

CITY OF WEST CHICAGO

ORDINANCE NO. 21-O-0002

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF
THE CITY OF WEST CHICAGO – APPENDIX A
ARTICLES IV, VI, AND IX OF THE ZONING CODE RELATING TO
SHORT-TERM HOME RENTALS**

**ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF WEST CHICAGO
March 15, 2021**

Published in pamphlet form by the authority of the City Council of the City of West Chicago,
DuPage County, Illinois, on the 16th day of March, 2021.

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WHEREAS, the City does not currently have any codes to regulate the use of a single-family home as a Short-Term Home Rental; and

WHEREAS, this type of rental has become prevalent throughout the region; and

WHEREAS, Short-Term Home rentals provide an economic benefit to the community and should be permitted in residential districts; and

WHEREAS, when left unregulated, however, Short-Term Home Rentals pose a risk to the health, safety, morals, and well-being of the community; and

WHEREAS, the City Council believes it is in the best interest of the City to add, define and regulate the use of Short-Term Home Rentals to the Zoning Code; and

WHEREAS, Notice of Public Hearing on said text amendment was published in the Daily Herald on or about November 16, 2020 and January 18, 2021, as required by the ordinances of the City of West Chicago and the statutes of the State of Illinois; and

WHEREAS, a Public Hearing was conducted by the Plan Commission/Zoning Board of Appeals of the City of West Chicago on December 1, 2020, February 2, 2021, and March 2, 2021 pursuant to said Notice; and

WHEREAS, at the Public Hearing all interested parties had an opportunity to be heard; and

WHEREAS, the corporate authorities of the City of West Chicago have received the recommendation of the Plan Commission/Zoning Board of Appeals which contains specific findings of fact, pursuant to Recommendation No. 21-RC-0005, a copy of which is attached hereto as Exhibit “A” which is, by this reference, made a part hereof.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of West Chicago, Du Page County, Illinois, in regular session assembled, as follows:

Section 1. That Section 4.1 – Construction of Terms, of Article IV, Appendix A, of the Code of Ordinances of the City of West Chicago, be amended to add the following defined terms:

Short-Term Home Rental: An owner-occupied residential dwelling that is contracted for overnight stay by a Short-Term Home Rental Owner to a Short-Term Home Rental Guest, subject to the requirements set forth in Article VI, “Zoning Districts Generally”, of the West Chicago Zoning Code.

Short-Term Home Rental Contract: A written agreement between a Short-Term Home Rental Owner and a Short-Term Home Rental Guest, facilitated through a Short-Term Home Rental Hosting Platform, that contains the terms and conditions for overnight stays by the Short-Term Home Rental Guest in the Short-Term Home Rental.

Short-Term Home Rental Guest: A person who rents or occupies a Short-Term Home Rental for overnight stay through a Short-Term Home Rental Contract with a Short-Term Home Rental Owner. The singular shall include the plural.

Short-Term Home Rental Hosting Platform: A marketplace entity, in whatever form or format, which facilitates Short-Term Home Rentals through advertising, matchmaking or other means, using any medium or facilitation, or from which the operator of the housing platform derives revenue, including booking fees or advertising revenues for providing or maintaining the marketplace information.

Short-Term Home Rental License: An approval from the City of West Chicago authorizing an owner-occupied residential dwelling to be used as a Short-Term Home Rental.

Short-Term Home Rental Owner: A person or legal entity holding the deed of a residential dwelling unit, serving as their primary residence, and used as a Short-Term Home Rental in accordance with the requirements set forth in Article VI, "Zoning Districts Generally", of the West Chicago Zoning Code. The singular shall include the plural.

Section 2. That Article VI, Appendix A, of the Code of Ordinances of the City of West Chicago be amended to add the following section:

Section 6.28. - Short-Term Home Rentals.

- (A) A Short-Term Home Rental shall be the owner-occupied dwelling where the Short-Term Home Rental Owner has the deed to the property and where the Short-Term Home Rental Owner resides at least 183 days every calendar year.
- (B) A Short-Term Home Rental Owner may not have more than one (1) Short-Term Home Rental within the corporate limits of the City of West Chicago.
- (C) A Short-Term Home Rental Owner shall use a Short-Term Home Rental Hosting Platform to market and make the Short-Term Home Rental with the Short-Term Home Rental Guest.
- (D) All Short-Term Home Rentals shall comply with the applicable life safety codes of the City of West Chicago. It will be the obligation of the Short-Term Home Rental Owner to determine whether the property complies with the City's life safety codes prior to advertising the Short-Term Home Rental's availability on a Short-Term Home Rental Hosting Platform.
- (E) The minimum rental period for a Short-Term Home Rental shall be no less than three (3) consecutive days and no more than thirty (30) consecutive days. A Short-Term Home Rental shall not be used by the same Short-Term Home Rental Guest consecu-

tively. Prima facie evidence that a rental satisfies the three-day minimum requirement shall be the per-day rental amount listed on the Short-Term Rental Hosting Platform, multiplied by three (3). Short-Term Home Rentals shall not be discounted to avoid the three-day minimum requirement.

- (F) Prior to advertising the Short-Term Home Rental on a Short-Term Home Rental Hosting Platform, the Short-Term Home Rental Owner shall obtain a Short-Term Home Rental License from the City of West Chicago. A Short-Term Home Rental Owner shall submit an application for a Short-Term Home Rental License on a form prepared by and available from the Zoning Administrator. The application shall require the identity of the Short-Term Home Rental Owner including permanent address, telephone number, a secondary emergency contact person's name, address and telephone number, and the identity of and contact information for the Short-Term Home Rental Hosting Platform to be utilized.
- (G) Prior to the issuance of a Short-Term Home Rental License, the Short-Term Home Rental shall be inspected by the City of West Chicago and found to be in compliance with the City's life safety codes.
- (H) The Short-Term Home Rental License shall remain effective for a period of twelve (12) months and be subject to twelve (12) month renewals thereafter. Short-Term Home Rental Licenses shall not run with the land and are not transferrable.
- (I) A copy of the Short-Term Home Rental License shall be posted in a conspicuous location in the Short-Term Home Rental.
- (J) Each initial Short-Term Home Rental License and renewal thereof shall be subject to the applicable fees specified in the Fee Schedule contained in Appendix G of the West Chicago Municipal Code.
- (K) Short-Term Home Rentals shall be permitted in all Residential Zoning Districts when located in a single-family detached dwelling. Short-Term Home Rentals shall require a Special Use Permit when located in a single-family attached dwelling, such as a townhome, or in a two-family dwelling unit. Short-Term Home Rentals are prohibited in condominium units and apartment units.
- (L) Each Short-Term Home Rental shall contain bedrooms, as defined by Section 7-26 of Chapter VII of the West Chicago Code of Ordinances, to accommodate the overnight stay of each Short-Term Home Rental Guest. Short-Term Home Rentals shall allow a maximum occupancy of two (2) persons per bedroom, but in no event shall there be more than ten (10) persons at any one time within the Short-Term Home Rental dwelling.

(M) Utilizing a Short-Term Home Rental solely for the purpose of hosting a party is prohibited.

(N) All Short-Term Home Rentals shall be subject to a Short-Term Home Rental Contract identifying the names, addresses, and telephone numbers of the Short-Term Home Rental Owner, the Short-Term Home Rental Guests, and the Short-Term Home Rental Hosting Platform. The Short-Term Home Rental Owner or the Short-Term Home Rental Hosting Platform shall be responsible for determining the identification information, and the accuracy of that information, of the Short-Term Home Rental Guests. The Short-Term Home Rental Contract shall require that the Short-Term Home Rental Guests include a copy of their drivers' licenses, exclusive of the drivers' license numbers, which may be redacted, or other state issued I.D.

(O) The Short-Term Home Rental Owner shall provide a copy of the Short-Term Home Rental Contract to the City of West Chicago if requested by a representative of the West Chicago Police Department, based upon a disturbance complaint or other complaint of criminal activity occurring at the Short-Term Home Rental property during the term the of Short-Term Home Rental Contract.

(P) The Short-Term Home Rental Contract shall require that all parking for the Short-Term Home Rental be contained on a paved surfaced, entirely on the property of the Short-Term Home Rental. No off-site nor on-street parking shall be permitted overnight.

Section 3. That Sections 9.1(C), 9.1-1(C), 9.2-3, 9.3-3, 9.4-3, 9.5-3, 9.6-3, and 9.7-3, of Article IX, Appendix A, of the Code of Ordinances of the City of West Chicago be amended to add the following use category to the list of permitted uses in the aforesaid sections:

Short-Term Home Rentals, when located in a Single-Family Detached Unit, subject to the requirements in Section 6.28 of this Code.

Section 4. That Section 9.7-4 – Special Uses, of Article IX, Appendix A, of the Code of Ordinances of the City of West Chicago be amended to add the following use category to the list of Special Uses:

Short-Term Home Rentals, when located in a Single-Family Attached Unit, such as a townhome, or in a Two-Family Dwelling Unit, subject to the requirements in Section 6.28 of this Code.

Section 5. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

Section 6. That this Ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as provided by law.

PASSED this 15th day of March, 2021.

Alderman Beifuss	<u>Aye</u>	Alderman Chassee	<u>Aye</u>
Alderman Sheehan	<u>Aye</u>	Alderman Brown	<u>Aye</u>
Alderman Hallett	<u>Aye</u>	VACANT	
Alderman Birch-Ferguson	<u>Aye</u>	Alderman Dimas	<u>Aye</u>
Alderman Swiatek	<u>Absent</u>	Alderman Garling	<u>Aye</u>
Alderman Stout	<u>Aye</u>	Alderman Short	<u>Aye</u>
Alderman Jakabcsin	<u>Aye</u>	Alderman Morano	<u>Aye</u>

APPROVED as to form:

Patricia R. Boring
City Attorney

APPROVED THIS 15th day of March, 2021.

Rubén Pineda
Mayor Ruben Pineda

ATTEST:

Nancy M. Smith
City Clerk Nancy M. Smith

PUBLISHED: March 16, 2021

EXHIBIT “A”

RECOMMENDATION # 21-RC-0005

TO: The Honorable Mayor and City Council

SUBJECT: PC 20-17
Zoning Text Amendment for the regulations of Short-Term Home Rentals.

DATE: March 2, 2021

DECISION: The motion to approve the amendment was approved by a vote of four (4) “yes” and three (3) “no”.

RECOMMENDATION:

After a review of the proposed text amendment as presented, the Plan Commission/Zoning Board of Appeals finds that the proposed amendment does not pose a threat to the health, safety and welfare of the community. It is the Commission’s opinion that the proposed amendment will be beneficial to the City of West Chicago.

The amendment is in keeping with the purpose of the Zoning Code. The Plan Commission is of the opinion that this proposed amendment will protect, promote, and improve the public health, safety, morals, convenience, order, appearance, prosperity and the general welfare of the citizens of West Chicago community.

Respectfully submitted,

Barbara Laimins
Chairperson

VOTE:

<u>For</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
Hale	Laimins		
Devitt	Henkin		
Kasprak	Banasiak		
Dettman			

STATE OF ILLINOIS)
COUNTY OF DU PAGE)

CERTIFICATE

I, Nancy Smith, Certify that I am the duly elected and acting City Clerk of the City of West Chicago, DuPage County, Illinois.

I further certify that on March 15, 2021 the Corporate Authorities of such municipality passed and approved Ordinance No. 21-O-0002 entitled:

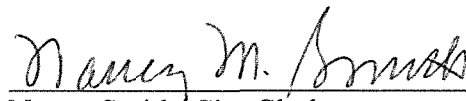
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Which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 21-O-0002 including the ordinance and a cover sheet hereof was prepared, and a copy of such ordinance posted in the municipal building, commencing on March 16, 2021 continuing for at least ten days thereafter. Copies of such ordinance were also available for public inspection upon request in the Office of the City Clerk.

Dated at West Chicago, Illinois, this 15th of March, 2021.

SEAL

Nancy Smith, City Clerk