

VILLAGE OF HOFFMAN ESTATES

**AN ORDINANCE AMENDING SECTIONS 7-8-11, 8-11-4, 8-13-1, AND 9-2-1, OF THE
HOFFMAN ESTATES MUNICIPAL CODE (SHORT TERM RENTALS)**

WHEREAS, the Planning and Zoning Commission, at a public hearing duly called and held according to law on June 1, 2022, considered the question of amending the text of the Hoffman Estates Municipal Code to provide a definition and regulations of Short Term Rentals; and

WHEREAS, the Planning and Zoning Commission made certain Finding of Fact attached hereto and made a part hereof as Exhibit "A" and recommended approval of the text amendments to the Board of Trustees; and

WHEREAS, the Corporate Authorities have received and considered said recommendation of said Planning and Zoning Commission, find and believe it to be in the best interests of the Village that such a text amendments be made.; and

WHEREAS, the proposed text amendments have met the standards of Section 9-1-17 of the Zoning Code of the Hoffman Estates Municipal Code.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Hoffman Estates, Cook and Kane Counties, Illinois, as follows:

Section 1: That Section 7-8-11, Miscellaneous, of Chapter 7, OFFENSES AND PUNISHMENT, of the Hoffman Estates Municipal Code be and is hereby amended to read as follows:

Sec. 7-8-11. Miscellaneous.

- A. *Forest Preserves.* Persons using the Forest Preserves within the Village of Hoffman Estates shall obey all laws and regulations promulgated by the Cook County Forest Preserve District.
- B. *Grease Containers.* Storage of grease in 55 gallon containers shall be approved provided that they are stored on a concrete or asphalt slab; the outside container kept clean and free from grease; a tight-fitting lid is used to prevent odor or the entrance of insects or rodents; is placed in such a location as not to create a nuisance and is approved by the Department of Code Enforcement.
- C. *Barefoot Persons in Establishments.* It shall be unlawful for any person while barefoot to enter any premises open to the public where food is sold, displayed or consumed. Barefoot persons in non-food establishments are prohibited provided a sign is posted on the door in clear view stating such prohibition.
- D. *Bees.* It shall be unlawful for anyone to keep bees in the Village.
- E. *Removal of Snow.* It shall be the duty of all owners or occupants of any business premises to keep the sidewalks abutting the premises free from snow and other obstructions.
- F. *Elimination of Rodent Harborages.* It shall be unlawful to cause to accumulate in any area, debris, junk or materials of any kind in such quantities and in such condition as to constitute an undesirable nuisance, or which may serve as harborage for rodents, or the breeding of mosquitos and other insects.
- G. *Parking Lots.* Parking lots shall be in good repair and shall maintain proper water drainage as otherwise required by the Hoffman Estates Municipal Code.
- H. *Debris Accumulation.* It shall be unlawful to cause to accumulate in any area, debris of any kind, or to allow to remain on any premises any debris of any kind in such quantities and in such condition to constitute an undesirable nuisance.
- I. *Subdivision Street Snow Removal.* It shall be unlawful for any developer and/or subdivider to fail to reasonably clear ice and snow from improved streets that have not yet been accepted by the Village within eight hours after a snowfall of two inches or more has occurred.
- J. *Fire Lane Snow Removal.* It shall be unlawful for any owner of private property with designated fire lanes to fail to reasonably clear ice and snow from said fire lanes within eight hours after a snowfall of two inches or more has occurred.

- K. *Delivery Hours.* It shall be a nuisance and, therefore, unlawful for any person to disturb the peace and quiet of the village by making commercial deliveries prior to the hours stated below at the following commercial sites that abut residential properties:
1. Jewel-Osco, 1485 Palatine Road - Prior to 7:00 a.m. or after 9:00 p.m.
 2. Valli Produce, 850 N. Roselle Road - Prior to 7:00 a.m. or after 6:00 p.m.
- L. *Short Term Rentals:* It shall be unlawful for any persons to offer, market, or use their property as a Short Term Rental as defined in Section 9-2-1 of the Zoning Code.

Section 2: That Section 8-11-4, Home based business, of Chapter 8, LICENSES, of the Hoffman Estates Municipal Code be and is hereby amended to read as follows:

Sec. 8-11-4. Home based business.

- A. *Definition.* "Home Based Business" - Business activity conducted within any dwelling and carried on by the inhabitants thereof, which business activity is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.
- B. *License Required.* It shall be unlawful to operate a home based business as herein defined without having obtained a license therefor. A license is not required for individuals who work from their home, on a part-time or full-time basis, for an employer who maintains a separate place of business.
- C. *Application.* An application for a Home Based Business License shall be made in conformity with the general requirements of this Chapter relating to application for licenses.
- D. *Regulations.*
1. No article shall be sold or offered for sale except such as may be produced on the premises by a member of the immediate family, provided, however, articles produced by others may be sold or offered for sale when such articles are shipped directly to the consumer from another legal premise. Visitors are permitted to the dwelling only for permitted services. The physical delivery of goods directly to the visitor from the dwelling shall be prohibited.
 2. Uses deemed to be prohibited as home based businesses include, but are not limited to:
 - a. Medical treatment of people and animals
 - b. Massage services
 - c. Hair/nail/beauty salons
 - d. Businesses involving the preparation and packaging of food
 - e. Clinics
 - f. Doctors' offices
 - g. Hospitals
 - h. Barber shops
 - i. Beauty parlors
 - j. Clothing shops
 - k. Tea rooms
 - l. Short Term Rentals
 - m. Animal Hospitals
 - n. Kennels
 - o. Livery services
 - p. The repair and/or servicing of automobiles or other vehicles
 3. There shall be no exterior evidence of the conduct of the home based business.
 4. A home based business shall not create significant additional vehicular or pedestrian traffic to the dwelling. Visitors to the home based business shall be scheduled by appointment only and the appointments shall result in no more than two (2) additional vehicles at the home at any time.

5. Visitors to the home based business shall be limited to occur between the hours of 8:00 a.m. to 8:00 p.m. on weekdays and between 9:00 a.m. to 6:00 p.m. on Saturdays and Sundays.
6. A maximum of one vehicle, related to the home based business, shall be permitted to be maintained on the premises. Such vehicle shall comply with the requirements of Section 6-2-1 of the Traffic Code.
7. The conduct of any home based business shall not reduce or render unusable areas provided for the required off-street parking or prevent the number of cars intended to be parked in a garage from doing so. No structural alterations to the home that are inconsistent with the principal residential use shall be made to accommodate the home based business.
8. The distribution of articles/products from the dwelling to independent contractors or other employees shall be prohibited.
9. The home based business shall comply with all applicable regulations of the Division of Code Enforcement, Police Department and Fire Department, including the right of inspection.
10. The home based business shall comply with all State and Local laws.

Section 3: That Section 8-13-1, Definitions, of Chapter 8, LICENSES, of the Hoffman Estates Municipal Code be and is hereby amended to read as follows:

Sec. 8-13-1. Definitions.

Unless the context otherwise requires, the following terms as used in this Article shall be construed according to the definitions given below:

- A. *Residential Rental Property* shall mean residential structures or dwelling units that are intended to be rented or leased for income or for payment to the Owner or Lessee in return for the right to occupy or use the property of another for thirty (30) days or more and are not owner-occupied, including single-family detached and attached structures and condominium units, but excluding the following:
 1. Apartments as defined in Section 12-1-1 of this Code.
 2. Single-family owner-occupied residential structures or dwelling units.
 3. Single-family residential structures or dwelling units which are vacant but which are not intended to be rented or leased.
 4. Hotels and motels that rent rooms to occupants if such occupancy is transient only.
 5. Assisted Residential Facilities, Independent Residential Facilities, Skilled Nursing Facilities, Nursing Homes, Intermediate Care Facilities, Sheltered Care Facilities, and Congregate Care Facilities.
- B. *Building Official* shall mean that person designated by the Village Manager as having Code enforcement authority relating to Residential Rental Property.
- C. *Owner* shall mean any person, agent, operator, firm, association or corporation having a legal or equitable interest in the Residential Rental Property, or having an interest that has been recorded in the Office of the Recorder of Deeds of the County of Cook, Illinois or in the Office of the Registrar of Titles if the property affected is under the Torrens System, or otherwise having control of the Residential Rental Property pursuant to an order of possession issued by a court.
- D. *Tenant* shall mean that person or persons occupying the Residential Rental Property pursuant to a rental agreement or lease for income or for payment to the Owner in return for the right to occupy or use the Residential Rental Property.

Section 4: That Section 9-2-1, Definitions, of Chapter 9, ZONING CODE, of the Hoffman Estates Municipal Code be and is hereby amended by adding a definition of *Short Term Rental* to read as follows:

Sec. 9-2-1. Definitions.

Short Term Rental: The rental of a dwelling unit, portion thereof, or accessory structure (whether permanent or temporary) on the same lot as a dwelling unit, for a period of less than thirty (30) nights, for which the guest compensates an owner or lessee of the unit in return for the right to occupy or use the property. Such a use is prohibited within the Village of Hoffman Estates.

Section 5: That Section 9-2-1, Definitions, of Chapter 9, ZONING CODE, of the Hoffman Estates Municipal Code be and is hereby amended by modifying the definition of *Home Based Business* to read as follows:

Sec. 9-2-1. Definitions.

Home Based Business: Any use that requires a business license (pursuant to Section 8-11-4) and is conducted entirely within the dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Such home based businesses shall comply with the regulations as set forth in Section 8-11-4.

Section 6: The Village Clerk is hereby authorized to publish this Ordinance in pamphlet form.

Section 7: This Ordinance shall be in full force and effect immediately from and after its passage and approval.

PASSED THIS _____ day of _____, 2022

VOTE	AYE	NAY	ABSENT	ABSTAIN
Trustee Karen V. Mills	_____	_____	_____	_____
Trustee Anna Newell	_____	_____	_____	_____
Trustee Gary J. Pilafas	_____	_____	_____	_____
Trustee Gary G. Stanton	_____	_____	_____	_____
Trustee Michael Gaeta	_____	_____	_____	_____
Trustee Karen Arnet	_____	_____	_____	_____
Mayor William D. McLeod	_____	_____	_____	_____

APPROVED THIS _____ DAY OF _____, 2022

Village President

ATTEST:

Village Clerk

Published in pamphlet form this _____ day of _____, 2022.