



AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item number: 4g

Title:	Plan Commission recommendation to approve a General Amendment to Title 17 of the St. Charles Municipal Code (Zoning Ordinance) pertaining to short-term rental properties.
Presenter:	Ellen Johnson

Meeting: Planning & Development Committee

Date: July 8, 2019

Proposed Cost: N/A

Budgeted Amount: N/A

Not Budgeted:

Executive Summary (if not budgeted please explain):

Staff is proposing amendments to the Zoning Ordinance regarding regulation of short-term rental properties (STRs). Airbnb and similar websites offer platforms for property owners to rent their homes to travelers. Property owners can make available entire homes or apartments, private rooms within their home, or shared rooms. These types of accommodations are known as “short-term rentals”. Short-term rentals have become a popular option for travelers looking for inexpensive and unique accommodations. A total of 13 properties in St. Charles are currently listed on Airbnb.

Staff has received occasional inquiries regarding short-term rentals and whether they are permitted in St. Charles. Currently, the Zoning Ordinance does not have any regulations specific to short-term rentals. Staff is proposing to define “Short-Term Rental” in the Zoning Ordinance and identify the districts in which they are permitted. Staff offers three regulation options for the Committee’s consideration:

Option #1 – Permit STRs in downtown and business districts where residential uses are permitted (entire unit or private room). This solves the problem of the ordinance not addressing STRs and allows STRs in commercial districts where they would not impact residential neighborhoods.

Comment: This change is necessary at a minimum to define an STR and allow the use in commercial districts that already permit comparable uses.

Option #2 – Option #1, plus also permit STRs in residential districts in a limited manner:

- Multi-family residential districts (entire unit, or private room in unit with host present)
- In RT Districts (in-town single family neighborhoods): In owner-occupied dwelling; either 1 private room, or 1 otherwise permitted accessory dwelling unit. Owner must be present during stays. Entire main dwelling cannot be rented as STR.
- In RS Districts: In owner-occupied dwelling, in 1 private room only. Owner must be present during stays. Entire dwelling cannot be rented as STR.

Comment: Option #2 represents a balance of allowing STRs with limitations that are practical to enforce.

Option #3 – Options #1 & #2, plus permit entire dwellings to be rented as STR in all single-family districts. Dwelling must be the primary residence of the property owner, but the owner need not be present during STR stays.

Comment: This option is more complex from an administrative and enforcement standpoint.

Also proposed as an option is requiring annual registration of STRs operating in St. Charles. Registration would allow the City to enforce zoning standards and promote communication between STR operators and the City.

Plan Commission Review

Plan Commission held a public hearing on 1/8/19 and 4/2/19. They voted 8-0 to recommend approval of Option #3 and adoption of a registration program.

Attachments (please list):

Plan Commission Resolution, Staff Report, Example Registration Form, General Amendment Application

Recommendation/Suggested Action (briefly explain):

Plan Commission recommendation to approve a General Amendment to Title 17 of the St. Charles Municipal Code (Zoning Ordinance) pertaining to short-term rental properties.

City of St. Charles, Illinois
Plan Commission Resolution No. 5-2019

A Resolution Recommending Approval of a General Amendment to Ch. 17.12 “Residential Districts”, Ch. 17.14 “Business and Mixed Use Districts”, Ch. 17.20 “Use Standards”, Ch. 17.24 “Off-Street Parking, Loading and Access” and Ch. 17.30 “Definitions” regarding short-term rental units

Passed by Plan Commission on April 2, 2019

WHEREAS, it is the responsibility of the St. Charles Plan Commission to hold public hearings and review requests for amendments to Title 17, “Zoning”; and

WHEREAS, the Plan Commission held a public hearing and has reviewed the petition for a General Amendment to Ch. 17.12 “Residential Districts”, Ch. 17.14 “Business and Mixed Use Districts”, Ch. 17.20 “Use Standards”, Ch. 17.24 “Off-Street Parking, Loading and Access” and Ch. 17.30 “Definitions” regarding regulation of short-term rental units; and

WHEREAS, in accordance with Section 17.04.320.C, the Plan Commission has considered the following criteria for General Amendment:

1. The Consistency of the proposed amendment with the City’s Comprehensive Plan.

Commercial & Office Areas Goal 3 is to, “Revitalize Downtown St. Charles as the symbolic “heart” of the community and enhance its role as the City’s primary mixed use pedestrian environment.” The proposed amendment clarifies that short-term rentals are permitted in the downtown area, promoting tourism activity downtown and contributing to its vitality.

Residential Areas Goal 1 is to, “Maintain the City’s image and desirability as a great place to live by preserving and enhancing the diversity, quality, character, safety, affordability, and appeal of residential neighborhoods” (p. 22). The proposed amendment allows a single short-term rental per lot in residential neighborhoods, either as a portion of an owner-occupied home, an entire home that is the owner’s primary residence, or Auxiliary Dwelling Units in the RT districts. Off-street parking must be provided for the short-term rental. The proposed registration program will allow the City to confirm zoning compliance and collect contact information for the unit operator. These provisions will help preserve the character of residential neighborhoods while still allowing homeowners the opportunity to earn supplemental income through the short-term rental market.

2. The Consistency of the proposed amendment with the intent and general regulations of this Title.

The proposed amendment supports the following purpose statements listed in Ch. 17.02 of the Zoning Ordinance:

- Protecting the character of established residential neighborhoods.

- Preserving and enhancing the quality of life for residents and visitors.
- Maintaining business and industrial areas that are attractive and economically viable.

3. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, is more workable than the existing text, or reflects a change in policy.

Currently the ordinance does not have any regulations specific to short-term rentals. Staff has had to interpret whether this type of use is permitted based on existing provisions for related uses including Bed & Breakfast and Hotel/Motel. The proposed amendment clarifies what is and is not permitted regarding short-term rentals.

4. The extent to which the proposed amendment would be in the public interest and would not serve solely the interest of the applicant.

The proposed amendment clarifies the extent to which short-term rentals are permitted which will benefit those with inquiries about this use. The proposed provisions will allow residents the opportunity to earn income through the short-term rental market while protecting existing neighborhoods by placing limitations on establishment of short-term rentals and requiring annual unit registration.

5. The extent to which the proposed amendment creates nonconformities.

A small number of existing units offered on short-term rental websites such as Airbnb are not in compliance with the proposed amendment. However, these units will not be governed under Ch. 17.08 “Nonconformities” because the use does not currently exist under the ordinance.

6. The implications of the proposed amendment on all similarly zoned property in the City.

The proposed amendment applies to all zoning districts in the City, with short-term rentals being allowed as a permitted use with some limitations in the CBD-1, CBD-2, BL, and all residential districts.

NOW, THEREFORE, be it resolved by the St. Charles Plan Commission to recommend to City Council approval of a General Amendment to Ch. 17.12 “Residential Districts”, Ch. 17.14 “Business and Mixed Use Districts”, Ch. 17.20 “Use Standards”, Ch. 17.24 “Off-Street Parking, Loading and Access” and Ch. 17.30 “Definitions” regarding short-term rental units, specifically Option #3 as detailed in the staff report, subject to the following:

1. The provision requiring a minimum annual owner-occupancy period of six months in residential district shall be removed; however registration shall require a primary residence affidavit for short-term rentals in residential districts as part of the registration process.

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Roll Call Vote:

Ayes: Pretz, Kessler, Funke, Holderfield, Melton, Vargulich, Macklin-Purdy, Becker

Nays: None

Absent: Wallace

Motion carried: 8-0

PASSED, this 2nd day of April 2019.

Chairman
St. Charles Plan Commission

Community & Economic Development
Planning Division

Phone: (630) 377-4443

Fax: (630) 377-4062



Staff Report

TO: Chairman Rita Payleitner
And the Members of the Planning & Development Committee

FROM: Ellen Johnson, Planner

RE: Application for a General Amendment to Title 17 of the City Code (Zoning Ordinance) regarding short-term rental properties

DATE: July 1, 2019

I. GENERAL INFORMATION

Project Name: General Amendment – Short-Term Rentals
Applicant: City of St. Charles
Purpose: Establish provisions to regulate short-term vacation rentals

II. BACKGROUND

Airbnb and similar websites such as VRBO and HomeAway offer platforms for property owners to rent their homes to travelers looking for accommodations. Through these websites, property owners can make available entire homes or apartments, private rooms within their home, or shared rooms, to travelers who can book accommodations and communicate with the host through the website.

Accommodations booked through these types of services are known as short-term rentals (STRs). Short-term rentals have become a popular option for travelers looking for inexpensive and unique accommodations.

In St. Charles, there are a relatively small number of short-term rentals currently listed on these websites. As of June 2019, there were a total of 13 properties listed in St. Charles' corporate limits. About half of the listings are for entire homes or apartments and half are for private rooms within the host's home. While specific addresses for the units are not provided unless you book the unit, staff has been able to determine the location of most of the units currently listed. A majority are located within walking distance to downtown.

As Airbnb and similar services have become more popular, staff has received occasional inquiries regarding short-term rentals and whether they are permitted in St. Charles. Currently, the Zoning Ordinance does not have any regulations specific to short-term rentals. The closest use included in the ordinance is Bed and Breakfast, defined in Ch. 17.30 as follows:

Bed and Breakfast. *Single-family residences, occupied by owners or resident managers, which offer lodging on a temporary basis to paying guests in a room(s) without cooking facilities, and may offer breakfast or other meals to these guests. Bed and Breakfast Establishment is differentiated from a Hotel/Motel in that they typically were designed originally as a single-family residence and have a smaller number of rooms.*

Another similar use is Hotel/Motel, defined as:

Hotel/Motel. *A building where guest rooms or suites are offered for a fee to temporary or transient guests to provide temporary sleeping and/or living accommodations. This use is distinct from Bed and Breakfast Establishment and Homeless Shelter as defined herein.*

These uses are permitted only in certain downtown and commercial zoning districts. Based on the existing ordinance provisions and lack of provisions specific to short-term rentals, staff has advised residents with inquiries about short-term rentals based on the following code interpretation:

- The City Code does not identify renting out a single room in a residential dwelling unit as a use category, therefore it is neither permitted or prohibited.
- If more than one room is being rented within a home, it would be considered a Bed and Breakfast and would therefore be permitted only in districts where Bed and Breakfast is a permitted use (CBD-1, CBD-2, BT Overlay).
- Rental of an entire dwelling unit on a short-term basis would be considered a Hotel/Motel because the residents would be transient, and would therefore be permitted only in certain commercial districts (BC, BR, CBD-1).

Staff recognizes that short-term rentals are different than the existing temporary lodging uses in the ordinance. The following features of short-term rentals distinguish them from bed and breakfasts and hotels:

- Short-term rentals are often located in residential neighborhoods rather than commercial districts.
- There are a variety of types of units that may be offered as short-term rentals: entire homes, entire apartments or condos, private rooms within a shared home, or shared rooms within a home.
- While there are companies that own and manage short-term rentals as a business operation, most property owners renting units or rooms as short-term rentals are typically looking to supplement their income by putting their extra space to use.
- Short-term rentals are not registered as businesses or subject to health department regulations.

III. PROPOSAL & ANALYSIS

Staff is proposing to add provisions to the Zoning Ordinance, Title 17 of the City Code, to regulate short-term rentals in order to clarify what is and is not permitted. The following amendments are proposed:

- Define “Short-Term Rental”.
- Amend the definitions of Bed and Breakfast and Hotel/Motel to differentiate them from Short-Term Rental.
- Identify the zoning districts in which short-term rentals are allowed.
- Establish use standards that short-term rentals must meet in order to be allowed.

- Identify the parking requirement for short-term rentals.
- Require annual registration of short-term rental units (optional).

1. Definitions

Define Short-Term Rental as follows:

Short-Term Rental. A dwelling unit, or portion of a dwelling unit, that is available for rent as a residential accommodation for a duration of less than 30 consecutive days at a time.

Amend the definition of Bed and Breakfast and Hotel/Motel as follows (changes are marked):

Bed and Breakfast. Single-family ~~residences~~ dwellings, occupied by owners or resident managers, which offer lodging on a temporary basis to paying guests in a room(s) without cooking facilities, and may offer breakfast or other meals to these guests. Bed and Breakfast Establishment is differentiated from a Hotel/Motel in that they typically were designed originally as a single-family residence and have a smaller number of rooms, and from a Short-Term Rental in that more than one guest room is available for occupancy by a paying guest.

Hotel/Motel.

A building where guest rooms or suites are offered for a fee to temporary or transient guests to provide temporary sleeping and/or living accommodations. This use is distinct from Bed and Breakfast Establishment, ~~and Homeless Shelter~~ and Short-Term Rental as defined herein.

Under these definitions, to be considered a short-term rental the unit may not be rented for more than 30 consecutive days at a time. A unit rented for 30 days or more is considered non-transient, and the renter would be considered a resident of the unit. An owner-occupied dwelling offering more than one room for rent is considered a bed and breakfast. A building with multiple guest rooms is distinct from a short-term rental.

2. Use Standards

Staff is presenting three options for the Committee's consideration for regulating short-term rentals.

OPTION #1

Define Short-Term Rental and permit the use only in commercial districts where residential uses are allowed (downtown CBD-1 & CBD-2 and BL Local Business). Staff believes the City should take this course of action at a minimum. This solves the problem of the ordinance not addressing STRs and allows STRs in areas in commercial districts where they would not impact residential neighborhoods.

OPTION #2

- In Single-Family Districts (RE, RS, RT):
 - One STR permitted per lot.
 - The principal dwelling must be owner-occupied during STR stays; the entire principal dwelling cannot be used as a STR.

- Types of STRs allowed:
 - 1 room within a dwelling unit (host present).
 - 1 Auxiliary Dwelling Unit (in RT districts only where Auxiliary Dwelling Units are permitted). Owner must occupy the principal dwelling on the lot.
- In Multi-Family Districts (RM-1, RM-2, RM-3) & Commercial Districts (BL, CBD-1, CBD-2, BT Overlay):
 - One STR permitted per dwelling unit.
 - Types of STRs allowed:
 - Entire dwelling unit (including entire home or apartment).
 - 1 room within a dwelling unit (host present).

Under this option, in single-family residential districts, only one short-term rental would be permitted on a lot and the property must be owner-occupied with the owner present during the duration of the STR stay. An entire principal dwelling cannot be rented out. This limitation would help to ensure compatibility with and avoid potential disturbances to residential neighborhoods. Staff would anticipate that a room being rented on a short-term basis within a home shared by the owner would not have any greater impact on the neighborhood than a visiting friend or relative.

In the RT Traditional Residential districts where Auxiliary Dwelling Units are permitted, an ADU may be used as a short-term rental if it meets the use standards for ADUs contained in Section 17.20.030. ADUs can be attached to the principal structure or a detached unit. ADUs may not exceed 700 sf and the property must be owner-occupied, among other requirements related to setbacks, etc.

In multi-family districts, a single room or an entire unit could be used as a short-term rental; the owner need not be present. Staff's rationale for allowing this is that the impact of a unit or units within an apartment complex being used as a short-term rental would be very similar, if not the same, as if the unit were occupied by the owner or renter of the property.

The same provisions would also apply to the commercial districts which already permit residential uses, specifically BL Local Business, CBD-1 and CBD-2 downtown districts, and the BT Overlay (overlay district that applies to certain small-scale commercial properties zoned RT and adjacent to commercial zoning). Staff believes the location of short-term rentals in commercial zoning districts, particularly in the downtown districts, is appropriate in that other types of temporary accommodations are permitted in these areas. It may also promote tourism activity downtown.

OPTION #3

This option was added at the request of the Plan Commission. This option would allow use of an entire home as a short-term rental in single-family districts IF the home is the primary residence of the property owner. STRs would be allowed as follows:

- In Single-family Districts (RE, RS, RT):
 - One STR permitted per lot.
 - Principal dwelling must be the primary residence of the property owner (but owner need not be present during STR stay).
 - Types of STRs allowed:

- Entire dwelling unit.
- 1 room within a dwelling unit (host present).
- 1 Auxiliary Dwelling Unit (RT districts only).

Another option would be to permit entire homes as STRs only in the RT- Traditional Residential districts which are the older neighborhoods surrounding downtown, and require owner-occupancy in the other single-family districts.

- In Multi-Family Districts (RM-1, RM-2, RM-3) and Commercial Districts (BL, CBD-1, CBD-2, BT Overlay): **Same as Option #2**
 - One STR permitted per dwelling unit.
 - Types of STRs allowed:
 - Entire dwelling unit.
 - 1 room within a dwelling unit (host present).

3. **Parking**

Proposed is to require one parking space per short-term rental unit in all zoning districts where STRs are allowed, whether the STR is an entire unit or a room within a unit. The parking space for the short-term rental would need to be in addition to the number of spaces required for the dwelling unit. For example, two off-street parking spaces are required for single-family dwellings. If a single-family dwelling contains a short-term rental, three off-street parking spaces would be required. This requirement may help to prevent short-term renters from parking on the street.

4. **Registration**

The City may choose to require short-term rental operators to register their unit(s) with the City. A registration process would allow the City to confirm zoning compliance and occupancy standards, track STR activity, and have contact information on file for the property owner/STR operator, allowing for communication in the event of complaints or other issues.

If registration is desired, staff recommends a registration program with the following features:

- Annual registration & fee (\$50 or \$100).
- Registration form which includes the following:
 - Information about the property: address, zoning, type of building, parking availability.
 - Information about the STR: type of STR, square footage, maximum occupancy.
 - Applicant contact.
 - Owner contact.
 - 24/7 contact person.
 - Acknowledgement that property complies with the International Property Maintenance Code, which includes standards for maximum occupancy, means of ingress/egress, fire safety, etc.
 - Signature of STR operator and property owner.
 - Primary residence affidavit (for residential districts if Option #3 is chosen) – proof of homestead exemption.
- Collection of Hotel/Motel Tax.
- No unit inspections.

Staff believes a registration program similar to the outline above would be feasible from an administrative standpoint and would allow for some enforcement of the City’s regulations, without being overly burdensome on STR operators.

Attached is an example of what the STR registration form may look like.

Staff has discussed the topic of STR regulation and registration with the City Attorney. In his opinion, requiring registration of STRs could be challenged since the City does not register other types of rental units. He suggested limiting STR regulations to zoning provisions and holding off on registration at this time.

IV. EXISTING SHORT-TERM RENTALS IN ST. CHARLES

The table below provides basic information staff has gathered about the short-term rentals currently listed in St. Charles. The table identifies whether the listing would be permitted under the three proposed options based on the type of STR and the zoning district. Most listings would not be permitted under Option #1 while most would be permitted under Option #3.

Type of Short-Term Rental	Zoning District	Permitted under Option #1	Permitted under Option #2	Permitted under Option #3
Private Room (2 bedrooms in a house)	CBD-2	No, but permitted as a B&B	No, but permitted as a B&B	No, but permitted as a B&B
Entire Apartment (in a 2-flat)	RT-3	No	No (unless unit qualifies as an ADU)	Yes
Entire Apartment (in a 2-flat)	CBD-2	Yes	Yes	Yes
Private Room (in a townhouse)	RM-2	No	Yes	Yes
Private Room (3 bedrooms in a house)	RS-3	No	Yes, but only 1 bedroom can be rented at a time	Yes, but only 1 bedroom can be rented at a time
Private Room (2 bedrooms in a house)	RS-3	No	Yes, but only 1 bedroom can be rented at a time	Yes, but only 1 bedroom can be rented at a time
Entire Apartment (in a 2-flat)	RT-3	No	No (unless unit qualifies as an ADU)	Yes
Entire Apartment (in a 2-flat)	?	? location unknown	? location unknown	Yes
Private Room (1 bedroom in a house)	RT-3	No	Yes	Yes
Entire Apartment (secondary apartment in a house)	RT-3	No	No (unless unit qualifies as an ADU)	Yes
Private Room (3 bedrooms in a house)	RS-3	No	Yes, but only 1 bedroom can be rented at a time	Yes, but only 1 bedroom can be rented at a time
Entire House	RS-4	No	No	Yes
Shared Room (3 beds in one bedroom)	?	No	Yes, but room cannot be rented at the same time to individuals not traveling together	Yes, but room cannot be rented at the same time to individuals not traveling together

V. HOTEL TAX

The City imposes a Hotel Operators Occupation Tax on hotel operators (City Code Ch.3.32). “Hotel” includes: inns, motels, tourist homes or courts, lodging houses, rooming houses and apartment houses. The tax rate is 6% of 94% of the gross rental receipts. Rental of units for over 30 days is exempt. Proceeds of the tax are distributed by the City to the Convention & Visitors Bureau, Cultural Commission, and History Museum, with any remaining funds deposited in the general fund.

Collection of the hotel tax from operators of short-term rental would not amount to a great deal of revenue based on the existing number of STRs in operation. However not imposing the tax may be unfair to existing hotel operators. The language of the code is adequate to impose the tax on STR operators. The majority of communities that have adopted STR regulations have also imposed their local hotel tax.

Hotel operators are required to file a return with the City on a monthly basis. Staff has initiated discussions with Airbnb to assist in collection of the hotel tax for stays booked through Airbnb. Airbnb has entered into agreements with other Illinois municipalities to collect the local hotel tax on their behalf. Staff is hopeful these discussions will result in a similar agreement between Airbnb and St. Charles.

VI. SURROUNDING COMMUNITIES

Municipalities across the country are addressing short-term rentals in a wide variety of ways, from choosing not to regulate at all to adopting robust zoning standards and licensing programs. The extent to which municipalities regulate largely depends on the prevalence of and demand for short-term rentals in the community.

Some of St. Charles’ neighbors have amended their codes to address short-term rentals however most have yet to address them.

Geneva:

STRs are not addressed in the code. Staff has interpreted STRs are permitted but are not regulated by the City. Complaints have been treated through the nuisance ordinance.

Batavia:

STRs (both single rooms and entire units) are considered a Bed & Breakfast and require conditional use approval by the City (similar to Special Use process).

South Elgin:

STRs are not addressed in the code. The City has not taken a position on them.

Elgin:

STRs are not addressed in the code. Staff has interpreted they are not permitted.

Aurora:

STRs are not addressed in the code. The City has not taken a position on them.

West Dundee:

STRs are permitted in downtown only. A business license and rental registration with annual inspection is required.

Schaumburg:
STR license is required.

Naperville
STRs are not addressed in the code. City has allowed STRs to continue to operate.

VII. PLAN COMMISSION RECOMMENDATION

Plan Commission held a public hearing on the General Amendment on 1/8/19 and continued the hearing to 4/2/19.

Plan Commission recommended approval of Option #3 and recommended adopting the registration program.

As noted in the Plan Commission Resolution, the version of Option #3 reviewed by Plan Commission included requiring entire units rented as STRs in single-family districts to be occupied by the owner at least half of the year. Plan Commission recommended instead requiring the unit to be the primary residence of the owner. Primary residency can be confirmed with the homestead tax exemption. This change has been incorporated into Option #3 as outlined in this memo.

V. ATTACHMENTS

- Example Registration Form w/ Primary Residence Affidavit
- Application for General Amendment, filed by staff on 12/19/18

Short-Term Rental Registration Form

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT / CITY OF ST. CHARLES

(630)377-4443



APPLICATION

Section 1: PROPERTY INFORMATION	
Property Address	
Zoning Designation	
Type of Building	Single-Family Home ___ Townhome ___ Two-Unit Building ___ Multi-Unit Building ___ Single-Family Home w/Auxiliary Dwelling Unit ___ Mixed-Use Building ___
Off-Street Parking Stalls (not including space inside garage)	

Section 2: SHORT-TERM RENTAL INFORMATION	
Type of Short-Term Rental	Entire Unit ___ # of Bedrooms ___ Partial Unit ___ # of Bedrooms to be rented ___ Auxiliary Dwelling Unit (RT only) ___ # of Bedrooms ___
Square Footage of Short-Term Rental Unit	
Square Footage of Bedroom(s)	
Maximum Occupancy per Bedroom	
General Description of Short-Term Rental	

Section 3: APPLICANT INFORMATION	
Name	
Mailing Address	
Phone Number	
Email Address	
Will the applicant reside in the Short-Term Rental while it is being rented?	

Section 4: PROPERTY OWNER INFORMATION (if different than applicant)	
Name	
Mailing Address	
Phone Number	
Email Address	
Will the owner reside in the Short-Term Rental while it is being rented?	
Is the Short-Term Rental the owner's permanent residence?	Yes ___ <i>*Submit Permanent Residence Affidavit if located in a RE, RS or RT zoning district</i> No ___

Section 5: 24/7 CONTACT PERSON	
Name	
Mailing Address	
Phone Number	
Email Address	

Section 6: ACKNOWLEDGEMENTS
<p>I certify that the above information is true and correct to the best of my knowledge. I understand that the City of St. Charles is authorized to reject or revoke registration in the event the City determines the property to be used as a Short-Term Rental (the "Unit") does not meet the applicable standards of Title 17 entitled "Zoning" of the St. Charles Municipal Code or the International Property Maintenance Code. I understand the Unit is subject to compliance with the International Property Maintenance Code and I understand that I have been advised to review said Code and verify compliance. I understand and agree to comply with the occupancy standard contained in the International Property Maintenance Code. I understand the City of St. Charles will not inspect the Unit and therefore does not certify that the Unit complies with the International Property Maintenance Code. I understand that approval of this registration constitutes approval to utilize the Unit as a Short-Term Rental for a period of one year from the date of acceptance by the City and that use of the Unit as a Short-Term Rental subsequent to that period will require registration with the City of St. Charles.</p> <p>Applicant Signature _____ Date _____</p> <p>Property Owner Signature _____ Date _____</p>



CITY APPROVAL:

The City of St. Charles hereby **ACCEPTS** ___/**REJECTS** ___ registration of _____ as a Short-Term Rental for a period of one year from today's date of _____.

 Director of Community & Economic Development

Reason for rejection (if applicable):

Primary Residence Affidavit

I, _____, being first duly sworn on oath depose and say that the following statements are true and correct to my personal knowledge:

1. I reside at _____ St. Charles, Illinois (the "Residence").
2. The Residence is currently my legal, primary residence for governmental purposes, including property taxes and exemptions, voting, vehicle registration, driver's license, etc.
3. The Residence will remain my primary residence for the next 12 months.
4. I have provided one of the following supporting documents:
 - a. Proof of Homestead Exemption ____
 - b. Copy of PTAX-203 Illinois Real Estate Transfer Declaration indicating the property is the current owner's principal residence ____

Signature: _____ Date: _____

Subscribed and Sworn before me this ____ day of _____, 20__.

Notary Public

CITY OF ST. CHARLES
TWO EAST MAIN STREET
ST. CHARLES, ILLINOIS 60174-1984



COMMUNITY & ECONOMIC DEV./PLANNING DIVISION

PHONE: (630) 377-4443 FAX: (630) 377-4062

GENERAL AMENDMENT APPLICATION

CITYVIEW	
Project Name:	GA- Short-Term Rentals
Project Number:	2018 -PR- 016
Application Number:	2018 -AP- 038



Instructions:

To request an amendment to the text of the St. Charles Zoning Ordinance (City Code Title 17), complete this application and submit it with all required attachments to the Planning Division.

City staff will review submittals for completeness and for compliance with applicable requirements prior to establishing a meeting or public hearing date for an application.

The information you provide must be complete and accurate. If you have a question please call the Planning Division and we will be happy to assist you.

Applicant:	Name	City of St. Charles	Phone	(630)377-4443
	Address	2 E. Main St. St. Charles, IL 60174	Fax	
			Email	ejohnson@stcharlesil.gov

Attachment Checklist

If multiple zoning or subdivision applications are being submitted concurrently, do not submit duplicate checklist items or plans. Fee must be paid for each application.

- APPLICATION FEE:** Application fee in accordance with Appendix B of the Zoning Ordinance (\$500)
- REIMBURSEMENT OF FEES AGREEMENT:**
An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City, as provided by Appendix B of the Zoning Ordinance.
- REIMBURSEMENT OF FEES INITIAL DEPOSIT:**
Deposit of funds in escrow with the City. (For a General Amendment application only: \$1,000 deposit.)
- FINDINGS:** Fill out the attached form or submit responses on a separate sheet.

□ **WORDING OF THE REQUESTED TEXT AMENDMENT**

What is the amendment regarding?

Add provisions related to regulation of short-term rental properties. Permit short-term rentals in downtown districts and permit as an accessory use in residential districts.

What sections are proposed for amendment?

Chapters(s): Ch. 17.12 "Residential Districts, Ch. 17.14 "Business & Mixed Use Districts, Ch. 17.20 "Use Standards", Ch. 17.24 "Off-Street Parking", Ch. 17.30 "Definitions"
Section(s): 17.12.020, 17.14.020, 17.20.030, 17.24.140, 17.30.020

The wording of the proposed amendment: Insert below or attached wording on a separate page.

See attached.

I (we) certify that this application and the documents submitted with it are true and correct to the best of my (our) knowledge and belief.

Ellen Johnson 12/19/18
Applicant Date

17.30.020 Definitions

Add:

Short-Term Rental. A dwelling unit, or portion of a dwelling unit, that is available for rent as a residential accommodation for a duration of less than 30 consecutive days at a time.

Amend:

Bed and Breakfast. Single-family ~~residences~~dwellings, occupied by owners or resident managers, which offer lodging on a temporary basis to paying guests in a room(s) without cooking facilities, and may offer breakfast or other meals to these guests. Bed and Breakfast Establishment is differentiated from a Hotel/Motel in that they typically were designed originally as a single-family residence and have a smaller number of rooms- and from a Short-Term Rental in that more than one guest room is available for occupancy by a paying guest.

Hotel/Motel.

A building where guest rooms or suites are offered for a fee to temporary or transient guests to provide temporary sleeping and/or living accommodations. This use is distinct from Bed and Breakfast Establishment ~~and~~, Homeless Shelter and Short-Term Rental as defined herein.

17.24.140 Off-Street Parking, Table 17.24-3

USE	PARKING REQUIREMENT
Short-Term Rental	1 per unit/bedroom

17.20.030 Use Standards - Short-Term Rental – *Optional*:

- Short-term rental units shall be registered with the City on an annual basis. No short-term rental shall operate in the City without an approved registration.

OPTION #1

17.14.020 Permitted Uses – Business & Mixed Use Districts, Table 17.14-1

	BL	BC	BR	CBD-1	CBD-2
Short-Term Rental	P			P	P

OPTION #2

17.12.020 Permitted Uses – Residential Districts, Table 17.12-1

	RE-1	RE-2	RS-1	RS-2	RS-3	RS-4	RT-1	RT-2	RT-3	RT-4	RM-1	RM-2	RM-3	BT
Short-Term Rental	A	A	A	A	A	A	A	A	A	A	P	P	P	P

17.14.020 Permitted Uses – Business & Mixed Use Districts, Table 17.14-1

	BL	BC	BR	CBD-1	CBD-2
Short-Term Rental	P			P	P

17.20.030 Use Standards - Short-Term Rental

In the RE, RS, and RT zoning districts, short-term rentals are permitted as an accessory use to a dwelling unit subject to the following standards:

1. Only one short-term rental shall be permitted on a lot.
2. The principal building must be owner-occupied. Use of an entire principal building for a short-term rental is prohibited.
3. In districts where Auxiliary Dwelling Units are permitted, the Auxiliary Dwelling Unit may be used as a Short-Term Rental, but must comply with all use standards applicable to Auxiliary Dwelling Units (Section 17.20.030).

In the RM-1, RM-2, RM-3, BL, CBD-1, CBD-2, and BT Overlay districts, use of a dwelling unit as a short-term rental is permitted subject to the following standard:

1. Only one short-term rental shall be permitted per dwelling unit.

OPTION #3

17.12.020 Permitted Uses – Residential Districts, Table 17.12-1

	RE-1	RE-2	RS-1	RS-2	RS-3	RS-4	RT-1	RT-2	RT-3	RT-4	RM-1	RM-2	RM-3	BT
Short-Term Rental	P	P	P	P	P	P	P	P	P	P	P	P	P	P

17.14.020 Permitted Uses – Business & Mixed Use Districts, Table 17.14-1

	BL	BC	BR	CBD-1	CBD-2
Short-Term Rental	P			P	P

17.20.030 Use Standards - Short-Term Rental

In the RE, RS, and RT zoning districts, use of a dwelling unit as a short-term rental is permitted subject to the following standards:

1. Only one short-term rental shall be permitted per dwelling unit.
2. The principal dwelling unit on the lot shall be the primary residence of the property owner.

In the RM-1, RM-2, RM-3, BL, CBD-1, CBD-2, and BT Overlay districts, use of a dwelling unit as a short-term rental is permitted subject to the following standard:

1. Only one short-term rental shall be permitted per dwelling unit.

Findings of Fact

1. The Consistency of the proposed amendment with the City's Comprehensive Plan.

Commercial & Office Areas Goal 3 is to, "Revitalize Downtown St. Charles as the symbolic "heart" of the community and enhance its role as the City's primary mixed use pedestrian environment." The proposed amendment clarifies that short-term rentals are permitted in the downtown area, promoting tourism activity downtown and contributing to its vitality.

Residential Areas Goal 1 is to, "Maintain the City's image and desirability as a great place to live by preserving and enhancing the diversity, quality, character, safety, affordability, and appeal of residential neighborhoods" (p. 22). The proposed amendment allows a single short-term rental per lot in residential neighborhoods, but only within owner-occupied homes or Auxiliary Dwelling Units in the RT districts, which are already permitted. Off-street parking must be provided for the short-term rental. These provisions will help preserve the character of residential neighborhoods while still allowing homeowners the opportunity to earn supplemental income through the short-term rental market.

2. The Consistency of the proposed amendment with the intent and general regulations of this Title.

The proposed amendment supports the following purpose statements listed in Ch. 17.02 of the Zoning Ordinance:

- Protecting the character of established residential neighborhoods.
- Preserving and enhancing the quality of life for residents and visitors.
- Maintaining business and industrial areas that are attractive and economically viable.

3. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, is more workable than the existing text, or reflects a change in policy.

Currently the ordinance does not have any regulations specific to short-term rentals. Staff has had to interpret whether this type of use is permitted based on existing provisions for related uses including Bed & Breakfast and Hotel/Motel. The proposed amendment clarifies what is and is not permitted regarding short-term rentals.

4. The extent to which the proposed amendment would be in the public interest and would not serve solely the interest of the applicant.

The proposed amendment clarifies the extent to which short-term rentals are permitted which will benefit those with questions or concerns on this topic. The proposed provisions will allow residents the opportunity to earn income through the short-term rental market while protecting existing neighborhoods by placing limitations on establishment of short-term rentals.

5. The extent to which the proposed amendment creates nonconformities.

A small number of existing units offered on short-term rental websites such as Airbnb are not in compliance with the proposed amendment. However, these units will not be governed under Ch. 17.08 "Nonconformities" because the use does not currently exist under the ordinance.

6. The implications of the proposed amendment on all similarly zoned property in the City.

The proposed amendment applies to all applicable zoning districts in the City.