VILLAGE OF MACHESNEY PARK

---

**ORDINANCE NO. 41-23**

AN ORDINANCE OF THE VILLAGE OF MACHESNEY PARK, WINNEBAGO COUNTY, ILLINOIS, APPROVING A TEXT AMENDMENT TO ZONING CODE, ADDING REGULATIONS FOR RESIDENTIAL SHORT-TERM RENTALS

---

ADOPTED BY THE
VILLAGE TRUSTEES
OF THE
VILLAGE OF MACHESNEY PARK
2ND DAY OF JANUARY, 2024

---

Published in pamphlet form by authority of the Village Board of the Village of Machesney Park, Winnebago County, Illinois this 2nd day of January, 2024

# ORDINANCE 41-23

## AN ORDINANCE OF THE VILLAGE OF MACHESNEY PARK, ILLINOIS AMENDING THE VILLAGE'S ZONING CODE REGARDING RESIDENTIAL SHORT-TERM RENTALS

WHEREAS, the Village of Machesney Park, Illinois ("Village") has adopted a Zoning Code ("Code"); and

WHEREAS, the Code is known as "Appendix A" of the of the Village's Code of Ordinances; and

WHEREAS, Article 9, Section Z-49 is the Agricultural and Residential Table of Uses; and

WHEREAS, the Village now desires to amend this Section add "Residential Short-Term Rentals" as a Permitted Use in the Agricultural, Rural Residential, and Single-Family Residential zoning districts; and

WHEREAS, the Village has determined that such amendments are in the best interest of the Village and its citizens.

NOW THEREFORE, be it ordained by the President and Board of Trustees for the Village of Machesney Park, Illinois, that:

Section 1. The following use shall be added to the table in Section Z-49, Agricultural and Residential Land Uses:

| Agricultural and Residential Land Use | Regulating Section | AG | RR | R1 | R2 | R3 | R4 | MH |
|---|---|---|---|---|---|---|---|---|
| Residential Short-Term Rentals | Sec. Z-49(12) | P | P | P | | | | |

Section 2. A new Section Z-49(12) shall be added to list use criteria for Residential Short-Term Rentals, as follows.

12. Residential Short-Term Rentals

a. Required Application: The owner(s) of any residential property made available for short-term rental shall apply for a Short-Term Rental License. This license shall be reviewed administratively. In issuing the Short-Term Rental License, an All-Trades Inspection will be done for the premises, and the Village may require the applicant to make enhancements or improvements to the property. These requirements may or may not require additional permits and the payment of additional fees.
The applicant shall provide the following documents with the Short-Term Rental License application:

i. Proof of homeowner's insurance or host protection insurance;
ii. List of which hosting platform(s) will be used to market the property;

b. Fee: The fee to apply for a Short-Term Rental License shall be $400. After the initial license issuance, the owner(s) shall pay an annual license renewal fee of $100 every twelve (12) months.
c. Issued Short-Term Rental Licenses shall not run with the land and are not transferrable.
d. The Short-Term Rental License certificate must be kept at the premises, readily available or displayed in clear view.
e. The property owner(s) must reside full-time within forty-five (45) miles of the premises, and must be immediately responsive to any calls or contact initiated by any Village Department, including the Winnebago County Sherrif's Office. If the owner resides outside of the 45-mile radius, a secondary contact person shall be identified who resides within the 45-mile radius, and they too shall be immediately responsive to any concerns or emergencies.
f. No onsite signage shall be allowed to advertise the short-term rental.
g. All owners must use a hosting platform to market the short-term rental. The hosting platform shall be responsible for determining the guests' identification information and the accuracy of that information.
h. No owner shall rent any short-term rental for any period longer than thirty (30) consecutive days.
i. The owner(s) shall keep a guest register in which the name of every responsible guest and the guest's arrival and departure dates shall be recorded. The "responsible guest" shall be the person who makes the reservation and who is responsible for payment. The owner shall make the guest register freely accessible to any Village Department, including the Winnebago County Sherrif's Office, upon request.
j. Occupancy Limitation: In no event shall more than twelve (12) people be at the premises. This includes the renters and their guests, regardless of age, and regardless of the size of the premises.
The maximum number of occupants that are allowed to be at a short-term rental between the hours of 10:00 pm and 7:00 am shall be based on the number of bedrooms as follows:

| | |
|---|---|
| 1 Bedroom: | 3 people |
| 2 Bedrooms: | 5 people |
| 3 Bedrooms: | 7 people |
| 4 Bedrooms: | 9 people |

k. Parking: All parking for persons occupying a short-term rental must be provided on the same parcel as the

residence, must be off-street, and must be located on an improved hard surface or pre-existing gravel surface.

l. The property shall be maintained in a neat and orderly manner, consistent with the Village's Property Maintenance Code and applicable Zoning Regulations.

m. A violation of any provision of this Section by the owner(s), renters, or guests may constitute grounds for revocation of the Short-Term Rental License and the owner(s) may be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) for each day of the offense.

n. It is the owners' responsibility to be aware of any additional regulations pertaining to their specific property. These Residential Short-Term Rental regulations are notwithstanding any additional conditions, covenants, or restrictions that may be in place and enforced by a Homeowners Association or other parties separate from the Village of Machesney Park.

Section 3. The subsection for Wind Operated Energy Devices, Roof-Mounted for On-Site Power Supply Only shall be renumbered Z-49(13) and the row for "Wind Operated Energy Devices, Roof-Mounted for On-Site Power Supply Only" in the Table of Agricultural and Residential Land Uses, Section Z-49, shall be amended appropriately.

Section 4. Article 1, Section Z-4 shall be amended to add the following definition.

Residential Short-Term Rental. A single-family residential dwelling or room in a dwelling that is rented out by the property owner for a duration not to exceed 30 consecutive days. The rental of the premises is often facilitated by digital platforms, and these differ from a traditional Bed and Breakfast because an operator is not occupying the residence while providing meals or other provisions.

Section 5. This Ordinance shall be in full force and effect from after its passage, approval, and publication in pamphlet form as provided by law.

PASSED by the Village Board this 2nd day of January, 2024.

APPROVED by the President of the Village Board this 2nd day of January, 2024.

Effective Date: This 2nd day of December, 2024.

Steve Johnson
President, Village of Machesney Park

ATTEST:

Penny Miller
Deputy Clerk

Ayes: 7 (Seipts, Stromberg, Kidd, Wilson, Bailey, Boggie, and Mayor Johnson)
Nays: 0
Absent: 0

STATE OF ILLINOIS)
COUNTY OF WINNEBAGO)
VILLAGE OF MACHESNEY PARK)

CERTIFICATE

I, the undersigned, hereby certify that I am the acting Deputy Clerk of the Village of Machesney Park, County of Winnebago, and State of Illinois, and as such Deputy Clerk, I am the keeper of the Journals, records and files of the Village of Machesney Park, Illinois.

I further certify that on January 2nd, 2024, the corporate authority approved the Ordinance entitled Ordinance No. 41-23, Text Amendment to Zoning Code, Adding Regulations for Residential Short-Term Rentals.

The pamphlet form of Ordinance No. 41-23, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on January 2nd, 2024, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

IN WITNESS WHEREOF, I have hereunto affixed by official signature and the corporate seal of the Village of Machesney Park, Illinois, this 2nd day of January 2024.

Penny L. Miller
Deputy Clerk, Village of Machesney Park, Illinois

(SEAL)