is center of town.

Mr. Gombac stated that the footprint is the same because of the existing base. He stated that there is a zero-foot setback to cover the wall and sign and the sign will be enclosed with a nice frame. He further stated that staff looked at other locations and that there were issues with private property, curb cuts, etc. Mr. Gombac stated that this was an opportunity and that the corner is becoming the center of town.

Commissioner Kasprovicz stated that she wished the center of town was more modern. She stated that the City is updating a sign that already looks old.

Mr. Gombac stated that the owners have a budget and that they are putting in some of their own funds. He stated that the tenants do not want to pay anything.

There was some discussion on the overall sign look. Some Commissioners expressed that the water feature was overkill.

Mr. Gombac stated that the goal is to blend it all and that it will be attractive.

Ms. Robin Kelly, stated that she was a business owner in the building. She stated that the businesses have been without a sign for a long time and that they are eagerly and anxiously waiting. Ms. Kelly stated that they are struggling because new clients cannot find them.

Mr. Gombac informed Ms. Kelly that temporary banners can be done until the sign is complete.

At 7:42 p.m. Chairperson Mallers closed the public hearing.

Commissioner Chris Green questioned the illumination of signs and if the City is considering an ordinance. He stated that he would like to see the light intensity, brightness and timing standardized.

Mr. Gombac stated that the City Council prefers to review each case separately and that the State has guidelines for lighting that need to be followed.

There was discussion regarding the sign messaging. Commissioner Kasprovicz suggested lower content during the off time with a message "Welcome to Darien" or "Drive Safely".

Commissioner Bryan Gay stated that this sign is not as negative as the last proposed sign and that he was in favor of the City controlling it. He stated that there is a lot happening on the lot line and that there needs to be some consistency with sign lettering and coloring and that he would like to see a lot of landscaping and a sign that Darien is proud of.

Commissioner Jackson stated that he is concerned over the variances and that he feels it is an incomplete idea and thought. He stated that he would prefer a bigger and wider sign elsewhere and that this location is not the best City center location.

Commissioner Hilda Gonzalez stated that Darien needs more signs and that the suggestions should be considered in the final decisions.

There was some discussion on eliminating the water feature. Mr. Gombac stated that the water feature would tie in with the other corner and that the feature is a minimal expense.

Chairperson Mallers stated that the sign is much better than what is there. He asked the Commission for recommendations and conditions.

Mr. Gombac stated that the list of conditions is related to aesthetics and is only a recommendation and that the City Council makes the final decision.

There was no one else in the audience wishing to present public comment.

**Commissioner Green made a motion, and it was seconded by Commissioner Stompanato to approve Public Hearing – PZC2023-02 – PAGE 5 7702 Cass Avenue – Variations Petitioner (City of Darien) seeks approval for variation requests from the City’s Sign Code. The petition specifically requests to allow for the construction/installation of electronic messaging displays (i.e., LED marquee signs) to be incorporated with a freestanding ground-mount sign. The displays will be utilized for showing messages for City of Darien organizations and advertising for all business tenants located within the Darien Professional Building. Property is located within the B-1 Neighborhood Convenience Shopping District and the variation requests are from the following standards in the Sign Code: - Section 4-3-7(A)(11) General Sign Regulations - Section 4-3-7(C)(4) Illumination of Signs - Section 4-3-7(E) Placement of Signs on Lots - Section 4-3-7(F) Placement of Signs on Corner Lots - Section 4-3-10(B) Permitted Signs in Business Districts - Section 4-3-10(B)(3) Area of Permitted Ground Sign with the following conditions:**

- 1. Messages will be held for at least 30 seconds.**
- 2. Messages will change all at once for all sign faces.**
- 3. Messages may display multiple colors.**
- 4. Illumination will maintain a constant light intensity or brightness.**
- 5. Illumination brightness will comply with the Sign Code.**
- 6. The electronic message board portion of the sign is limited to 30.2 square feet per side.**
- 7. The encroachment into public right-of-way (Cass Avenue) shown by the site plan/easement detail will be removed during sign installation.**

**Upon roll call vote the MOTION CARRIED 7-2. Commissioner Gay and Jackson voted nay.**

### **Staff Updates & Correspondence**

There were no staff updates or correspondence.

### **Approval of Minutes**

**Commissioner Erickson made a motion, and it was seconded by Commissioner Gillespie to approve the March 15, 2023, Regular Meeting Minutes.**

**Upon voice vote, THE MOTION CARRIED 9-0.**

**Next Meeting**

**Mr. Yanke announced that the next meeting is scheduled for May 3, 2023, at 7:00 p.m.**

**Public Comments (On any topic related to Planning and Zoning)**

There was no one in the audience wishing to present public comment.

**Adjournment**

**With no further business before the Commission, Commissioner Gay made a motion, and it was seconded by Commissioner Kasprowicz.**

**Upon voice vote, THE MOTION CARRIED unanimously, and the meeting adjourned at 8:28 p.m.**

**RESPECTFULLY SUBMITTED:**

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**Elizabeth Lahey  
Secretary**

**APPROVED:**

\_\_\_\_\_

**Lou Mallers  
Chairperson**

**AGENDA MEMO**  
**PLANNING AND ZONING COMMISSION**  
**JUNE 7, 2023**

**CASE**

PZC2023-03

Short-Term Rentals – Zoning Text Amendment

**ISSUE STATEMENT**

Petition from the City of Darien to amend the Zoning Ordinance to prohibit rentals for a period of less than thirty (30) days (i.e. short-term rentals). The proposed text amendment is for all zoning districts throughout the City.

**ATTACHMENTS**

- 1) DRAFT ORDINANCE REVISIONS (SHORT-TERM RENTALS)**
- 2) OTHER MUNICIPAL ORDINANCES**
- 3) ZONING SECTION 5A-2-2-5(G): STANDARDS FOR AMENDMENTS**

**BACKGROUND/OVERVIEW**

On April 3, 2023, the City Council heard public comment regarding short-term rentals (i.e. vacation rentals) and how they are regulated. Staff advised the city regulates use of property through the zoning ordinance and noted that the city code does not directly regulate short-term rentals or specify a minimum number of days for rental periods. For instance, if a property is zoned for single family use and contains a single family home, the code does not regulate the length in which an owner can rent the home, it only specifies that the use of the home must meet the definition of single “family” (see below). Enforcement of this definition in recent years has resulted in compliance.

*FAMILY: An individual, two (2) unrelated persons or two (2) or more persons related to the other by blood, marriage, legal adoption, or legal custody, including his or their domestic servants, maintaining a common household in a dwelling unit.*

Meeting discussion ensued and Council directed staff to prepare zoning ordinance revisions pertaining to short-term rentals. The primary component of the ordinance revision is to prohibit rentals for a period of less than thirty (30) days. After Municipal Services Committee review, the City Council made a motion on May 1, 2023, to recommend the ordinance revisions to the Planning and Zoning Commission for public hearing.

Staff has developed ordinance revisions (attached) prohibiting rentals for a period of less than thirty (30) days. These are short-term rentals by definition, and a definition for *short-term rental* is included in the document. Also attached to this memo are other municipal ordinances staff researched/used in order to formulate the proposed revisions, in addition to the standards that the Planning and Zoning Commission is to consider in recommending on the case.

**DECISION MODE**

The Planning and Zoning Commission will consider this item at its meeting on June 7, 2023.

**MEETING SCHEDULE**

Planning and Zoning Commission	June 7, 2023
Municipal Services Committee	June 26, 2023
City Council	July 3, 2023



**ZONING REGULATIONS (TITLE 5A, CHAPTER 5)**

**GENERAL PROVISIONS AND REGULATIONS**

**5A-5-16: SHORT-TERM RENTALS PROHIBITED**

In all residential, business, office and industrial districts, short-term rentals shall be prohibited. A short-term rental is defined as the following:

*Short-Term Rental:* A single-family dwelling, or a residential dwelling unit in a multi-unit structure, condominium, cooperative, timeshare or similar joint property ownership arrangement that is rented for a fee for less than 30 consecutive days. "Short-term rental" includes vacation rentals. "Short-term rental" does not include: (a) a dwelling that is used for any non-residential purpose, including educational, health care, retail, restaurant, banquet space, event center or other similar uses; (b) a bed and breakfast establishment as defined in Section 2 of the Bed and Breakfast Act; or (c) transient accommodations, including hotels and motels that are not classified as residential property for real property taxation purposes.

- (A) Any person who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provisions of this section, shall be subject to a fine of not less than one thousand dollars (\$1,000.00) nor more than two thousand five hundred dollars (\$2,500.00) for each offense. A separate offense shall be deemed committed on each day that such violation occurs or continues.
- (B) The owner or tenant of any building, structure, or land, and any other person, who commits, participates or assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

**§ 156.075 R-1 SINGLE-FAMILY DETACHED.**

(A) General conditions.

- (1) No adult-use cannabis business establishment shall be permitted.
- (2) No solar panels shall be permitted on the ground.

**(3) No short-term rental shall be permitted.**

(B) Permitted uses. The following uses are permitted:

(1) Single-family detached dwellings and permitted accessory buildings and accessory uses, including temporary sales offices for new developments.

(2) Parks and forest preserves.

(3) Home occupations in a dwelling unit, as an accessory use to a detached single-family dwelling, subject to the following restrictions:

(a) Such use shall be conducted entirely within the dwelling;

(b) Such use shall employ only members of the family residing on the premises and no more than one non-family member;

(c) Such use shall not have any sign or display, either outside or in any window of the dwelling, that will indicate from the exterior of that dwelling that it is being used for any use other than a residential dwelling;

(d) Such use shall involve no stock-in-trade or commodity that will be sold to customers who visit the premises to make purchases;

(e) Such use shall not involve the use or storage of any explosive or combustible materials, or the use of any mechanical or electrical equipment on the premises, that would create any offensive noise, vibrations, smoke, sewage, fumes, odor, heat, glare, or electrical interference, or any other noxious effects or dangers, or that would constitute a nuisance that would be noticeable at or beyond the property line;

(f) Such use shall have no separate entrance from outside the dwelling to serve the home occupation, and the area for the home occupation, including any storage, shall not utilize more than 10% of the floor area of the dwelling or 250 square feet, whichever is less;

(g) Such use shall not require any regular receipt or delivery of merchandise, goods, or equipment by any truck tractor drawing a semitrailer.

(4) Antennas as regulated by § 156.047 of this code.

(5) Day care homes, as an accessory use conducted within a detached single-family dwelling, provided that a day care home shall not be considered a home occupation but shall be subject to the following restrictions:

(a) No portion of the activities of the day care home shall be conducted in any attached or detached garage;

(b) Day care homes shall not have any sign or display, either outside or in any window, that will indicate from the exterior that the detached single-family dwelling is being used for any use other than a dwelling;

(c) If the operator of a day care home chooses to fence it yard around the play area, such fence shall be in conformance with the yard requirements for fences in § 156.039 of this code, enclose the entire perimeter of the yard, be a minimum of four feet in height, and self-closing and self-latching, with latches placed at least 42 inches above the ground.

(6) Above ground service facilities, but only in compliance with §156.051.

(7) Roof-mounted private solar collection panels.

(C) Special uses. The following uses may be allowed by special use in accordance with the provisions of §156.022 of this code.

(1) Growing of farm, garden, and plant nursery crops for profit, in the open, provided that no livestock or poultry are kept, and no offensive odors or dust are created.

(2) Day care centers and preschools, with or without kindergartens.

(3) Public uses, police and fire stations, telephone exchanges, sewage lift stations, electric substations, and other similar public service or government uses.

(4) Schools, public and private, elementary and high, including playgrounds and athletic fields auxiliary thereto.

(5) Libraries.

(6) Reserved.

(7) Freestanding antennas as regulated by § 156.047 of this code.

(8) Churches.

(9) Clubhouses and common recreational facilities accessory to single-family detached dwellings, for the sole use of residents and their guests.

(D) Minimum floor area. There shall be provided a minimum floor area as follows:

(1) Not less than 1,500 square feet, not including the basement, and not less than 800 square feet on the ground floor, for each new single-family detached dwelling, or any existing single-family detached dwelling that is enlarged or expanded by 50% or more of the existing floor area of such dwelling.

(2) No minimum floor area shall be required for a nonresidential building.

(E) Lot area and lot width. There shall be provided a minimum lot area and minimum lot width as follows:

(1) Not less than 11,000 square feet for each single-family detached dwelling hereafter erected, and a minimum lot width, measured at the established building line, of not less than 65 feet, except in the case of cul-de-sacs, where the minimum lot width, measured at the established building line shall be not less than 55 feet.

(2) Except for telephone exchanges, sewage lift stations, electrical substations, and similar public service uses, not less than 20,000 square feet for a permitted nonresidential building, and a minimum lot width, measured at the established building line, 100 feet.

(3) The area devoted to streets shall not be used in computing the lot area per dwelling unit.

(F) Yard areas. (See Appendices A and B of this chapter.) There shall be provided minimum yards as follows:

(1) Front yard:

(a) Except as provided in division (G)(2) of this section for additional building height, not less than 30 feet in depth for a lot occupied by a detached single-family dwelling.

(b) Not less than 30 feet in depth for a lot occupied by a nonresidential building, provided that there shall be a minimum front yard of not less than ten feet in depth for paved area.

(2) Side yards: A side yard on each side of the main building of not less than ten feet, except where a side yard adjoins a street, the minimum width of a side yard shall not be less than 30 feet.

(3) Rear yard:

(a) Not less than 25 feet for a lot occupied by a detached single-family dwelling.

(b) Not less than 25 feet in depth for a lot occupied by a permitted nonresidential building; provided that there shall be a minimum rear yard of not less than ten feet in depth for paved area.

(G) Maximum lot coverage. There shall be allowed a maximum lot coverage as follows:

(1) Subject to the applicable restrictions established in §156.045(B) of this code for permitted obstructions in yards, not more than 40% of the lot area may be occupied by a detached single-family dwelling and related structures, including accessory buildings, pavements, driveways, and walkways, and not more than 35% of the required front yard may be occupied by structures, as defined.

(2) Subject to the applicable restrictions established in §156.045(B) of this code for permitted obstructions in yards, not more than 70% of the lot area may be occupied by a permitted nonresidential building and related structures, including accessory buildings, signs, pavements, driveways, and walkways. No maximum front yard coverage is established for lots occupied by a permitted nonresidential building. The floor area for permitted nonresidential buildings shall not exceed 0.5.

(H) Building height. There shall be a maximum height as follows:

(1) Building height for a single-family detached dwelling shall be defined as the vertical distance measured from the average elevation at the top of the shoulder or the top of the curb along the side of the right-of-way adjacent to the building lot to the ridge, or of the average elevation of the finished grade along the front of the proposed building to the ridge.

(2) Not more than 33 feet to the ridge, and two stories facing the street and three stories to the rear if there is a walkout basement, for a single-family detached dwelling.

(3) Not more than 35 feet for a permitted nonresidential building.

(I) Visual environment. In order to conserve existing property values, to preserve the attractiveness of homes and home surroundings, to prevent erosion, to assist in stormwater and flood control, and to provide for clean air, required front yards shall be devoted primarily to landscaped area except for the necessary paving of driveways and sidewalks to reach parking in the side or rear yard. Landscaped areas shall mean that the area is primarily devoted to the growing of shrubbery, grass, and other plant material. The applicable landscaping requirements of § 156.049 shall be met for any construction of a new single-family detached residence, or construction of any addition to an existing detached single-family residence that enlarges such residence by more than 50% of its existing floor area in the R-1 Single-Family Detached Zoning District. No lighting on a residential zoning lot shall cause any glare or excessive light spillover onto any adjacent residential property

from interior or exterior lighting. All exterior lighting fixtures shall be directed or shaded to avoid casting direct light upon any adjacent residential property or into any public streets or parks. In no case shall such lighting exceed two foot candles measured at any lot line.

(Ord. 06-10, passed 7-11-06; Am. Ord. 06-23, passed 11-14-06; Am. Ord. 08-38, passed 11-11-08; Am. Ord. 19-9, passed 3-12-19; Am. Ord. 19-53, passed 11-12-19; Am. Ord. 20-29, passed 8-11-20; Am. Ord. 22-02, passed 1-11-22) Penalty, see § 156.999

### **§ 156.076 R-2 SINGLE-FAMILY ATTACHED.**

(A) General conditions.

- (1) No adult-use cannabis business establishment shall be permitted.
- (2) No solar panels shall be permitted on the ground.
- (3) No short-term rental shall be permitted.

(B) Permitted uses. The following uses are permitted:

- (1) Uses permitted in an R-1 District, except roof-mounted private solar collection panels.
- (2) Attached single-family dwellings, with not more than six dwellings in a row or building, including temporary sales offices for new developments.

(C) Special uses. The following uses may be allowed by special use in accordance with the provisions of §156.022 of this code:

- (1) Special uses permitted in an R-1 District.
- (2) Clubhouses and common recreational facilities accessory to attached single-family dwellings, for the sole use of residents and their guests.

(3) Roof-mounted private solar collection panels.

(D) Minimum floor area. There shall be provided a minimum floor area as follows:

- (1) Not less than 1,500 square feet, and not less than 800 square feet on the ground floor, for each dwelling unit in an attached single-family dwelling.
- (2) As required in the R-1 District for detached single-family dwellings.
- (3) No minimum floor area shall be required for a nonresidential building.

(E) Lot area and lot width. There shall be provided a minimum lot area and minimum lot width as follows:

- (1) Not less than 14,000 square feet for each attached single-family building with not more than two dwelling units, and a minimum lot width measured at the established building line of not less than 65 feet.
- (2) Not less than 7,000 square feet per dwelling unit for each attached single-family building with more than two dwelling units hereafter erected, and a minimum lot width measured at the established building line of not less than 75 feet.
- (3) As required in the R-1 District for detached single-family dwellings.
- (4) As required in the R-1 District for a permitted nonresidential building.
- (5) The area devoted to streets shall not be used in computing the lot area per dwelling unit.

(F) Yard areas. (See Appendices C and D of this chapter.) There shall be provided minimum yards as follows:

(1) Front yard:

(a) Single-family attached buildings:

1. Not less than 30 feet in depth on a subdivided lot, or along the exterior boundaries of a lot developed as a planned unit development.
2. Not less than a 126-foot interval of separation between adjacent single-family attached buildings if the lot is not subdivided, which interval is consistent with the required interval of separation in a subdivision based on a 66-foot right-of-way and a 30-foot front yard on either side. If the lot is not subdivided, the front yard shall be the yard between a street and the building.

(b) As required in the R-1 District for detached single-family dwellings.

(c) As required in the R-1 District for permitted nonresidential buildings.

(d) Visual environment. In order to conserve existing property values, to preserve the attractiveness of homes and home surroundings, to prevent erosion, to assist in stormwater and flood control, and to provide for clean air, required front yards shall be devoted primarily to landscaped area except for the necessary paving of driveways and sidewalks to reach

parking in the side or rear yard. Landscaped areas shall mean that the area is primarily devoted to the growing of shrubbery, grass, and other plant material.

(2) Interior side yards:

(a) Single-family attached buildings:

1. Not less than ten feet in depth on each side of a single-family attached building on a subdivided lot, or along the exterior boundaries of a lot developed as a planned unit development.

2. Not less than a 20-foot interval of separation between adjacent single-family attached buildings if the lot is not subdivided. If the lot is not subdivided, the interior side yards shall be the yards between the front yard and the rear yard on either side of the building.

(b) As required in the R-1 District for detached single-family dwellings.

(c) As required in the R-1 District for a permitted nonresidential building.

(3) Rear yard:

(a) Single-family attached buildings:

1. Not less than 30 feet in depth on a subdivided lot, or along the exterior boundaries of a lot developed as a planned unit development.

2. Not less than a 45-foot interval of separation between single-family attached buildings that are adjacent at the rear of each building if the lot is not subdivided. Not less than a 40-foot interval of separation between single-family attached buildings that are adjacent at the rear of one building and at the side of the other if the lot is not subdivided. If the lot is not subdivided, the rear yard shall be the yard opposite the street.

(b) As required in the R-1 District for permitted nonresidential buildings.

(G) Maximum lot coverage. There shall be allowed a maximum lot coverage as follows:

(1) Subject to the applicable restrictions established in §156.045(B) for permitted obstructions in yards, not more than 70% of the net lot area may be occupied by an attached single-family building, including but not limited to streets, sidewalks, driveways, signs, and parking lots, including aisles.

(2) As required in the R-1 District for detached single-family dwellings.

(3) As required in the R-1 District for permitted nonresidential buildings.

(H) Building height.

(1) No more than 35 feet in height for an attached single-family building.

(2) As required in the R-1 District for detached single-family dwellings.

(3) As required in the R-1 District for permitted nonresidential buildings.

(I) Visual environment. In order to conserve existing property values, to preserve the attractiveness of homes and home surroundings, to prevent erosion, to assist in stormwater and flood control, and to provide for clean air, a sum of money, as set forth on the approved building permits, shall be budgeted and used by the owners to purchase, plant, and maintain mature sized trees, shrubbery, grass, and other suitable landscaping upon the grounds. Plans for the installation of such landscaping shall be subject to the approval of the Director of Community and Economic Development prior to the issuance of permits. No lighting on a residential zoning lot shall cause any glare or excessive light spillover onto any adjacent residential property from interior or exterior lighting. All exterior lighting fixtures shall be directed or shaded to avoid casting direct light upon any adjacent residential property or into any public streets or parks. In no case shall such lighting exceed two foot candles measured at any lot line.

(Ord. 06-10, passed 7-11-06; Am. Ord. 06-23, passed 11-14-06; Am. Ord. 19-53, passed 11-12-19; Am. Ord. 20-29, passed 8-11-20; Am. Ord. 22-02, passed 1-11-22; Am. Ord. 22-24, passed 8-23-22) Penalty, see § 156.999

**§ 156.077 R-3 MULTIPLE-FAMILY.**

(A) General conditions.

(1) No adult-use cannabis business establishment shall be permitted.

(2) No short-term rental shall be permitted.

(B) Permitted uses. The following uses are permitted:

(1) Multiple-family dwellings and permitted accessory buildings and accessory uses, including temporary sales offices. Rental offices and property management offices shall be permitted as accessory uses if they are located within a multiple-family building, and common recreational and meeting areas shall be permitted as accessory uses for the sole use of residents and their guests, if they are located within a multiple-family building.

(2) Nonresidential uses permitted in the R-2 District.

(C) Special uses. The following uses may be allowed by special use in accordance with the provisions of §156.022 of this code:

(1) Special uses permitted in an R-2 District.

(2) Senior citizen housing.

(3) Assisted living facilities.

(4) Nursing facilities.

(5) Retail uses, not including offices, on the ground floor of a multiple-family building, as follows:

(a) Barbershops.

(b) Beauty parlors.

(c) Book and stationery stores, excluding adult book stores.

(d) Candy and ice cream stores.

(e) Drug stores.

(f) Dry cleaning and laundry service, drop-off and pick-up only.

(g) Florist shops.

(h) Convenience food markets, meat markets, bakeries, and delicatessens.

(i) Card and gift shops.

(j) Package liquor stores.

(k) Restaurants, subject to approval of a site plan and floor plan, and evidence provided by the petitioner to show that building construction and venting of odor and smoke will be provided in a manner appropriate to the type of restaurant proposed and to a multiple-family, multiple use building.

(l) Tailor shops.

(6) Freestanding rental offices and property management offices accessory to multiple-family dwellings, and freestanding clubhouses and common recreational facilities accessory to multiple-family dwellings, for the sole use of residents and their guests.

(D) Minimum floor area. There shall be provided a minimum floor area as follows:

(1) For each dwelling unit in a multiple-family building, exclusive of common halls, stairways, or other common areas:

<b><i>Dwelling Unit</i></b>	<b><i>Minimum Floor Area (sq. ft.)</i></b>
Efficiency and one-bedroom	700
Two-bedroom	900
Three-bedroom	1,050
Four or more bedrooms	1,200

Rooms designated as a den, study, library or similar use shall be counted as a bedroom in computing the minimum floor area.

(2) No minimum floor area shall be required for a nonresidential building.

(E) Lot area and lot width. There shall be provided a minimum lot area and minimum lot width as follows:

(1) Not less than 20,000 square feet for each multiple-family residential building hereafter erected and a minimum lot width measured at the established building line of 100 feet, provided that minimum lot area shall be determined as follows:

<b><i>Type of Dwelling Unit</i></b>	<b><i>Land Area Per Dwelling Unit (sq. ft.)</i></b>
3 or more bedrooms	7,260 square feet/unit
2 bedrooms	6,225 square feet/unit
1 bedroom and efficiency	5,450 square feet/unit

(2) Not less than 20,000 square feet for each multiple-family residential building erected prior to 1993 and a minimum lot width measured at the established building line of 100 feet, provided that minimum lot area shall be determined as follows:

<b>Type of Dwelling Unit</b>	<b>Land Area Per Dwelling Unit (sq. ft.)</b>
3 or more bedrooms	3,000 square feet/unit
2 bedrooms	2,400 square feet/unit
1 bedroom and efficiency	2,200 square feet/unit

(3) As required in the R-1 District for permitted nonresidential uses.

(4) The area devoted to streets shall not be used in computing the lot area per dwelling unit.

(F) Yard areas. (See Appendices B and D of this chapter.) There shall be provided minimum yards as follows:

(1) Front yard:

(a) Multiple-family buildings:

1. Not less than 30 feet in depth on a subdivided lot, or along the exterior boundaries of a lot developed as a planned unit development. One additional foot in depth shall be provided for each two feet in height for a multiple-family building that is 35 feet to 50 feet in height, and a minimum front yard of not less than 50 feet in depth shall be provided for a multiple-family building that is over 50 feet in height, as permitted, by exception, in a planned unit development pursuant to § 156.025 of this code. A minimum front yard of not less than ten feet in depth shall be provided for paved area.

2. Not less than a 126 foot interval of separation between adjacent multiple-family buildings if the lot is not subdivided, which interval is consistent with the required interval of separation in a subdivision, based on a 66-foot right-of-way and a 30-foot front yard on either side. One additional foot shall be added to the interval of separation for each two feet in height for a multiple-family building that is 35 feet to 50 feet in height, and a minimum of a 50-foot interval of separation shall be provided for a multiple-family building that is over 50 feet in height, as permitted, by exception, in a planned unit development pursuant to § 156.025 of this code. A minimum interval of separation of not less than ten feet shall be provided between paved area and the front wall of the building and a paved area shall be permitted at or behind a line 43 feet from the center line of the street pavement. If the lot is not subdivided, the front yard shall be the yard between a street and the building.

(b) As required in the R-1 District for permitted nonresidential buildings.

(c) Visual environment. In order to conserve existing property values, to preserve the attractiveness of homes and home surroundings, to prevent erosion, to assist in stormwater and flood control, and to provide for clean air, required front yards shall be devoted primarily to landscaped area except for the necessary paving of driveways and sidewalks to reach parking in the side or rear yard. Landscaped areas shall mean that the area is primarily devoted to the growing of shrubbery, grass, and other plant material.

(2) Interior side yards:

(a) Multiple-family buildings:

1. Not less than 20 feet in depth on each side of a multiple-family building if the lot is subdivided, or along the exterior boundaries of a lot developed as a planned unit development. One additional foot in depth shall be provided for each one foot in height for a multiple-family building that is 35 feet to 50 feet in height. A minimum side yard of not less than five feet in depth shall be provided for paved area.

2. Not less than a 40-foot interval of separation between adjacent multiple-family buildings if the lot is not subdivided. One additional foot shall be added to the interval of separation for each one foot in height by which the building height exceeds 30 feet. A minimum interval of separation of not less than ten feet shall be provided between paved area and the side wall of a building. If the lot is not subdivided, the interior side yards shall be the yards between the front yard and the rear yard on either side of the building.

(b) As required in the R-1 District for permitted nonresidential buildings.

(3) Rear yard:

(a) Multiple-family buildings:

1. Not less than 30 feet in depth on a subdivided lot, or along the exterior boundaries of a lot developed as a planned unit development. One additional foot in depth shall be provided for each one foot in height for a multiple-family building that is 35 feet to 50 feet in height. A minimum rear yard of not less than five feet in depth shall be provided for paved area.

2. Not less than a 60-foot interval of separation between multiple-family buildings that are adjacent at the rear of each building if the lot is not subdivided. Not less than a 50-foot interval of separation between multiple-family buildings that are adjacent at the rear of one building and at the side of the other if the lot is not subdivided. One foot shall be added to the

interval of separation for each one foot by which the building height exceeds 30 feet. A minimum interval of separation of not less than ten feet shall be provided between paved area and the rear wall of a building. If the lot is not subdivided, the rear yard shall be the yard opposite the street.

(b) As required in the R-1 District for permitted nonresidential buildings.

(G) Maximum lot coverage. There shall be allowed a maximum lot coverage as follows:

(1) Subject to the applicable restrictions established in §156.045(B) of this code for permitted obstructions in yards, not more than 70% of the net lot area may be occupied by a multiple-family building, combining building and pavement coverage, and including but not limited to streets, sidewalks, driveways, and parking lots, including aisles.

(2) As required in the R-1 District for permitted nonresidential buildings.

(H) Building height. There shall be allowed a maximum building height as follows:

(1) Not more than 50 feet in height for multiple-family buildings, except as permitted, by exception, in a planned unit development pursuant to § 156.025 of this code.

(2) As required in the R-1 District for permitted nonresidential buildings.

(I) Visual environment. In order to conserve existing property values, to preserve the attractiveness of homes and home surroundings, to prevent erosion, to assist in water and flood control, and to further provide for clean air, a sum of money, as set forth on the approved building permits, shall be budgeted and used by the owners to purchase, plant, and maintain mature sized trees, shrubbery, grass, and other suitable landscaping upon the grounds. Plans for the installation of such landscaping shall be subject to the approval of the Director of Community and Economic Development prior to the issuance of permits. No lighting on a residential zoning lot shall cause any glare or excessive light spillover onto any adjacent residential property from interior or exterior lighting. All exterior lighting fixtures shall be directed or shaded to avoid casting direct light upon any adjacent residential property or into any public streets or parks. In no case shall such lighting exceed two foot candles measured at any lot line.

(Ord. 06-10, passed 7-11-06; Am. Ord. 06-23, passed 11-14-06; Am. Ord. 19-53, passed 11-12-19; Am. Ord. 22-02, passed 1-11-22; Am. Ord. 22-24, passed 8-23-22) Penalty, see §156.999



## § 121.01 DEFINITIONS.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them as follows:

**DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT.** The Director of Community and Economic Development of the City of Oakbrook Terrace or a designee duly authorized by the Director of Community and Economic Development.

**DWELLING.** Any building or portion thereof that is designed and used exclusively for residential purposes, but not including a hotel, nursing home or other state-licensed facility.

**DWELLING, ATTACHED.** A building which was originally designed and constructed to accommodate two or more single-family dwelling units, with each dwelling unit to have its own ground floor entrance and its own living space, and with the dwelling units to be joined together by a common wall or walls.

**DWELLING, DETACHED.** A single-family dwelling unit that does not share a common wall with any other dwelling unit and is surrounded on all sides by open space that is located on the same lot.

**DWELLING, MULTIPLE-FAMILY.** A building containing three or more dwelling units, with more than one of the dwelling units connecting to a common corridor or entranceway.

**DWELLING, SINGLE-FAMILY.** A building designed for or occupied exclusively by one family.

**DWELLING UNIT.** One or more rooms in a dwelling that are occupied or intended to be occupied as separate independent living quarters by a single family, with facilities for cooking, living, eating, sleeping and sanitary uses, including a detached dwelling, a single unit in an attached dwelling, or a single unit in a multiple-family dwelling.

**FAMILY.** One or more persons related by blood, marriage, or adoption, occupying a dwelling unit as an individual housekeeping organization; provided that such a family may include not more than two persons who are not related by blood, marriage, adoption, or foster care as regulated by the state; and further provided that not more than three persons who are not related by blood, marriage or adoption may also be considered a family.

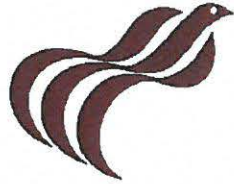
**MANAGING AGENT.** Any person or firm, acting for another, with authority to rent, manage, or make expenditures related to a dwelling unit.

**OWNER.** The record owner of any property in the city on which a rental dwelling is located.

**RENTAL DWELLING.** Any dwelling unit which is not owner-occupied, and which is either rented or leased, or for which the owner is otherwise compensated by others, whether through a managing agent or in some other manner; provided that a dwelling in which a single room is rented or in which a dwelling unit is shared between the property owner and others shall not be deemed a rental dwelling; and further provided that, for purposes of this chapter only, a rental dwelling shall not include multiple-family dwellings in a building with more than seven dwelling units under single ownership and shall not include a short-term rental.

**SHORT-TERM RENTAL.** A single-family dwelling, or a residential dwelling unit in a multi-unit structure, condominium, cooperative, timeshare or similar joint property ownership arrangement that is rented for a fee for less than 28 consecutive days. "Short-term rental" includes vacation rentals. "Short-term rental" does not include: (a) a dwelling that is used for any non-residential purpose, including educational, health care, retail, restaurant, banquet space, event center or other similar uses; (b) a bed and breakfast establishment as defined in Section 2 of the Bed and Breakfast Act; or (c) transient accommodations, including hotels and motels that are not classified as residential property for real property taxation purposes.

(Ord. 07-17, passed 10-23-07; Am. Ord. 17-26, passed 11-28-17; Am. Ord. 22-02, passed 1-11-22; Am. Ord. 22-24, passed 8-23-22)



VILLAGE OF  
**SCHILLER PARK**

# **PAMPHLET**

**PUBLICATION OF**  
**ORDINANCE NO. 18-4109**

**AN ORDINANCE OF THE VILLAGE OF SCHILLER PARK, COOK COUNTY,  
ILLINOIS, AMENDING CHAPTER 120 OF TITLE ELEVEN OF THE  
NEW MILLENNIUM CODE OF THE VILLAGE OF SCHILLER PARK  
TO PROHIBIT SHORT TERM RENTAL UNITS**

**An Ordinance of the Village of Schiller Park, Cook County,  
Illinois, Amending Chapter 120 of Title Eleven of the  
New Millennium Code of the Village of Schiller Park  
to Prohibit Short Term Rental Units**

**following passage and approval on December 20, 2018  
for the inspection, use, and examination by the public.**

**Filed in the Office of:  
Rosa Jos, Clerk  
Village of Schiller Park**

**ORDINANCE NUMBER 18-4109**

**AN ORDINANCE OF THE VILLAGE OF SCHILLER PARK, COOK COUNTY,  
ILLINOIS, AMENDING CHAPTER 120 OF TITLE ELEVEN OF THE  
NEW MILLENNIUM CODE OF THE VILLAGE OF SCHILLER PARK  
TO PROHIBIT SHORT TERM RENTAL UNITS**

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**WHEREAS**, the Village of Schiller Park, Cook County, Illinois (the “*Village*”) is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the “*Home Rule Powers*”); and

**WHEREAS**, the President and Board of Trustees of the Village of Schiller Park (the “*Corporate Authorities*”) are charged with the responsibility of protecting the health, safety and welfare of the residents of the Village; and

**WHEREAS**, the Corporate Authorities may from time to time amend the text of the New Millennium Code of the Village of Schiller Park when it is determined to be in the best interests of the residents of the Village; and

**WHEREAS**, the Corporate Authorities determined that it is necessary to address short term rentals of residential properties located within the Village due to the significant negative impacts that short term rentals have on adjacent neighbors and other nearby properties; and

**WHEREAS**, the Corporate Authorities find that short term rentals of residential properties are not in harmony with the character of surrounding properties and neighborhoods due to the high intensity of transient guests who have little, if any, connection to nearby properties and that said rentals have the potential to reduce the availability of on-street parking for adjacent residents due to a lack of suitable on-sight parking or other parking arrangements; and

**WHEREAS**, the Corporate Authorities find that numerous short term rentals of residential properties are likely to decrease the values of other properties in the neighborhood, unnecessarily burden Village services and reduce the availability of affordable long-term rental housing; and

**WHEREAS**, the Corporate Authorities find that short term rentals of residential properties lead to overcrowding in residential structures not properly equipped with the necessary health, safety and building code requirements needed to safeguard and protect residents and further increases the risk of excessive noise, litter, light pollution, criminal activity, and other nuisance activities occurring in the Village due to the nature of said rentals; and

**WHEREAS**, the Corporate Authorities find that prohibiting short term rentals of residential properties will not interfere with the ability of transient guests and travelers to find lodging in the Village as numerous motels and hotels are located in the Village's non-residential zoning districts, which have ample rooms constructed for such activities and services available for short term rental purposes; and

**WHEREAS**, the Corporate Authorities have further determined that it is in the best interest of the health, safety and welfare of the residents of the Village to prohibit short term rentals of residential properties as herein specified.

**NOW, THEREFORE, BE IT ORDAINED** by the Village President and Board of Trustees of the Village of Schiller Park, Cook County, Illinois, by and through its Home Rule Powers, as follows:

**Section 1.** That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

**Section 2.** Chapter 120 (“*Lodging*”) of Title XI (“*Business Regulations*”) of the New Millennium Code of the Village of Schiller Park is hereby amended by inserting the following underlined language to read, as follows:

**SHORT TERM RENTAL UNITS**

**§ 120.100 PURPOSE.**

The purpose of this subchapter is to protect and preserve the quiet enjoyment of residential properties and neighborhoods within the Village and to mitigate or eliminate adverse secondary effects the Village and its residents may experience by reason of short term rentals of residential structures in the Village, including, but not limited to, excessive noise, litter, and light pollution; overcrowded parking; and criminal activity.

**§ 120.101 DEFINITIONS.**

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**SHORT TERM RENTAL UNIT.** All or part of a residential principal structure or residential dwelling unit located in a residential zoning district, being leased, rented, loaned, offered for rent, hired out, licensed, or otherwise let as an accessory use or occupancy to a person or persons other than the owner of the subject property or a family member of the owner thereof, whether or not the permission of such occupancy is in exchange for consideration therefore, for a period or term that is less than thirty (30) consecutive days. The term “short term rental unit” shall also include a dwelling unit, temporary structure, or accessory structure, or part thereof, used for overnight accommodation that is available for rent by transient guests for a period or term that is less than thirty (30) consecutive days. The term “short term rental unit” shall not include a hotel or motel located in a commercial zoning district licensed by the Village.

**§ 120.102 SHORT TERM RENTAL UNITS RESTRICTED; EXCEPTIONS.**

(A) Except as otherwise provided herein, leasing, renting, loaning, hiring out, licensing, or letting; offering or inviting the leasing, renting, loaning, hiring out, licensing, or letting; or otherwise permitting a short term rental unit or occupancy thereof for a period or term that is less than thirty (30) consecutive days shall be prohibited, and such conduct shall be prohibited, whether engaged in or participated in by the owner of the property, one or more agents of the property owner, or by any person leasing, or seeking to lease as a lessor, or renting or seeking to rent as lessee or otherwise occupy a premises, or part thereof, as tenant or temporary occupant thereof.

(B) Dwellings, or parts thereof, shall not be leased, rented, loaned, hired out, licensed, let, or otherwise permitted to be occupied more than two (2) times during any consecutive twelve

(12) month period other than by the same tenant unless the rental agreement therefore has been terminated by reason of a tenant default.

(C) Whether or not consideration is exchanged for the lease, rental, loan, hiring out, licensing, or letting of a premises shall not affect the fact that the occupancy thereof is treated as a short term rental unit for the purposes of this subchapter if the definition thereof is otherwise applicable to such activity.

(D) The term of any lease or occupancy agreement which has satisfied the minimum term required by this subchapter may be extended on a month-to-month basis on the condition that the tenant or tenants remain the same.

(E) The prohibition on short term rental units shall not apply when the immediately preceding owner of a property maintains possession of the dwelling unit after closing on a real estate transaction for the sale thereof and leases said property back from the successor owner for a period of time pursuant to a written agreement.

### **§ 120.103 PENALTIES.**

(A) Notwithstanding anything otherwise provided in this Code to the contrary, any person found guilty of violating any provision of this subchapter shall be subject to a mandatory fine of not less than one hundred dollars (\$100.00) per day, nor more than seven hundred fifty dollars (\$750.00) per day. Unless exempted by this subchapter, each day a residential principal structure, residential dwelling unit, temporary structure, or any accessory structure, or part thereof, is offered for rent as a short term rental unit; is leased, rented, loaned, hired out, licensed, or let as a short term rental unit; or is occupied as a short term rental unit shall constitute a separate violation of this subchapter. Without any limitation on the foregoing, each day a violation of this subchapter occurs or continues shall be a separate offense, and each such offense shall be subject to not less than the minimum mandatory daily fine.

(B) The restrictions contained in this subchapter shall be interpreted as minimum standards, and shall be in addition to any other applicable Village ordinances and requirements that apply to short term rental units or the properties on which they are located.

**Section 3.** The prohibition against short term rental units as set forth in Section 2 shall not take effect until ninety (90) days after the effective date of this Ordinance.

**Section 4.** If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

**Section 5.** All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 6.** This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

*(Intentionally Left Blank)*

**ADOPTED** by the Board of Trustees of the Village of Schiller Park, Cook County, Illinois this 20<sup>th</sup> day of December 2018, pursuant to a roll call vote, as follows:

**AYES:** Trustees Diaz, Klug, Golembiewski, Deegan, Lima, and Gorzynski

**NAYES:** None

**ABSENT:** None

**APPROVED** by the President of the Village of Schiller Park, Cook County, Illinois on this 20<sup>th</sup> day of December 2018.



NICK CAIAFA  
VILLAGE PRESIDENT

ATTEST:



ROSA JOS  
VILLAGE CLERK

(SEAL)



**ORDINANCE NO. 20 – 087**

**AN ORDINANCE ADDING CHAPTER 18 (SHORT-TERM RESIDENTIAL RENTALS)  
OF TITLE 3 (BUSINESS AND LICENSE REGULATIONS)  
OF THE NAPERVILLE MUNICIPAL CODE**

**RECITALS**

- A. WHEREAS**, the rental of residential homes within the corporate limits of the City of Naperville as a commercial enterprise has resulted in instances of significant negative impact on neighboring properties and their residents; and
- B. WHEREAS**, short-term residential rentals are often used for gatherings and parties by occupants and attendees who have no connection to the neighborhood, which gatherings and parties subject adjoining property owners and neighborhoods to a constant turn-over of occupants and visitors attending events at such properties, along with excessive noise, traffic, and spillover parking; and
- C. WHEREAS**, short-term residential rentals have also been the sites of volatile and at times violent activity in neighboring municipalities and across the country; and
- D. WHEREAS**, the City of Naperville is a home rule unit of local government and may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals, and welfare; and
- E. WHEREAS**, the Naperville City Council has determined that it is appropriate to add a new Chapter 18 (Short-Term Residential Rentals) to Title 3 (Business and License Regulations) prohibiting the use of residential properties for short term rental purposes as set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule authority, as follows:**

**SECTION 1:** The Recitals set forth above are incorporated herein and made part hereof as though fully set forth in this Section 1.

**SECTION 2:** Chapter 18 (Short-Term Residential Rentals) of Title 3 (Business and License Regulations) of the Naperville Municipal Code is hereby amended by adding the Chapter and language, as follows:

**TITLE 3 (BUSINESS AND LICENSE REGULATIONS)**

**CHAPTER 18 – SHORT-TERM RESIDENTIAL RENTALS**

**SECTION:**

**3-18-1: - DEFINITIONS:**

The following words and phrases shall, for the purposes of this Chapter, have the meanings respectively ascribed to them by this Section, as follows:

<b>RESIDENTIAL STRUCTURE:</b>	A residential structure located in a residential zoning district within the corporate limits of the City of Naperville, as residential districts are defined in Title 6 hereof (Zoning Regulations), as amended from time to time.
<b>SHORT-TERM RESIDENTIAL RENTAL:</b>	A Residential Structure, as defined herein, offered for rent for a period which does not exceed thirty (30) consecutive days. The term "Short-Term Residential Rental" or shall not include hotels, bed and breakfast establishments, or boarding facilities as those terms are defined in Title 6 hereof (Zoning Ordinance) as amended from time to time.
<b>SHORT-TERM RESIDENTIAL RENTAL PROPERTY OWNER:</b>	The individual or entity which has title to the property which is the subject of a Short-Term Residential Rental.

**3-18-2: - PURPOSE AND APPLICABILITY:**

It is the intent and purpose of this Chapter (Short-Term Residential Rentals) to preserve the character and integrity of residential neighborhoods within the City by prohibiting Residential Structures from being used for the commercial purpose of providing Short-Term Residential Rentals.

**3-18-3: - SHORT-TERM RESIDENTIAL RENTALS PROHIBITED:**

1. It shall be unlawful for any person or entity to operate, use, offer for rent or use, or advertise for rent or use, any property within the City of Naperville as a Short-Term Residential Rental, except as set forth in Section 3-18-3:2 below.
2. Notwithstanding the provisions set forth in Section 3-18-3:1 above, it shall not be considered a Short-Term Residential Rental when the preceding owner of a property maintains possession of a Residential Structure after closing for the sale thereof, but leases the property back from the successor owner for a period of time pursuant to a written agreement.

**3-18-4: - PUBLIC NUISANCE DECLARED:**

Operation of any Short-Term Residential Rental within the City of Naperville in violation of the provisions of this Chapter may be deemed a public nuisance and abated pursuant

to all available remedies, including but not limited to injunctive relief. In addition to the penalties provided for herein, the City of Naperville shall be entitled to receive from the Short-Term Residential Rental Owner reimbursement for the cost of the City's reasonable attorney fees, costs and expenses incurred by the City of Naperville to abate a Short-Term Residential Rental operating as a public nuisance.

### **3-18-5: - PENALTIES:**

Any Short-Term Residential Rental Owner or other person or entity who violates any of the provisions set forth or referenced in this Chapter, shall be subject to the following penalties:

1. A fine of one thousand dollars (\$1,000.00) for a first offense within a 12-month period, and a fine of two thousand five hundred dollars (\$2,500.00) for a second or subsequent offense within a 12-month period.
2. Each day that a violation of this Chapter continues shall be considered a separate and distinct offense and a fine shall be assessed for each day a provision of this Chapter is found to have been violated. Notwithstanding the forgoing, the escalation of fines as set forth above shall not occur until a prior adjudication of a violation against the same individual or entity has been entered.
3. Continued violations of this Chapter are subject to an injunction to enforce this Chapter.

### **3-18-6: NOTICE OF VIOLATION:**

The notice of a violation of the provisions set forth or referenced in this Chapter shall be served in any of the following manners:

1. Personal service of process by handing the notice of violation to the respondent, or their employees or agents, by any authorized City of Naperville official, police officer; or code enforcement officer.
2. Personal service of process as authorized by the Illinois Code of Civil Procedure, 735 ILCS 5/2-203.
3. Mailing the notice by certified mail, return receipt requested to the respondent's last known address, or in the case of a business, to the address for the registered agent or the address for its principal place of business.
4. Emailing the notice to the Short-Term Residential Rental Owner's last known email address when the respondent is the Short-Term Residential Rental Owner.
5. Posting the notice upon the property where the violation is found when the respondent is the Short-Term Residential Rental Owner.

**SECTION 3:** This Ordinance shall take effect on September 1, 2020 except as follows:

A property owner that can demonstrate to the City Attorney that a rental agreement was fully executed prior to August 19, 2020 permitting the use and occupancy of a Naperville residential property as a short-term rental for dates up to and including October 19, 2020 shall be considered a pre-existing short-term residential rental (hereinafter "Pre-Existing Short-Term Rental"). For said Pre-Existing Short-Term Rentals, the residence may continue to be used as previously agreed upon through said rental agreement, even if said use is found to be in violation of the new provisions of Chapter 18 (Short-Term Residential Rentals) of Title 3 (Business and License Regulations). Any rental agreements executed prior to August 5, 2020 that would permit occupancy of a residence as a short-term rental on or after October 20, 2020, or any rental agreement executed on or after August 5, 2020, shall be required to comply with all provisions of Chapter 18 (Short-Term Residential Rentals) of Title 3 (Business and License Regulations).

PASSED this 18<sup>th</sup> day of August, 2020.

AYES: CHIRICO, BRODHEAD, COYNE, GUSTIN, HINTERLONG, KELLY,  
KRUMMEN, SULLIVAN, WHITE

APPROVED this 19<sup>th</sup> day of August, 2020.

  
Steve Chirico  
Mayor

ATTEST:

  
Grace Michalak  
Records Clerk



# ATTACHMENT (3): STANDARDS FOR AMENDMENTS

## 5A-2-2-5: AMENDMENTS:

(G) Standards: The Plan Commission shall consider the following factors and other pertinent factors in developing a recommendation for the City Council:

1. Existing uses of property within the general area of the property in question, and the resulting character of the general area;
2. The zoning classifications of property within the general area of the property in question;
3. The suitability of the property in question to the uses permitted under the existing zoning classification including consideration of the length of time the property has been vacant as zoned;
4. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classifications and the impact to surrounding property likely to result from the proposed use;
5. The reduction in value of the subject property resulting from the particular zoning restriction as compared to the gain to the public if the property remains restricted; and
6. The policies of all current official plans or plan elements of the City.