



## PLAN COMMISSION AGENDA ITEM EXECUTIVE SUMMARY

<b>Project Title/Address:</b>	General Amendment: Short-Term Rentals
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<b>City Staff:</b>	Ellen Johnson, Planner
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<b>PUBLIC HEARING 4/2/19</b>	X	<b>MEETING 4/2/19</b>	X
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<b>APPLICATION:</b>	General Amendment
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**ATTACHMENTS AND SUPPORTING DOCUMENTS:**

Staff Update Memo	Example Registration Form
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Staff Memo from 1/8/19 meeting	Application for General Amendment
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**SUMMARY:**

Staff has filed a General Amendment to the Zoning Ordinance regarding Short-Term Rentals. A public hearing for this application was held on 1/8/19. The hearing was continued to allow for further discussion. A supplemental Staff Memo has been prepared which provides additional zoning options for the Plan Commission’s consideration as well as an outline for a STR registration program and information on how neighboring communities are addressing STRs.

Airbnb and websites such as VRBO and HomeAway offer platforms for property owners to rent their homes as vacation accommodations. Through these websites, property owners can make available entire homes or apartments, private rooms within their home, or shared rooms. Accommodations booked through these types of services are called “short-term rentals”. Short-term rentals have become a popular option for travelers looking for inexpensive and unique accommodations.

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.

Staff is proposing to add provisions to the Zoning Ordinance 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 STRs are allowed, either as an accessory use or a permitted use.
- Establish use standards that STRs must meet in order to be allowed.
- Identify the parking requirement for STRs.
- Option to establish a STR registration program.

**SUGGESTED ACTION:**

Conduct the public hearing and close if all testimony has been taken.

Staff has placed this item on the meeting portion of the agenda for a vote should the Plan Commission feel that they have enough information to make a recommendation.

**INFO / PROCEDURE – GENERAL AMENDMENT APPLICATIONS:**

- See **Sec. 17.04.320** regarding General (Text) Amendments. A General Amendment (or Text Amendment) is an application requesting a change to the Zoning Ordinance, Title 17 of the City Code. A change may be requested to a numerical standard (such as a setback requirement) or to any other text of the Zoning Ordinance. Often, a General Amendment is proposed to change the standards that apply to a specific zoning district or a specific land use or business category. Changes to the text apply to all properties in the City that are located in the same zoning district or fall within the same category of land use or business. A General Amendment application may also involve changes to procedures or application requirements that are listed in the Zoning Ordinance.

- Public hearing is required. No mailed notice to surrounding property owners.
- Findings: 6 items of information for Plan Commission to consider in making a recommendation; all items need not be in the affirmative to recommend approval.

Community & Economic Development  
Planning Division

Phone: (630) 377-4443

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**STAFF MEMO**

**TO:** Chairman Todd Wallace  
And the Members of the Plan Commission

**FROM:** Ellen Johnson, Planner

**RE:** Short-Term Rentals – Update & Additional Information

**DATE:** March 29, 2019

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City Staff has filed a General Amendment application regarding Short-Term Rentals. Plan Commission held a public hearing on the application at the 1/8/19 meeting. The hearing was continued to allow for further discussion on the topic.

This memo is supplemental to the Staff Report from the 1/8/19 meeting (attached) and provides additional information and options for the Plan Commission’s consideration.

**I. Zoning Options**

As a reminder, staff is proposing to regulate Short-Term Rentals under the Zoning Ordinance in order to clarify what is and is not permitted. The definition of Short-Term Rental (STR) is proposed 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.*

Staff is presenting three options for regulating STRs. The Plan Commission may choose one of these options or propose something different:

**OPTION #1 (minimum recommended by staff):**

Define Short-Term Rental in the Zoning Ordinance and permit the use in commercial districts where residential uses are currently 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 where they would not impact residential neighborhoods.

**OPTION #2 (previously discussed at 1/8/19 meeting):**

Staff proposed this option at the 1/8/19 meeting (see attached staff report). Allow Short-Term Rentals as follows:

- Single-family Districts (RE, RS, RT):
  - One per lot.
  - Principal dwelling must be owner-occupied during STR stays; cannot use entire principal dwelling as a STR.
  - Types of STRs allowed:
    - 1 room within an owner-occupied house.
    - 1 Auxiliary Dwelling Unit (RT districts only).
  
- Multi-Family & Mixed-Use Districts (RM, CBD-1, CBD-2, BT Overlay):
  - One per permitted dwelling unit.
  - Types of STRs allowed:
    - Entire dwelling unit.
    - 1 room within a dwelling unit.
  
- Commercial Districts (BL, CBD-1, CBD-2):
  - One per permitted dwelling unit.
  - Types of STRs allowed:
    - Entire dwelling unit.
    - 1 room within a dwelling unit.

Under this proposal, Short-Term Rentals in single-family districts must be occupied by the homeowner; an entire home could not be rented as a Short-Term Rental. Conversely, owner-occupancy is not required in multi-family districts or commercial districts in and around downtown.

**OPTION #3 (new option based on Plan Commission discussion on 1/8/19):**

At the last meeting, some Commissioners expressed a desire to allow use of an entire home as a Short-Term Rental in single-family districts IF the home is occupied by the property owner for a significant portion of the year. Short-Term Rentals would be allowed as follows:

- Single-family Districts (RE, RS, RT):
  - One per lot.
  - Principal dwelling must be occupied by the property owner for more than one-half of the calendar year.
  - Types of STRs allowed:
    - Entire dwelling unit.
    - 1 room within a dwelling unit with owner occupancy during STR stay.
    - 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.*

- Multi-Family & Mixed-Use Districts (RM, CBD-1, CBD-2, BT Overlay):
  - One per permitted dwelling unit.
  - Types of STRs allowed:
    - Entire dwelling unit.
    - 1 room within a dwelling unit.
  
- Commercial Districts (BL, CBD-1, CBD-2):
  - One per permitted dwelling unit.

- Types of STRs allowed:
  - Entire dwelling unit.
  - 1 room within a dwelling unit.

## **II. Registration**

Discussed at the January meeting was the possibility of requiring Short-Term Rental operators to register their unit(s) with the City. This 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.

Registration could take a variety of forms. 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 information.
  - Owner contact information.
  - 24/7 contact person information.
  - 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.
  - Proof of primary residence (for residential districts) – tax records showing owner-occupied exemption
- No inspections.
- Collection of Hotel/Motel Tax.

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 Short-Term Rental 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.

## **III. 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.

**IV. 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 Rentals 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.

**V. Attachments**

- Example Registration Form
- Staff Report from 1/8/19 meeting
- Minutes from 1/8/19 meeting

# 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, permanent residence for government purposes, including property taxes and exemptions, voting, vehicle registration, driver's license, etc.
3. I reside at the Residence for more than one-half of the calendar year.
4. The Residence will remain my permanent residence for more than-half of the coming year.
5. I have provided the following documents:
  - a. Valid Driver's License, State ID or Passport \_\_\_\_\_
  - b. Proof of Owner-Occupied Exemption \_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Subscribed and Sworn before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

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Planning Division

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**STAFF MEMO**

**TO:** Chairman Todd Wallace  
And the Members of the Plan Commission

**FROM:** Ellen Johnson, Planner

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

**DATE:** January 4, 2019

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**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 people 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 called short-term rentals. 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 December 2018, there were a total of 14 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 & Breakfast and Hotel/Motel:

- 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.
- 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.

### 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, either as an accessory use or a permitted use.

- Establish use standards that short-term rentals must meet in order to be allowed.
- Identify the parking requirement for short-term rentals.

## 1. Ch. 17.30.020 Definitions

### *Proposal:*

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.

**Explanation:** Under the proposed definitions, to be considered a short-term rental the unit may not be rented for more than 30 consecutive days at a time. Rental of 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. Ch. 17.20.030 Use Standards

### *Proposal:*

Add the following standards specific to short-term rentals:

### **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.

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.

**Explanation:** In single-family residential districts, only one short-term rental is permitted on a lot and the property must be owner-occupied. An entire principal building cannot be rented out. 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). The following types of short-term rentals would be allowed in single-family districts:

- One private or shared room within an owner-occupied house, OR
- An entire unit meeting the definition of an Auxiliary Dwelling Unit (per Section 17.20.030, ADUs may not exceed 700 sf and the property must be owner-occupied, among other requirements related to setbacks, etc.). Note ADUs are only permitted in the RT districts.

In multi-family and certain commercial districts, one short-term rental is permitted per dwelling unit. The property does not need to be owner-occupied. The following types of short-term rentals would be allowed in these districts:

- Entire dwelling unit (any type of permitted residential unit).
- Private or shared room within any type of permitted residential unit.

### 3. Ch. 17.12.020 Permitted Uses – Residential Districts

**Proposal:** Add Short-Term Rental to Table 17.12-1 “Residential Districts – Permitted and Special Uses”, as follows (ADU and B&B shown for reference only; no changes proposed):

	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
<b>Short-Term Rental</b>	<b>A</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>									
<i>Auxiliary Dwelling Unit</i>							<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>				
<i>Bed &amp; Breakfast</i>														<i>P</i>

**Explanation:** Proposed is to permit short-term rentals as an Accessory use in the single-family zoning districts: RE- Estate Residential, RS- Suburban Residential, and RT- Traditional Residential. In the multi-family districts (RM-1, RM-2, RM-3) and the BT Transitional Business Overlay, proposed is allowing short-term rentals as a Permitted use.

For reference, an Accessory Use is defined as: “A use that is subordinate in area, extent and purpose to the principal use on the lot, and that is customarily maintained for the benefit of a permitted principal use.”

Staff is proposing to allow short-term rentals only as an accessory use in the single-family districts in order to ensure compatibility with and avoid potential disturbances to residential neighborhoods. A short-term rental being operated in compliance with the proposed use standards would not have any greater impact on the neighborhood than if a friend or relative were visiting, other than the fact that the visitor would be paying to stay there.

In multi-family districts and the BT Overlay (overlay district that applies to certain small-scale commercial properties zoned RT and adjacent to commercial zoning), an entire dwelling unit could be used as a short-term rental and the unit does not need to be owner-occupied. 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. In the BT Overlay, the proximity to commercial areas reduces the potential for negative impacts of allowing entire units to be used as short-term rentals.

**4. Ch. 17.14.020 Permitted Uses – Business and Mixed Use Districts**

**Proposal:** Add Short-Term Rental to Table 17.14-1 “Business & Mixed Use Districts – Permitted and Special Uses”, as follows (B&B, Hotel/Motel, and ADU shown for reference only; no changes proposed):

	BL	BC	BR	CBD-1	CBD-2
<b>Short-Term Rental</b>	<b>P</b>			<b>P</b>	<b>P</b>
<i>Bed &amp; Breakfast</i>				<i>P</i>	<i>P</i>
<i>Hotel/Motel</i>		<i>P</i>	<i>P</i>	<i>P</i>	
<i>Auxiliary Dwelling Unit</i>					<i>P</i>

**Explanation:** Proposed is to allow short-term rental as a permitted use in the BL Local Business district and the downtown zoning districts, CBD-1 and CBD-2. These districts were identified because they already permit residential uses. An entire unit could be used as a short-term rental without the owner present. The short-term rental could also be within an owner-occupied unit. 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.

The table below provides basic information staff has gathered about the short-term rentals currently listed in St. Charles. Based on the type of short-term rental and the zoning district, the table identifies whether the listing would be permitted under the proposed regulations. Most current listings would be permitted, however some would need to reduce the number of private rooms offered and it would need to be confirmed whether certain units can be considered ADUs.

Type of Short-Term Rental	Zoning District	Permitted Under Proposed Amendment?
<b>Entire House</b>	R?	No
<b>Entire House</b>	RS-4	No
<b>Entire Apartment</b>	?	?
<b>Entire Apartment (2-flat)</b>	RT-3	Yes (if unit meets definition of ADU)
<b>Entire Apartment (2-flat)</b>	CBD-2	Yes
<b>Entire Apartment</b>	RT-1	Yes (if unit meets definition of ADU)
<b>Private Room (2 bedrooms in one house)</b>	CBD-2	No, but permitted as a B&B
<b>Private Room (in a single-family home)</b>	R?	Yes
<b>Private Room (in a townhome)</b>	RM-2	Yes
<b>Private Room (in a single-family home)</b>	R?	Yes
<b>Private Room (in a townhome)</b>	RM-2	Yes
<b>Private Room (3 bedrooms in a single-family house)</b>	RS-3	No (only 1 allowed)
<b>Private Room (2 bedrooms in a single-family house)</b>	RS-3	No (only 1 allowed)
<b>Shared Room (3 beds in one bedroom)</b>	R?	No (only 1 allowed)

### 3. Ch. 17.24.140 Off-Street Parking

**Proposal:** Add Short-Term Rental to Table 17.24-3 “Required Off-Street Parking Spaces”, and require one parking space per short-term rental unit, as follows (B&B, ADU, and Hotel/Motel are shown for reference only; no changes proposed):

USE	PARKING REQUIREMENT
<b>Short-Term Rental</b>	<b>1 per unit/bedroom</b>
<i>Bed &amp; Breakfast</i>	<i>1 space + 1 per guestroom</i>
<i>Auxiliary Dwelling Unit</i>	<i>1 per du</i>
<i>Hotel/Motel</i>	<i>1 per room; CBD-1 &amp; CBD-2, 1 per 4 rooms</i>

**Explanation:** Proposed is requiring one off-street parking space per short-term rental unit, whether the rental is an entire unit or a bedroom within a unit. This will help to ensure that occupants of short-term rentals will have the option to not park on street. 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.

#### IV. SUGGESTED ACTION

Conduct the public hearing on the General Amendment and close if all testimony has been taken.

Staff has placed this item on the meeting portion of the agenda for a vote should the Plan Commission determine that they have enough information to make a recommendation.

Staff has provided responses to the findings of fact for General Amendment for the Plan Commission’s consideration.

#### V. ATTACHMENTS

- Application for General Amendment, filed by staff on 12/19/18

**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**

<b>CITYVIEW</b>	
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.*

<b>Applicant:</b>	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.



**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.

**17.12.020 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
<b>Short-Term Rental</b>	<b>A</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>									

**17.14.020 Permitted Uses – Business & Mixed Use Districts**

Table 17.14-1

	BL	BC	BR	CBD-1	CBD-2
<b>Short-Term Rental</b>	<b>P</b>			<b>P</b>	<b>P</b>

**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.

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.

**17.24.140 Off-Street Parking**

Table 17.24-3

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

## 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 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.

### 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 in some commercial and multi-family residential districts and an accessory use in single-family residential districts.

Transcript of Hearing - General Amendments for Modifications to Site Landscaping  
Conducted on January 8, 2019

1 miscellaneous.

2           Moving on to short-term rentals, the last  
3 one, so staff is bringing this amendment regarding  
4 short-term rentals forward as Airbnb and similar  
5 websites offering home sharing are becoming more  
6 popular. The zoning ordinance does not currently  
7 address this type of use.

8           So Airbnb and other websites like HomeAway  
9 offer platforms for property owners to rent their  
10 homes as vacation rentals. So entire homes could  
11 be rented, entire apartments, or shared rooms in a  
12 home that is hosted by the property owner.

13           So these types of accommodations are  
14 called short-term rentals. It's become a popular  
15 option for travelers looking for something  
16 different and a more unique experience, and also  
17 for homeowners looking to earn extra income from  
18 their spare space.

19           So staff has received a few inquiries over  
20 the past year to check whether short-term rentals  
21 are permitted in St. Charles. Currently, our  
22 ordinance really doesn't address them.

23           So we have currently two short-term  
24 lodging uses: bed and breakfasts and hotel/motel.

1 So based on the definitions that we have in the  
2 ordinance of those uses, we have made a few code  
3 interpretations regarding short-term rentals.

4 The first is that the code does not  
5 identify renting of a single room in a larger  
6 dwelling unit as a use category. So currently,  
7 it's not -- it's neither prohibited nor permitted.

8 So if more than one room is being rented  
9 out in a home, it is considered a bed and  
10 breakfast, and so it's permitted only where bed  
11 and breakfasts are allowed, which is the downtown  
12 districts.

13 Rental of an entire unit on a short-term  
14 basis, which is under 30 days, would be  
15 considered currently a hotel/motel use which then  
16 would only be permitted in certain commercial  
17 districts.

18 However, of course, short-term rentals are  
19 different from these uses in a few ways. Most are  
20 operated by property owners looking to earn extra  
21 income. These usually aren't businesses running  
22 these properties, although that does exist,  
23 especially in larger cities.

24 They're not registered as businesses or

1 subject to regulations like a health department  
2 inspection. They're also located in residential  
3 districts instead of commercial districts, and  
4 they vary in type of unit. As we talked about,  
5 there's a range of types of short-term rentals.

6 So we're proposing to add a definition of  
7 short-term rentals and then identify where it is  
8 allowed. This is the proposed definition: A  
9 dwelling unit or portion of dwelling unit that is  
10 available for rent as a residential accommodation  
11 for a duration of less than 30 consecutive days at  
12 a time.

13 So a unit that's being rented for more  
14 than 30 days would be considered non transient, so  
15 the renter of that unit would be considered a  
16 resident.

17 MEMBER BECKER: I have a question. The 30  
18 consecutive days, do you contemplate that being  
19 many different tenants or users or whatever?

20 MS. JOHNSON: It's going to be more than  
21 30 days at a time.

22 MEMBER BECKER: It doesn't matter if one  
23 person is doing it for one day and --

24 MS. JOHNSON: Yeah. I guess the idea is

1 no one renter or one traveler could occupy it for  
2 more than 30 days.

3 MEMBER BECKER: Thank you.

4 MS. JOHNSON: But theoretically, the  
5 thought is that the unit could be occupied at all  
6 times, just not by the same person for more than  
7 30 days.

8 MEMBER PRETZ: And the owner is present on  
9 the property or does not have to be present?

10 MS. JOHNSON: So that's coming.

11 MEMBER PRETZ: Okay.

12 MS. JOHNSON: That's coming. Yes.

13 So we're also proposing to kind of clarify  
14 the difference between short-term rentals and bed  
15 and breakfasts versus hotel/motel. So we've added  
16 a little bit of language to bed and breakfasts  
17 specifying that any dwelling with rooms offered to  
18 guests that have more than one guest room, that  
19 would be considered a bed and breakfast.

20 So use standards, to get to Tom's point,  
21 so we're preparing the use standards for  
22 short-term rentals proposed in the RE, RS, and RT  
23 districts, which are the single-family districts.  
24 Allow a short-term rental as an accessory use

1 subject to the following standards: One  
2 short-term rental is permitted per lot, and then  
3 the principal building must be owner occupied.  
4 We're proposing to prohibit use of an entire  
5 principal home as a short-term rental.

6 VICE CHAIRMAN KESSLER: There would be no  
7 B&B on the list or no Airbnb in those districts.

8 MS. JOHNSON: Well, there could be the  
9 shared-room model, but there couldn't be an entire  
10 house used as an Airbnb. There could be --

11 VICE CHAIRMAN KESSLER: In a traditional  
12 residential neighborhood.

13 MS. JOHNSON: Right. That's proposed.  
14 Yep. However, we're -- so auxiliary dwelling  
15 units are currently allowed in the code in the RT  
16 districts. So we would allow -- propose to allow  
17 an auxiliary use to be used as a short-term  
18 rental.

19 VICE CHAIRMAN KESSLER: What does that  
20 mean?

21 MEMBER MACKLIN-PURDY: What do you  
22 consider an auxiliary?

23 MS. JOHNSON: An auxiliary dwelling unit.  
24 That's currently in the code. So basically, in

1 the traditional residential neighborhoods, you can  
2 have a secondary dwelling on a lot.

3 MEMBER MACKLIN-PURDY: Like a coach house.

4 MS. JOHNSON: It could be a coach house.  
5 It could be attached or detached. It could be  
6 like an apartment above a garage or a basement  
7 apartment, something that could be used as a  
8 separate dwelling unit. It has to be less than  
9 700 square feet. The main building on the lot has  
10 to be owner occupied, and then there's some  
11 requirements regarding setbacks and things. Those  
12 are currently allowed.

13 So we're proposing to allow those to be  
14 used as short-term rentals.

15 MEMBER MACKLIN-PURDY: So some of the  
16 Airbnbs that are currently in St. Charles that I  
17 looked up and haven't come off, they would not be  
18 allowed.

19 MS. JOHNSON: Yeah. And I have a list  
20 coming up. We can talk about those.

21 MEMBER PRETZ: And with this, I would  
22 anticipate that it's quite possible people have  
23 vehicles. Can there be a requirement that it has  
24 to be on-property parking versus on the street?

1 MS. JOHNSON: Yeah. We are proposing to  
2 require one parking -- one on-street parking --  
3 one off-street parking space per short-term rental  
4 unit.

5 MEMBER PRETZ: Okay. I'm just thinking of  
6 the neighbors.

7 VICE CHAIRMAN KESSLER: I'll let you  
8 finish, then we'll --

9 MS. JOHNSON: Okay. So basically, the  
10 types of short-term rentals that would be allowed  
11 in the single-family district would be a private  
12 room in an owner-occupied house but just one room,  
13 and in the RT districts, an accessory dwelling  
14 unit.

15 For the multifamily districts and the  
16 commercial zoning districts, certain commercial  
17 zoning districts, the two downtown zoning  
18 districts, the local business district, and then  
19 the BT overlay, short-term rentals are permitted  
20 subject to one standard, which is one short-term  
21 rental is permitted per dwelling unit.

22 So that means that an entire unit could be  
23 used as a short-term rental, an entire home, an  
24 entire apartment, or a short-term rental could be

1 established in a house that's owner occupied or  
2 unit that's owner occupied.

3 And then to get to Tom's point about the  
4 parking, require one off-street parking space per  
5 unit. So here's a list of the existing short-term  
6 rentals in town. Airbnb doesn't disclose the  
7 exact address until you book a unit, but we've  
8 been able to identify approximately where most of  
9 the listings are located or at least by zoning  
10 district.

11 So this table lists the type of short-term  
12 rental, the zoning district that they're in, and  
13 then whether they would be proposed under --  
14 whether they would be permitted under this  
15 amendment.

16 So most of them would be permitted. The  
17 three at the bottom would be permitted if they  
18 were to reduce the number of bedrooms that they're  
19 offering. Right now, you know, the private room  
20 that has three bedrooms in a single-family home,  
21 they would have to reduce that down to one  
22 bedroom. They could offer the three bedrooms, but  
23 only one could be occupied by a traveler at a  
24 given time.

1           There are two in the RT district that are  
2   entire apartments. Those would be permitted if it  
3   can be determined that those entire apartments can  
4   be considered accessory dwelling units.

5           Are there any questions on any of this?

6           VICE CHAIRMAN KESSLER: Oh, yeah, lots.

7           Why are we not allowing Airbnb in  
8   single-family residential neighborhoods? Period,  
9   they're just not.

10          MS. JOHNSON: Well, they're allowed -- you  
11   can have a shared, you know, the shared home.

12          MEMBER MACKLIN-PURDY: No. I want to --

13          VICE CHAIRMAN KESSLER: I want to rent my  
14   house.

15          MEMBER MACKLIN-PURDY: I want to rent my  
16   house. I'm out of the country for a year, and I  
17   want to rent my house to Airbnb, but I can't.

18          VICE CHAIRMAN KESSLER: I want to leave --  
19   I mean, I just want to trade apartments, you know,  
20   rent it out by Airbnb because some big event is  
21   coming. So I want to rent it out for a week.

22          MS. JOHNSON: Yeah.

23          VICE CHAIRMAN KESSLER: I'll go stay with  
24   somebody else.

1 MS. JOHNSON: This is just a --

2 VICE CHAIRMAN KESSLER: Why can't I do  
3 that?

4 MS. JOHNSON: This is a draft amendment.  
5 It's what we're proposing now. It's not set in  
6 stone. So the Commission can make other  
7 recommendations. This is what we're proposing in  
8 order to limit the potential negative impacts on a  
9 neighborhood.

10 MEMBER MACKLIN-PURDY: What are the  
11 potential negative impacts?

12 MS. JOHNSON: Well, there's been some  
13 concern about party houses, you know, the house  
14 being offered on Airbnb and rented out for, you  
15 know, big parties --

16 MEMBER MACKLIN-PURDY: Like in Miami?

17 MS. JOHNSON: -- the noise.

18 VICE CHAIRMAN KESSLER: Yeah. I don't  
19 think people are coming to 12th Street in  
20 St. Charles to have a big party, not very often.

21 But anyway what is the -- I mean, what is  
22 the reason that -- can you tell us what was the  
23 thinking behind not allowing them in traditional  
24 single-family neighborhoods? Just that one, just

1 what you said?

2 MS. JOHNSON: Yeah. To limit potential  
3 impacts, and we felt that allowing them as we're  
4 proposing in a shared home, it still provides  
5 property owners with the opportunity to earn an  
6 income from their home through this, but it's kind  
7 of limiting the use. A lot of communities that  
8 are regulating short-term rentals are prohibiting  
9 them outright in residential neighborhoods.

10 VICE CHAIRMAN KESSLER: Like you're  
11 proposing to do.

12 MS. JOHNSON: No. We're not prohibiting  
13 them outright because they're allowed in a shared  
14 home.

15 VICE CHAIRMAN KESSLER: Okay. But you're  
16 prohibiting entire homes.

17 MS. JOHNSON: Yeah. Yes, entire homes,  
18 right.

19 So we felt that this was giving at least  
20 some flexibility compared to what other  
21 communities are doing without going all the way,  
22 but we can -- the Commission can make a different  
23 recommendation.

24 VICE CHAIRMAN KESSLER: Can you tell us

1 what our -- do you have any idea what our  
2 neighboring communities have done, if anything?

3 MS. JOHNSON: Yes. We didn't hear back  
4 from Geneva because I know they were talking about  
5 it awhile ago. I'm not sure where that  
6 conversation went.

7 VICE CHAIRMAN KESSLER: Okay.

8 MS. JOHNSON: Batavia, they have a bed and  
9 breakfast use that is allowed as a conditional  
10 use, which is like a special use in their  
11 residential district. So they have interpreted  
12 that all short-term rentals are considered bed and  
13 breakfasts. So they require conditional use  
14 approval.

15 So they're going to be shortly -- they're  
16 going to be sending out a notice to all of the  
17 Airbnb operators telling them that they need to  
18 apply for conditional use approval.

19 VICE CHAIRMAN KESSLER: So if somebody in  
20 Batavia wanted to rent out their entire house for  
21 an Airbnb, they would have to register as an  
22 Airbnb?

23 MS. JOHNSON: Right. And they'd have to  
24 get approval, which would, you know, involve for

1 most property owners a public hearing and all of  
2 that. So that's what Batavia is doing.

3 Geneva, I haven't heard from.

4 West Dundee recently decided to prohibit  
5 it in all areas except downtown. So they're  
6 permitted in downtown, and they require a business  
7 license to operate.

8 And I have information on some communities  
9 which are not our neighbors; but if you want to  
10 hear what more communities are -- a lot of  
11 communities that are doing something are doing  
12 that through some sort of licensing or  
13 registration.

14 VICE CHAIRMAN KESSLER: You know what, I  
15 really would understand the need for some sort of  
16 control over this. Anybody randomly renting their  
17 house out for, you know, party houses, I suppose  
18 that's kind of an extreme reason, but I believe  
19 that there should be some control.

20 I think I would rather see us address it  
21 through some sort of registration, licensing  
22 requirement than outright prohibiting. And I  
23 understand you think outright prohibited -- you  
24 outright prohibited me leaving my house and

1 letting somebody use it for Airbnb. I don't like  
2 not having that option, if I wanted to.

3 Although I could understand the need to  
4 register that property as a potential, and then  
5 during -- through that registration be required to  
6 notify that there's going to be an Airbnb renter.

7 So I think I'd rather give the option than  
8 take it -- completely take it away from the  
9 community. I mean, it's my house.

10 MEMBER PRETZ: I think from the City's  
11 standpoint, it's probably difficult while allowing  
12 the right to an individual to be able to do that,  
13 which I fully understand, taking the position of  
14 how the neighbors will feel, whether justified  
15 or not, that a unit is being rented out for a year  
16 with Airbnb, and I've done Airbnb myself.

17 VICE CHAIRMAN KESSLER: For a year?

18 MEMBER PRETZ: No. I mean, I've used it.  
19 So I'm at least familiar with it.

20 But I think we have to from the  
21 perspective of individual right and community  
22 maybe reaction or protection of the neighboring  
23 community for that, and I see what she's proposing  
24 as being protecting more than the neighborhood but

1 still allowing the individual with some  
2 flexibility to be able to do something.

3 To me I think that's a nice compromise.

4 VICE CHAIRMAN KESSLER: I don't see that  
5 flexibility if I'm leaving and I want to, you  
6 know, rent my house out for a weekend or a week.  
7 If I'm not going to be able to do that, I don't  
8 find that flexible.

9 I know it goes on in St. Charles. I have  
10 a neighbor who commuted, left her house for a  
11 year; and on and off over that year, the house was  
12 rented out for a week or a weekend on and off  
13 through Airbnb, and it was perfectly fine with the  
14 neighborhood.

15 I understand that it would probably have  
16 been better had there been some notification. We  
17 were always apprised if somebody new showed up.  
18 She was good enough to call all of us, you know,  
19 and let a couple of us in the neighborhood know  
20 that there would be a renter, and we would talk  
21 and let everybody know. But I don't like having  
22 that use completely removed. I just don't think  
23 that's -- I think that's a little overreaching.

24 MEMBER HOLDERFIELD: I can't hear what

1 you're saying.

2 VICE CHAIRMAN KESSLER: I said I think  
3 it's a little overreaching to take away the  
4 ability for a homeowner to rent their house as an  
5 Airbnb, and I'm not talking about a one-year  
6 rental, Tom. I'm talking about short-term, what  
7 this is describing as short-term rental here.

8 I can't go along with removing that  
9 ability. I think there's a compromise between,  
10 you know, public awareness and public safety and a  
11 homeowner's right to do with their property as  
12 long as they stay within the terms of the  
13 short-term rental. I just believe that we need to  
14 address it in a different fashion.

15 MEMBER VARGULICH: Of the communities that  
16 have gone to more of a registration or kind of a  
17 business permit to do that, do you have a sense of  
18 whether that's been received well? You know,  
19 people are cooperating with that, or do you have  
20 more of a sense that they're circumventing it and,  
21 you know, don't care.

22 MS. JOHNSON: I really don't have a sense.  
23 I was just doing some online research.

24 MEMBER VARGULICH: Okay.

1           VICE CHAIRMAN KESSLER: That's a very good  
2 point. Regardless of what's adopted, I can bet  
3 you it's going to be circumvented in any  
4 community. I mean, people are just going to do  
5 what they want to do because the likelihood of  
6 somebody, you know, finding out is probably slim.

7           MS. JOHNSON: Yeah. And what the City  
8 decides to do, if anything, regarding enforcement  
9 remains to be seen. But I think at least having  
10 something in the code that addresses it, if  
11 somebody wants to check, they can have an answer,  
12 and they can know whether what they're doing is  
13 allowed or not --

14           VICE CHAIRMAN KESSLER: Yeah.

15           MS. JOHNSON: -- and can do it at their  
16 own risk, but they would know what is and is not  
17 allowed, so.

18           MEMBER BECKER: I have a question. I'm  
19 thinking about the one room per dwelling, and I'm  
20 thinking about one room being perhaps somebody's  
21 playroom or a loft or something larger. Have you  
22 thought about maybe limiting the number of  
23 occupants for that room so you don't -- you know,  
24 if there's a concern about a party house, you get,

1 you know, 20 people crammed in a loft instead of  
2 the one or two people you think might be in a  
3 bedroom or, you know, a guest room or something.

4 MS. JOHNSON: Yeah. No. I hadn't thought  
5 about doing it by occupants. Yeah. That's an  
6 interesting idea.

7 MEMBER MACKLIN-PURDY: I think that's a  
8 good idea.

9 VICE CHAIRMAN KESSLER: We do have  
10 standards for occupancy, and maybe they should  
11 apply to this as well.

12 MEMBER BECKER: Then that would tie that  
13 into something that's already existing, and people  
14 would be more amenable to that.

15 MEMBER VARGULICH: If the City is  
16 concerned about impacts on neighbors and things  
17 like that, how would -- let's say we made no  
18 changes to what's being proposed at this point.  
19 How would that provide protection or, you know,  
20 remedy for neighbors with respect to parking or  
21 partying or that kind of thing?

22 MS. JOHNSON: Yeah. I mean, right now  
23 since we're not requiring licensing or  
24 registration we really -- the ordinance really

1 only limits that or protects against that in that  
2 it limits the number of units that are allowed --  
3 the number of units that are allowed and where  
4 they're allowed and requiring an off-street  
5 parking space.

6 But there's no registration requirement.  
7 So there's no identification of, like, a property  
8 owner or a contact person. If there's a problem,  
9 it really doesn't address any of that. And we  
10 wouldn't do that through zoning. The registration  
11 process would be separate from the zoning  
12 regulations.

13 MEMBER VARGULICH: Right.

14 VICE CHAIRMAN KESSLER: You could do it  
15 through the registration process, put restrictions  
16 on a large gathering or something like that.

17 MS. JOHNSON: Uh-huh.

18 MEMBER VARGULICH: Let's just say it had  
19 nothing to do with the Airbnb, but there was a  
20 big, big party going on, and there was some family  
21 that had a lot of people living in a house, and  
22 there was a lot of cars being parked and those  
23 kinds of things.

24 Is there something from a code -- from a

1 building code standpoint or from a police  
2 standpoint that they could -- you know, the  
3 neighbors could call and say, Hey, there's a noise  
4 issue, and what would the police do in those  
5 instances? And in those cases is there a way that  
6 the ordinance could apply those to this?

7 MS. JOHNSON: Yeah. I'm not too sure of  
8 the process. I mean, would it be a code  
9 enforcement or a police issue?

10 MR. COLBY: Yeah. It would depend on the  
11 type of complaint. Obviously, if somebody -- you  
12 know, issues arise in a short-term rental, they  
13 could be enforced the same way. It is difficult  
14 for the City to issue violations for -- code  
15 violations where we can't really demonstrate on a  
16 factual basis that, for example, an occupancy  
17 limit is being exceeded in a unit. We have  
18 limited ability to gather information on those to  
19 support code issues.

20 I think the concept of having licensing  
21 gives us the ability to communicate with the owner  
22 and a mechanism for the City to either allow or  
23 disallow that short-term rental, which is  
24 something that, you know, from a zoning standpoint

1 is difficult for us to do because we can't  
2 necessarily take away the zoning right based on,  
3 you know, a criminal activity or a civil code  
4 matter. So really the enforcement of the negative  
5 effects would likely have to be through licensing.

6 I will say, though, that right now we're  
7 in a difficult position when people approach us  
8 regarding short-term rentals as often they're  
9 inquiring because they want to, for example,  
10 purchase a property and turn it into a short-term  
11 rental or they want to purchase a property and  
12 turn it into all short-term rental units.

13 And it's very confusing, I think, to the  
14 average person to understand how that fits within  
15 our definitions of a motel versus a bed and  
16 breakfast. So we think it's necessary to clean  
17 this up because right now from an enforcement  
18 standpoint, if we can't call it a short-term  
19 rental, we're sort of in the position of having to  
20 say, well, you know, our code doesn't allow you to  
21 rent out this unit or a room within your house.

22 We have to demonstrate that they're  
23 actually using it in a way that's a violation of  
24 the ordinance, which without the definition there

1 for a different type of use, we have to prove  
2 somehow that it wouldn't be part of the family  
3 unit that's occupying the unit.

4 So we need some type of definition to  
5 distinguish those things, and I think, as Ellen  
6 has presented, we have tried to take a  
7 conservative approach with what we're proposing.  
8 We're open to input, though, from the Plan  
9 Commission about where you think these types of  
10 short-term rentals would be appropriate.

11 At least with our initial proposal, we  
12 wanted to present something that we can state to  
13 have a minimum, the least impact on the  
14 neighborhoods without prohibiting this use  
15 outright, which is the same as some communities  
16 have chosen to do. Just to provide a little  
17 background.

18 VICE CHAIRMAN KESSLER: That makes perfect  
19 sense, and I think that you're on the right track.  
20 I think it needs to be massaged a little more,  
21 though, to allow the homeowners. You know, that  
22 does scare me that somebody may come into our  
23 neighborhood and buy a house not intending to  
24 occupy it, but to use it as a short-term rental.

1 That is troubling. That we don't want.

2 But to come up with some sort of language,  
3 you know, describing what a short-term rental is  
4 and how that short-term rental is used in a  
5 residential neighborhood. I think we can spend a  
6 little more time on that. I would prohibit it if  
7 it wasn't a primary residence.

8 I had a situation -- here's a perfect  
9 example. About 10 years ago friends of ours  
10 parent died, and all of the kids lived all over  
11 the country. We had seven people staying in our  
12 house. We left and gave our house over to this  
13 family for a funeral.

14 Now, we didn't rent it at that time, but  
15 is that prohibited? Would that use be prohibited?  
16 Could we not give up -- move out of our house and  
17 give it to somebody to use; and if we decided to,  
18 we could rent it. But is that prohibited?

19 MS. JOHNSON: I don't think so because you  
20 weren't renting it. You were just allowing people  
21 to stay there.

22 VICE CHAIRMAN KESSLER: But I can see  
23 reasons why somebody would have a group of people  
24 in their residential home. I mean, that's a

1 reason right there. Maybe you do rent it out  
2 Airbnb, and somebody needs a place for a family  
3 gathering or something like that.

4 I think that we should spend a little more  
5 time on how we're controlling it. I think you're  
6 on the right track, but we need to -- we need to  
7 stop the use that would be a nonowner occupied use  
8 but still allowing owners to, you know --

9 MS. JOHNSON: So would it be a requirement  
10 where the owner would live at the property for a  
11 certain amount of -- a minimum time?

12 VICE CHAIRMAN KESSLER: It has to be their  
13 primary residence, just like a mortgage company  
14 would ask or just like an insurance company asks.  
15 Is this your priority residence? If it's your  
16 primary residence, then yes, you do have the right  
17 to -- through registration, I believe. That's  
18 what I believe to be the answer, through  
19 registration to rent short term an entire  
20 dwelling. But, I mean, that's how you define a  
21 primary residence. If you live somewhere else,  
22 it's not your primary residence.

23 Do you have enough information? Can you  
24 come back to us with more of a --

1 MS. JOHNSON: Sure. Yeah. We can bring  
2 it back, and you could theoretically move forward  
3 with the other amendments, and we could bring the  
4 short-term rental back.

5 VICE CHAIRMAN KESSLER: Agreed.

6 I think I personally would like to hear  
7 more on this subject before we --

8 MEMBER MACKLIN-PURDY: I agree.

9 MS. JOHNSON: Are there any other thoughts  
10 on anything else that's proposed?

11 MEMBER MACKLIN-PURDY: That's really a  
12 good idea to limit the amount of options. I mean,  
13 I'm just looking through the Airbnb site. They do  
14 have, like, you know, five-person occupancy, and  
15 they do have limits on there, four-person. But  
16 there are a lot of like neighboring communities  
17 like Elgin that it's all just rooms.

18 So I mean maybe they have adopted  
19 something. I don't know. Maybe you could contact  
20 them to see what they -- I don't know. But to  
21 allow entire houses or dwellings to be short-term  
22 rentals in downtown St. Charles but not in certain  
23 neighborhoods, it just -- I mean, why couldn't  
24 somebody rent it for a party in downtown too. I

1 mean, you could.

2 I don't know how to get around or how you  
3 differentiate what's allowed and what's not  
4 allowed, but I know it's tricky.

5 VICE CHAIRMAN KESSLER: I believe if you  
6 spent some time on the Airbnb and their  
7 regulations, I mean, they have regulations on, you  
8 know, behavior and size of units, number of  
9 people, and it could be incorporated -- some of  
10 that could be incorporated into our ordinance --

11 MEMBER MACKLIN-PURDY: And every single  
12 person --

13 VICE CHAIRMAN KESSLER: -- or the  
14 licensing portion.

15 MEMBER MACKLIN-PURDY: -- that uses Airbnb  
16 gets reviewed, and, I mean, there is a whole  
17 reviewing process. Maybe there is something there  
18 too on that website.

19 MEMBER VARGULICH: I think the  
20 registration or the licensing should be looked at  
21 as an option to add to this, and I think  
22 ultimately, you should be looking to address the  
23 issue -- immediately address issues of parties or  
24 too many people beyond what has been approved.

1           Then you have a mechanism, number one,  
2           that you can write into enforcement. Number two,  
3           when their license comes up for renewal, if they  
4           had a lot of issues, maybe it can't come up for  
5           renewal or, you know, it's denied the next time  
6           versus otherwise.

7           I think you just put a lot of faith on how  
8           people will do things, and if you're really trying  
9           to address the hard issues, which are the parties  
10          and other things, some sort of licensing may be --  
11          now, if people don't, they don't, but ultimately,  
12          if there was a problem, then you're going to have  
13          a way to say, Hey, you have to have this or here's  
14          what's going to happen.

15          And the police have a good mechanism too.  
16          You know, if no one is licensed, then they can  
17          say, Hey, this is not allowed because of the  
18          licensing issue. And they have a better way to  
19          enforce rules.

20                 MS. JOHNSON: Right.

21                 MEMBER VARGULICH: Which is really what  
22                 you want, to have staff go in and enforce rules  
23                 for a building permit versus going in and enforce  
24                 rules. You want them to be enforced by law

1 enforcement. That's a better way to do it. You  
2 know, they're equipped to do it. You know,  
3 there's no question about that.

4 MEMBER BECKER: One other thought I had  
5 while I was in here. I live in a neighborhood  
6 that has an HOA. I'm thinking that maybe many of  
7 the HOAs have covenants preventing rentals of any  
8 type. You might want to look into that because  
9 that might cover a significant part of town, and  
10 that might be a way to pull from that area.

11 MS. JOHNSON: Right.

12 MEMBER BECKER: I mean, the City probably  
13 doesn't enforce that, but it's another thing to  
14 think about.

15 MEMBER VARGULICH: An HOA can be amended  
16 too, you know, even without notifying us.

17 MEMBER BECKER: Exactly.

18 VICE CHAIRMAN KESSLER: And, you know, you  
19 brought up Elgin. I know that Elgin has an entire  
20 rental department that deals with every kind of  
21 rental. There's a whole division with its own set  
22 of rules and regulations and registrations.

23 MS. JOHNSON: Right.

24 VICE CHAIRMAN KESSLER: That far from

1 being any regulations we would ever -- do you know  
2 what I mean?

3 MS. JOHNSON: Yes. We don't require  
4 licensing or registration of rental units, so this  
5 would be something new for the City.

6 VICE CHAIRMAN KESSLER: Right. But I  
7 think that it's different than a landlord.

8 MS. JOHNSON: Right, right.

9 VICE CHAIRMAN KESSLER: It's an entirely  
10 different thing than being a landlord, which means  
11 we may have to define it. Think about that.

12 CHAIRMAN WALLACE: Yes. Go ahead.

13 VICE CHAIRMAN KESSLER: I would move that  
14 we close the public hearing for Item No. 4,  
15 general amendment, City of St. Charles,  
16 landscaping and screening, Chapter 17.14, business  
17 and mixed use districts; and No. 5, general  
18 amendment, Chapter 17.3, definitions, 17.3.02, use  
19 definitions, and Section 17.30, Section 3, 178.28  
20 signs, 17.28, illumination.

21 MEMBER PRETZ: Second.

22 CHAIRMAN WALLACE: All right. So the  
23 motion is to close the public hearings on the  
24 agenda No. 4 and 5; correct?

1 VICE CHAIRMAN KESSLER: That is correct.

2 CHAIRMAN WALLACE: It's been moved and  
3 seconded. Discussion on that motion?

4 I guess my question would be then a  
5 subsequent motion would be to continue Item No. 6.

6 VICE CHAIRMAN KESSLER: That would be  
7 correct.

8 CHAIRMAN WALLACE: Okay. All right. Any  
9 further discussion on that motion?

10 VICE CHAIRMAN KESSLER: Do you want to  
11 second that condition --

12 MEMBER PRETZ: Okay.

13 VICE CHAIRMAN KESSLER: -- to leave Item  
14 No. 6?

15 CHAIRMAN WALLACE: Oh, no. I was just  
16 asking the question there is going to be a  
17 subsequent motion.

18 MEMBER PRETZ: Make a separate motion.

19 CHAIRMAN WALLACE: No. The motion is just  
20 to close 4 and 5. All right. Any further  
21 discussion?

22 (No response.)

23 CHAIRMAN WALLACE: All right. Tim.

24 VICE CHAIRMAN KESSLER: Holderfield.

1 MEMBER HOLDERFIELD: Yes.

2 VICE CHAIRMAN KESSLER: Becker.

3 MEMBER BECKER: Yes.

4 VICE CHAIRMAN KESSLER: Vargulich.

5 MEMBER VARGULICH: Yes.

6 VICE CHAIRMAN KESSLER: Pretz.

7 MEMBER PRETZ: Yes.

8 VICE CHAIRMAN KESSLER: Pietryla.

9 MEMBER PIETRYLA: Yes.

10 VICE CHAIRMAN KESSLER: Purdy.

11 MEMBER MACKLIN-PURDY: Yes.

12 VICE CHAIRMAN KESSLER: Wallace.

13 CHAIRMAN WALLACE: Yes.

14 VICE CHAIRMAN KESSLER: Kessler, yes.

15 And I would move to leave Item No. 6,

16 general amendment, Chapter 17.12, 17.14, 17.20,

17 7.24, and 17.30 open pending additional

18 information from staff.

19 CHAIRMAN WALLACE: We need to continue it

20 to a certain date.

21 VICE CHAIRMAN KESSLER: To a subsequent

22 meeting.

23 CHAIRMAN WALLACE: Are there other items

24 on January 22nd?

1 MR. COLBY: Yes. We anticipate we'll talk  
2 about the comprehensive plan at that meeting.

3 CHAIRMAN WALLACE: Okay.

4 VICE CHAIRMAN KESSLER: Will we have time  
5 to talk about this on the 22nd?

6 CHAIRMAN WALLACE: Well, if not, we'll  
7 continue it to the next date if we don't have time  
8 to continue it.

9 VICE CHAIRMAN KESSLER: Continue it.

10 CHAIRMAN WALLACE: So the motion would be  
11 to continue it to the January 22nd meeting.

12 Is there a second?

13 MEMBER PRETZ: Second.

14 CHAIRMAN WALLACE: All right. It's been  
15 moved and seconded. Any discussion?

16 (No response.)

17 VICE CHAIRMAN KESSLER: Holderfield.

18 MEMBER HOLDERFIELD: Yes.

19 VICE CHAIRMAN KESSLER: Becker.

20 MEMBER BECKER: Yes.

21 VICE CHAIRMAN KESSLER: Vargulich.

22 MEMBER VARGULICH: Yes.

23 VICE CHAIRMAN KESSLER: Pretz.

24 MEMBER PRETZ: Yes.

1 VICE CHAIRMAN KESSLER: Pietryla.

2 MEMBER PIETRYLA: Yes.

3 VICE CHAIRMAN KESSLER: Purdy.

4 MEMBER MACKLIN-PURDY: Yes.

5 VICE CHAIRMAN KESSLER: Wallace.

6 CHAIRMAN WALLACE: Yes.

7 VICE CHAIRMAN KESSLER: Kessler, yes.

8 CHAIRMAN WALLACE: All right.

9 Item No. 7 is general amendment, City of  
10 St. Charles, Chapter 17.26, landscaping and  
11 screening, and Chapter 17.14, business and mixed  
12 use districts regarding modifications to site  
13 landscaping requirements.

14 Okay. Go ahead, Tim.

15 VICE CHAIRMAN KESSLER: I'll make a motion  
16 that Item No. 7 -- move to approve general  
17 amendment, Chapter 17.26, landscape and screening,  
18 and chapter 17.14, business and mixed-used  
19 districts regarding modifications to site  
20 landscaping requirements.

21 MEMBER MACKLIN-PURDY: Second.

22 CHAIRMAN WALLACE: All right. It's been  
23 moved and seconded. Any discussion on the motion?

24 MEMBER PIETRYLA: Question -- so we had a