



#2022-249

UDO Text Amendment – Tourist Homes Project Review for Planning and Zoning Commission

Meeting Date: March 1, 2023

Request: Amend the Unified Development Ordinance Article 2 and Article 10 to add regulations for Tourist Homes.

Staff Contact: Elizabeth Maxwell, 815-356-3605

Text Amendments:

Text Amendments are changes to the adopted Unified Development Ordinance (UDO). The UDO is periodically updated based on trends, best practices, or a request from a petitioner. The amendment process is as follows:

- Through a request from a petitioner, elected official, appointed official, or discussions from internal staff an amendment to the UDO is requested.
- Staff undertakes some research on the topic and drafts unique language that is the best fit for the City of Crystal Lake.
- Text Amendments require a legal notice in the newspaper. They are then posted on the website in the agenda and the packet materials for the public hearing. This follows all State Statute requirements. Individual letters are not mailed to every homeowner in the City.
- The text amendments are discussed at a public hearing then moved to the City Council meeting for the final discussion and vote.

Zoning Authority:

The City has certain Zoning Authority to protect the health, safety and welfare of the public.

- The ownership status of a property cannot be regulated through zoning. Courts have determined that local zoning powers regulate uses, not forms of ownership.
- Tourist Homes (short-term rentals) are not currently regulated in the Unified Development Ordinance (UDO). The absence of regulations currently in the UDO means they are fully allowed under the current UDO in the same manner as any other dwelling unit.

Background:

- Upon receiving a complaint from a resident, staff started researching the topic. During the research we found eight existing homes listed on Airbnb's website in the City.
 - The existing homes are considered legal nonconforming since they were established prior to the consideration of regulations. Legal nonconforming uses can continue use until such time that the use is abandoned/discontinued for a period of 90 days as outline in the Section 7 of the UDO.

- Staff presented some draft language at the December 21, 2022 meeting, then again at the January 18, 2023 meeting. The language was rejected and staff has proposed new text.
- Staff looked at definitions, distance restrictions, zoning districts, and how the use could be allowed, as well as parking. The City’s legal counsel suggested additional language regarding property maintenance and noise ordinance violations.
- Staff researched other communities to see how short-term rentals were regulated:

COMMUNITY	ALLOWED	STANDARDS
Algonquin	No	No regulations
Cary	Yes	Tourist Homes, Multi-family zoning and business districts as a Conditional Use Permit, no specific approval standards
Chicago	Yes	Vacation Rental, Residential and Business Zoning Districts
Galena	Yes	Vacation Rental, Special Use in Neighborhood Commercial, Downtown Commercial and all Residential Zoning Districts except High Density Residential
Geneva	Yes	No regulations
Huntley	Yes	No regulations
Lake Geneva, WI	Yes	By right where all residential dwellings are allowed with license
Lakewood	Yes	Special use permit in any residential zoning
Madison, WI	Yes	Tourist Rooming House, all residential districts w/licensing and reporting requirements
McHenry	Yes	No regulations. All rental properties are required to register as part of the Landlord Registration program.
Naperville	No	Prohibited, per Naperville’s ordinance the City viewed short-term rentals as party homes. The ordinance prohibits the business use within their licensing code.
Schaumburg	Yes	Residential rental license, not regulated through zoning so allowed in all districts
St. Charles	No	Contemplated during hearings
Woodstock	Yes	No regulations

- Attached to this report is a clipping of the permitted use table illustrating land uses that are permitted, limited uses or special uses within residential zoning districts. The clipping shows that residential, business and civic uses can locate within the residential districts.
- Home occupations are permitted in all residential zoning districts. Examples of permitted home occupations are:
 - Studios of artists, authors, composers, photographers, etc.
 - Offices
 - Personal services such as barber, massage therapy, cosmetology, beauty salon, etc.
 - Instruction in music, dance, physical fitness, etc.

- Home day care
- Firearm sales

Recommendation:

ARTICLE 2-300

P = Permitted Use L = Limited Use Permit S = Special Use Permit

Overnight Lodging		F	E	RE	R-1	R-2	R-3A	R-3B	R-O	O	B-1	B-2	B-4	M-L	M	W	Use Criteria
	Tourist Homes		L	L	L	L	L	L	L	L				L			

The land use table establishes what zoning district is the most appropriate for the use. Staff suggests allowing it in all residential districts, as well as the B-4 mixed use zoning district. Tourist Homes would be allowed as a Limited Use. Limited Uses are approved by staff provided they meet the established criteria.

ARTICLE 2-400 C

78. Tourist Homes. Tourist Homes shall comply with the following criteria:

a) General:

- i. A Tourist Home may only be operated pursuant to the terms and conditions of a limited use permit in the F, E, RE, R-1, R-2, R-3A, R-3B, R-O, or B-4 zoning districts.
- ii. A Tourist Home located in the E, RE, R-1 or R-2 zoning districts must be located at least 250 feet from any other existing Tourist Home, unless the City Council adopts a subarea plan that permits this spacing to be reduced. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the property line of the proposed use to the property line of the existing use.
- iii. A Tourist Home must be located in a structure that is permitted in the zoning district in which it is located.

b) Accessory structures cannot be utilized as a Tourist Home.

c) Occupancy: A Tourist Home shall be restricted as follows:

- i. During any short-term rental period, at no time may a Tourist Home be occupied by more than six adult guests and all their related children.
- ii. A maximum of five bedrooms are permitted in a Tourist Home. All occupants shall have bedroom space which meets the following criteria: 70 square feet of bedroom space shall be provided in each bedroom occupied by not more than one person. If more than one person occupies a bedroom, such bedroom shall contain not less than 50 square feet per person. Kitchens, bathrooms, hallways, and closets are not considered habitable rooms for sleeping purposes.

d) No Tourist Home may be rented for a period of less than 24 hours.

- e) Off street parking: The site shall comply with the required number of parking spaces identified in Section 4-200, Off-street parking and loading. Parking areas having fewer than 10 spaces are not required to meet the landscaping requirements.
- f) Tourist Homes do not include rooming or boarding houses in which a tenant shall contemporaneously occupy a dwelling unit (or portion thereof) with the owner or long-term tenant of the dwelling unit. Tourist homes also do not include: (a) a dwelling unit that is used for any non-residential purpose, including event center, banquet facility, wedding venue, or another similar uses; or (b) a bed and breakfast establishment as defined by Section 2 of the Illinois Bed and Breakfast Act (50 ILCS 820/2).
- g) Life Safety: Tourist Homes must pass a life safety inspection and a certificate of occupancy will be required.
- h) The limited use permit for any Tourist Home that is found to have violated provisions of City Code Chapter 364 (Nuisances) three times in any 12 month period will be revoked.
- i) The limited use permit for any Tourist Home shall be revoked if:
 - i. The operator of the Tourist Home fails to register with the City in accordance with the Section 467-42, or
 - ii. The operator of the Tourist Home fails to comply with the requirements of Article VIII of Chapter 467 of the City Code and fails to correct such noncompliance with 30 days after the latest of (A) a notice sent pursuant to Section 467-45, (B) the conclusion of a hearing pursuant to Section 467-45, or (C) the conclusion of an appeal pursuant to 467-46.
- j) The owners, renters, and guests of a Tourist Home shall be jointly and severally liable for any fines or penalties incurred as a result of violations of City Code provisions occurring on the premises of such Tourist Home.
- k) The limited use permit application must contain contact information for a person who can be reach locally in case of emergencies.

The limited use criteria establishes a buffer of 250 feet between Tourist Homes. This helps preserve the character of a neighborhood by limiting the cluster of Tourist Homes so they can best integrate into a neighborhood. It limits the number of guest rooms to five bedrooms. A life safety inspection will be required so that initial setup will comply with the requirements. There are also consequences if an owner does not maintain the property and creates a nuisance.

ARTICLE 10-200 E

TOURIST HOMES: A residential dwelling unit that is made available for residential purposes (including vacation purposes) on a short-term rental basis for more than 30 consecutive days in any calendar year, even if not actually rented to or occupied by a short-term rental tenant for 30 days in such year. For purposes of this definition, “short-term rental” shall be a period of less than 30 consecutive days.

Exhibit A – Clipping of the Permitted Use Table

TABLE 2-300 PERMITTED USES TABLE									
		F	E	RE	R-1	R-2	R-3A	R-3B	R-O
RESIDENTIAL									
Household Living	Single-Family Detached Dwelling	P	P	P	P	P	P	P	P
	Two-Family Dwelling [Amended 12-11-2017 by Ord. No. 7419]						P	P	P
	Single-Family Attached Dwelling [Amended 10-6-2020 by Ord. No. 7656]							P	P
	Multifamily Dwelling							P	
	Upper Story Dwelling above nonresidential use								
	Manufactured Housing Park							S	
	Home Occupation	L	L	L	L	L	L	L	L
	Home Kitchen and Cottage Food Operation [Added 3-1-2016 by Ord. No. 7200; amended 12-11-2017 by Ord. No. 7419]	L	L	L	L	L	L	L	L
Congregate Living [Amended 12-11-2017 by Ord. No. 7419; 10-6-2020 by Ord. No. 7656]	Nursing Care Facility	S	S					S	S
	Age-Restricted Independent Living	S	S	S	S	S	S	L	S
	Family Care I	L	L	L	L	L	L	L	L
	Family Care II						L	L	
	Recovery Residence						S	S	
Service Uses									
	Nursery School, Pre-school				L	L			
	Elementary and Secondary Schools	S	S	S	S	S	S	S	
Commercial Recreation									
	Golf Courses and Country Clubs	S	S	S	S	S	S	S	
	Golf Driving Range	S	S	S	S	S	S	S	
Overnight Lodging									
Overnight Lodging	Hotels (except Casino Hotels) and Motels								
	Resorts								
	Bed-and-Breakfast Inn [Amended 12-11-2017 by Ord. No. 7419]	L	L	L	L	L	L	L	L
	Hostels						S	S	

CIVIC									
Community Facilities									
Community Facilities	Fire and Rescue Station, Police Station, Public-safety related facility [Amended by Ord. No. 6543]	P	P	S	S	S	S	S	S
	Arts, Performing Arts Center								
	Library and Archives	P	P	P	P	P	P	P	P
	Museums								
	Zoos and Botanical Gardens	S	S						
Day Care									
Day Care	Home Day Care, up to 8 children	L	L	L	L	L	L	L	L
	Commercial Child Day-care center								
Social Assistance									
Social Assistance	Temporary Shelters		S	S	S	S	S	S	S
	Community Food Services								
OPEN									

PUBLIC NOTICE BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY
OF CRYSTAL LAKE, MCHENRY COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF City of Crystal Lake

LEGAL NOTICE

Notice is hereby given in compliance with the Unified Development Ordinance (UDO) of the City of Crystal Lake, Illinois that a public hearing will be held before the Planning and Zoning Commission for the purposes of seeking UDO Text Amendments to make changes to Article 2 and Article 10 to define and allow Tourist Homes.

A public hearing before the Planning and Zoning Commission on this request will be held at 7:00 p.m. on Wednesday, December 21, 2022, at the Crystal Lake City Hall, 100 West Woodstock Street, at which time and place any person determining to be heard may be present.

Jeff Greenman, Chairperson
Planning and Zoning Commission
City of Crystal Lake

(Published in the Northwest Herald December 5, 2022)2038638

- e. Trespassing: Stable operators are responsible for preventing trespassing on adjacent properties by patrons and horses.
34. Hotels (except casino hotels), motels and inns. Hotels, motels, and inns must comply with the following standards:
- a. Building setback: The principal building shall be setback at least 50 feet from all property lines.
 - b. Minimum lot area: A hotel, motel or inn shall be located on a property with a minimum lot area of one acre.
 - c. Living quarters area: All living quarters must measure at least 400 square feet gross floor area.
 - d. Area devoted to non-living quarters: Up to 15% of the gross floor area of a hotel, motel or inn may be in non-living-quarter incidental uses (accessory uses), including management/employee offices, meeting rooms, banquet halls, retail services, such as newsstands and gift shops, and similar uses, provided any incidental business is conducted primarily to service guests, and, there is no entrance to such places of business except from the inside of the building.
 - e. Eating establishments: In addition to the accessory uses allowed, up to an additional 20% of the gross floor area of a hotel, motel or inn may be devoted to food service and drinking establishments as an accessory use. The eating establishment(s) may have an entrance from outside the principal building.
35. Resorts. Resorts must comply with the following standards:
- a. Minimum development area: Resorts shall be located on a minimum of five acres.
 - b. Natural features: Resort areas shall preserve and enhance the enjoyment of existing natural land features, including but not limited to water features and tree stands.
 - c. Ownership status: Resort uses shall provide information regarding the ownership status of the proposed use. Resorts that contain units or property that are individually-owned shall be required to provide covenants, conditions, and restrictions indicating the maintenance responsibilities for all units and the grounds of the resort.
36. Bed-and-breakfast inn. Bed-and-breakfast inn uses must comply with the following standards:
- a. General: The owner and/or operator of the bed-and-breakfast use must reside in the bed-and-breakfast dwelling. A bed-and-breakfast use must be located more than 1,000 feet from any other existing bed-and-breakfast use, unless the City Council adopts a subarea plan that permits this spacing to be reduced. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the property line of the proposed use to the property line of the existing use. A bed-and-breakfast must be located in a structure that is permitted in the zoning district in which it is located.

Existing Limited
Use criteria for
Crystal Lake
Bed-and-
Breakfast Inns.

- b. Guest rooms: A maximum of five guest rooms are permitted. Depending upon the location, the available buffers, and amount of available parking, the Zoning Administrator may restrict the number of guest rooms to a lesser number.
 - c. Meals: Only guests staying in the dwelling, employees, or persons living in the premises may be served meals. Cooking implements including, but not limited to, stoves, grills or ovens are not allowed in the individual guest rooms.
 - d. Duration of stay: Guest stays shall be limited to 21 consecutive days.
 - e. Detached carriage houses or cottages: Detached carriage houses or cottages not exceeding 400 square feet are permitted as one guest room per bed-and-breakfast.
 - f. Off street parking: The site shall comply with the required number of parking spaces identified in Section 4-200, Off-street parking and loading. Parking areas less than 10 spaces are not required to meet the landscaping requirements, but must be screened from all adjacent residences and residential zoning by providing a six-foot tall solid fence in accordance with the provisions of Section 4-700, Fences, walls and screening, or opaque landscaping, in accordance with the provisions of Section 4-400, Landscaping and screening standards, surrounding the perimeters of the parking lot.
 - g. Other applicable regulations: A bed-and-breakfast shall comply with all applicable state, federal and local regulations, including but not limited to 50 ILCS 820 (Bed-and-Breakfast Act), as amended.
 - h. Signs: One sixteen-square-foot freestanding sign (maximum four feet high) and one four-square-foot wall sign are permitted. A sign permit through the Community Development Department is required. **[Amended 6-3-2014 by Ord. No. 7034]**
37. Hostels. Hostels must comply with the following standards:
- a. Screening: Hostels containing outside recreation areas, located adjacent to a residential property shall provide an six-foot tall solid screen consisting of a solid wooden fence, in accordance with the provisions of Section 4-700, Fences, walls and screening, or opaque landscaping along the perimeters of the property, in accordance with the requirements of Section 4-400, Landscaping and screening standards.
 - b. Cooking: Cooking facilities or kitchens are not permitted in the dwelling units.
 - c. Sleeping rooms: Sleeping rooms must be accessed via a common room or hallway, and shall not have individual access to the outside (except those required for emergency exits).
 - d. Signs: One nine-square-foot freestanding sign (maximum six feet high), one four-square-foot wall sign and one six-square-foot temporary sign (maximum six feet high) are permitted. A sign permit through the Community Development Department is required. **[Amended 6-3-2014 by Ord. No. 7034]**

RECEIVED

SEP 02 2022

City Manager
City of Crystal Lake

September 2, 2022

Mr. Eric Helm
Deputy City Manager
City of Crystal Lake
Crystal Lake IL 60014

Per your suggestion we have outlined some but not all of our concerns surrounding the recent purchase and subsequent operation of a commercial business in our neighborhood. Most of the residents of this neighborhood have been here for 20 – 30 – 40 + years. This is a very close-knit neighborhood. Everyone knows each neighbor and we look out for one another.

Having a facility that offers nightly lodging means that none of us individually or collectively can know who is coming or going. We searched the Unified Development Ordinance Section 2-200 Article 2 Section 2-100, for any designation addressing an Airbnb but none seems to be noted. We can only surmise this property operates under the same designation as a B&B or Lodging facility (the latter being a commercial designation). In that regard: “The owner and/or operator of the B&B must reside in the B&B dwelling”. In this case the owner may be in Phoenix, AZ or Milwaukee WI. We really don't know. On the flip side, if it is considered a “Hotel” (even short term), then the R2 designation clearly does not allow this use and should be subject to restrictions set forth in this ordinance to preserve the residential nature of these districts.

Being that there are no permits required or licensing issued it seems like there is no oversight for such commercial entities.

In times like these Community is one of the most important safeguards we have. Allowing this Commercial property to function within a Totally Residential (R2) neighborhood has created many questions from concerned citizens from this neighborhood.

Concerns are:

Every night there could be a different person there. There is no way the company offering overnight lodging can know who is there. What background checks and security measures are taken to avoid potentially dangerous customers? At least at a hotel you have to show some ID when you check in. This is all done through the internet. The safety and security this neighborhood have known is now unknown. With the increase in drug traffic and crime this adds one more unknown.

There are several people who travel for business in this neighborhood. Their spouses are very uncomfortable with not knowing who lives next door, let alone who these people are.

Property values would be negatively affected if there were an incident at this commercial property.

College Street is a main artery to Husmann Elementary Grade School. Every day during the school year there are many young children (kindergarten to 5th grade) that walk to school down this street. They are not always accompanied by an adult. Not knowing who could be seeking lodging at this property could present another issue. In Crystal Lake persons convicted of a sex crime have to be registered with the city. In this case no one would ever know who is there.

With the influx of drug traffic and the Fentanyl crisis, and being so close to Central High School, this could be a perfect opportunity for increased drug traffic. We have experienced this before in our neighborhood. We dealt with it and the Crystal Lake Police Department investigated it, dealt with it and it was eliminated.

An acceptable resolution to the situation would be to require the standards defined in our ordinance be adhered to, to either rent the property for not less than 3 months or more, live at the property, or sell it to someone who is going to live there.

This is presented on behalf of the following residents of this neighborhood.

Tim & Gail Stegenga
220 College Street Cell: 815.701.8531

Vern & Bonnie Schultz
224 College Street _____

Jamie Fireng
210 College Street _____

Don & Karen Barkley
225 College Street _____

Jim & Karen Doyle
175 Rosedale Ave _____

Lee & Lisa Montgomery
240 College Street _____

Tony & Ann May
232 College Street _____

Ken & Kristen Moore
246 College Street _____

Ralph Statter
200 College Street _____

Ivan and Leann Ewert
233 College Street _____

Ally White
164 Lill Ave. _____

Jim Jouron, Vice-Chair
Planning & Zoning Commission
City of Crystal Lake
Crystal Lake IL 60014

January 11, 2023

To whom it may concern:

This is the letter that was sent to Eric Helms in August of 2022. It outlines the concerns of some of the neighbors located on College Street and surrounding Streets. I attended the meeting in December and did not know that you had not received this letter. So I'm sending it to each of the Commissioners for their review. The letter is copied below.

Mr. Eric Helm
Deputy City Manager
City of Crystal Lake
Crystal Lake IL 60014

August 26, 2022

Per your suggestion we have outlined some but not all of our concerns surrounding the recent purchase and subsequent operation of a commercial business in our neighborhood. Most of the residents of this neighborhood have been here for 20 – 30 – 40 + years. This is a very close-knit neighborhood. Everyone knows each neighbor and we look out for one another.

Having a facility that offers nightly lodging means that none of us individually or collectively can know who is coming or going. We searched the Unified Development Ordinance Section 2-200 Article 2 Section 2-100, for any designation addressing an Airbnb but none seems to be noted. We can only surmise this property operates under the same designation as a B&B or Lodging facility (the latter being a commercial designation). In that regard: "The owner and/or operator of the B&B must reside in the B&B dwelling". In this case the owner may be in Phoenix, AZ or Milwaukee WI. We really don't know. On the flip side, if it is considered a "Hotel" (even short term), then the R2 designation clearly does not allow this use and should be subject to restrictions set forth in this ordinance to preserve the residential nature of these districts.

Being that there are no permits required or licensing issued it seems like there is no oversight for such commercial entities.

In times like these Community is one of the most important safe guards we have. Allowing this Commercial property to function within a Totally Residential (R2) neighborhood has created many questions from concerned citizens from this neighborhood.

Concerns are:

Every night there could be a different person there. There is no way the company offering overnight lodging can know who is there. What back ground checks and security measures are taken to avoid potentially dangerous customers? At least at a hotel you have to show some ID when you check in. This is all done through the internet. The safety and security this neighborhood has know is now unknown. ***With the increase in drug traffic and crime this adds one more unknown.***

There are several people who travel for business in this neighborhood. Their spouses are very uncomfortable with not knowing who lives next door, let alone who these people are.

Property values would be negatively effected if there were an incident at this commercial property.

College Street is a main artery to Husmann Elementary Grade School. Everyday during the school year there are many young children (kindergarten to 5th grade) that walk to school down this street. They are not always accompanied by an adult. Not knowing who could be seeking lodging at this property could present another issue. In Crystal Lake persons convicted of a sex crime have to be registered with the city. In this case no one would ever know who is there.

With the influx of drug traffic and the Fentanyl crisis, and being so close to Central High School, this could be a perfect opportunity for increased drug traffic. We have experienced this before in our neighborhood. We dealt with it and the Crystal Lake Police Department investigated it, dealt with it and it was eliminated.

An acceptable resolution to the situation would be to require the standards defined in our ordinance be adhered to, to either rent the property for not less than 3 months or more, live at the property, or sell it to someone who is going to live there.

This is presented on behalf of the following residents of this neighborhood.

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Ralph Statter
200 College Street _____

Ivan Ewert
233 College Street _____

Ally White
164 Lill Ave. _____

Nancy Zegarski
199 College Street _____



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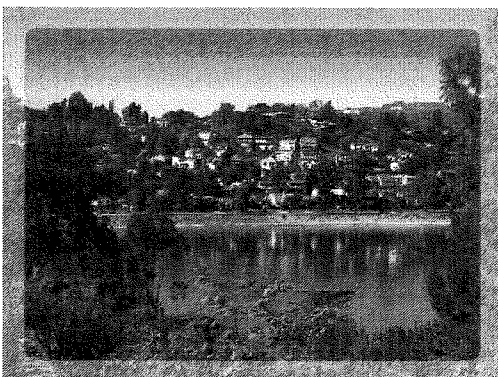
THE PROBLEM WITH COMMERCIALIZED SHORT TERM RENTALS

Though some hosts occupy their rentals and truly participate in the spirit of “home sharing,” a disproportionate number of rentals belong to commercial users who do not occupy their multiple property listings. Lack of enforcement allows these commercial ventures to wear down the economic and social fabric of residential neighborhoods in a variety of ways. Here are the realities that the optimistic propoganda of the “sharing economy” leaves out:



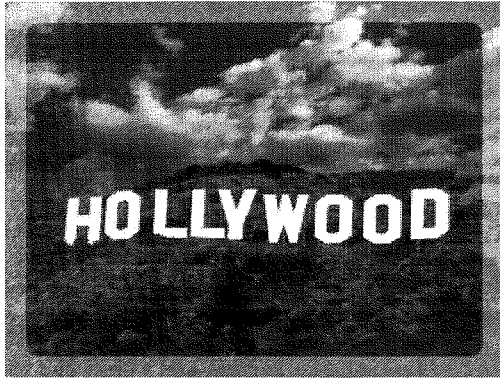
landlords that can expect a higher rent from tenants planning to operate a short-term rental. More on that here.

1) Commercialized short-term rentals artificially inflate rental costs. Commercial short-term rental operators have figured out how to profit from evading city laws and converting long-term living spaces (including those under rent control) into short-term rentals. That means fewer homes on the market for long-term renters, and



landlords that can expect a higher rent from tenants planning to operate a short-term rental. More on that here.

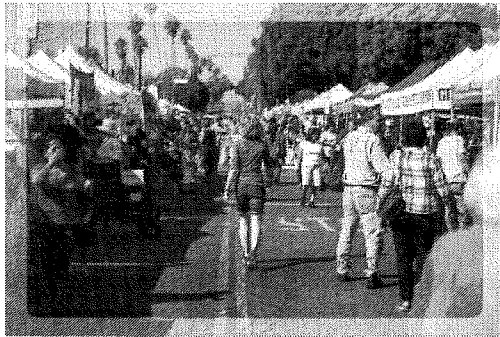
2) Commercialized short-term rentals make it impossible for most families to live in their current neighborhoods. As long-term residents get priced out of your neighborhood, who remains? Only those who already own a home (and don't rent it out short term). Goodbye new families. Goodbye young couples struggling to pay the rent. Goodbye students, artists, and anyone who can't afford to

affordable/workforce/rent-control housing.

3) Illegal short-term rentals attract disruptive visitors. The influx of out-of-town visitors upsets the peaceful enjoyment of long-standing residential neighborhoods. Short-term renters have no stake in the community, and therefore no reason to care how the neighborhood around them suffers from their vacation activities. Zoning code laws keep hotels out of residential neighborhoods, and exist to

accommodate the inevitable disruptions of tourism. Illegal short-term rentals ignore zoning restrictions and make virtually any residence into a hotel/party house. One creative traveler made his Airbnb rental the site of an orgy.

Are you wondering just how many illegal short-term rentals (Airbnb, VRBO, Globe Properties, Flipkey, HomeAway, OneFineStay, etc.) are in your neighborhood? If you live in Venice Beach, CA, an area of 3.17 square miles, you share your residential neighborhood with approximately 1,000 to 1,500 listings, all of which are illegal in residential neighborhoods. Many of these are **NOT** shared homes; they are stockpiled apartments, houses, duplexes and condos that have been snatched away from the long term rental market.

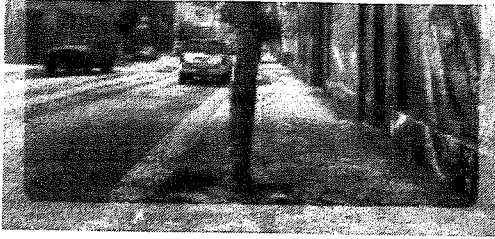


4) Commercialized short-term rentals are frequently operated without paying taxes that benefit the surrounding communities. Illegal short-term rentals are unfair to the hotel industry and hotel workers: commercialized short-term rentals rarely follow fire and safety codes, provide worker benefits or pay

transient occupancy taxes.



5) Commercialized short-term rentals break city laws with impunity. Airbnb did not become a multi-billion dollar company by facilitating true home sharing. This false impression is part of a carefully calculated misinformation campaign. In reality,



short-term rental platforms make enormous profits from turning a blind eye to illegal, commercialized short-term rentals. Airbnb puts the responsibility to figure out the complicated maze of zoning codes and other municipal requirements squarely on the backs

of the inexperienced and uninformed residents using its services. Airbnb is now 10th in total lobbyist spending for the lodging/tourism industry, and they fund organizations dedicated to limiting regulation of these destructive practices.

Does all of this frustrate you? Sign the petition to stop short-term rental abuse.

February 08, 2023



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'This is the future': Crystal Lake residents, officials ready to take up Airbnb debate

City Council to weigh ban, regulating short-term rentals like bed-and-breakfasts

By Aaron Dorman

February 08, 2023 at 5:00 am CST

 Expand



Homes in the 200 block of College Street on Tuesday, Feb. 7, 2023. Crystal Lake officials are weighing options for rules concerning Airbnb or short-term rentals after neighbors raised concerns about a house on College Street being used as an Airbnb. (Gregory Shaver — gshaver@shawmedia.com/Gregory Shaver - gshaver@shawmed)

When Tim and Gale Stegenga first found out the house next door would be used as an Airbnb at the end of the summer, they said they didn't know what to expect.

But the very first renters raised concerns, said Tim Stegenga, who lives on College Street in Crystal Lake.

ADVERTISING



“They were four young men, tattoos everywhere,” Stegenga said. “They’d come back at 1 or 2 a.m. The day they checked out, the cleaners took out maybe five garbage bags full of beer cans and alcohol bottles. So that’s what was going on there for four days: they were drinking nonstop.”

Stegenga did not call the police over the issue, but since then, he and his wife, as well as neighbors, have been frustrated by the idea of short-term tenants living next door and have brought their concerns to the city.

Their concerns led city staff to propose establishing criteria similar to how bed-and-breakfasts are regulated in the city – a maximum of six guests and at least 250 feet required from any other tourist homes.

But a majority of the members of the Crystal Lake Planning and Zoning Commission said they would be interested in an outright ban on short-term rentals.

Some City Council members, though, were more amenable to allowing, if not encouraging, the businesses.

The Crystal Lake City Council is currently reviewing and refining language for its city ordinances, and city staff and elected officials hope to codify language later this month that lays out where Airbnb-style rental units will be allowed or if they should be allowed at all, city planners said.

As short-term rental homes and apartments have become more common over the past few years, municipalities in the suburbs have taken different approaches to regulating them.

Within McHenry County, rental homes are allowed under certain conditions in Cary, McHenry and Woodstock, but are banned in Algonquin, according to

information prepared by Crystal Lake city staff.

Currently, short-term rental homes are not regulated by the city, city planner Katie Rivard said. There were about eight current listings for Crystal Lake as of January.

One of those listings, a home in the 200 block of College Street, is the one adjacent to the Stegengas.



A home in the 200 block of College Street on Friday, Feb. 3, 2023. Crystal Lake officials are weighing options for rules concerning Airbnb or short-term rentals after neighbors raised concerns about this house on College Street being used as an Airbnb. (Gregory Shaver — gshaver@shawmedia.com/Gregory Shaver - gshaver@shawmedia.com)

The owners of that home, who live in Arizona – city officials also said they have business in Milwaukee – declined to comment for this story.

The city wants to be proactive addressing concerns and establishing criteria for what is allowed, Rivard said.

“They’re operating under their own guidelines,” Rivard said at the latest Planning and Zoning meeting. “So we want to be proactive to address concerns and establish criteria.”

Criteria the city could consider include a “three-strikes” policy on ordinance violations and buffer requirements between tourist homes or bed and breakfasts and regular neighborhood homes, Crystal Lake Director of Community Development Katie Cowlin said.

Don Barkley of Crystal Lake argued that there needed to be more transparency from the city about their rules and about who was purchasing homes for short-term rental use. He and his wife, Karen, were concerned about their home’s resale and property value if their neighbors were Airbnb homes.

“I’m being penalized,” Barkley said. “Someone from Arizona bought the home across the street and turned it into an Airbnb. That’s a problem.”

Stegenga criticized the city for the lack of oversight and suggested it should collect permitting fees.

A letter from over a dozen residents on College Street was sent to city officials on Sept. 2, citing concerns about the short-term rental there.

To date, Crystal Lake police have not fielded any calls or complaints about Crystal Lake addresses listed on Airbnb, including the house on College Street, Cowlin said.

Crystal Lake could eventually become a tourist destination with more amenities like Three Oaks Recreation Area, but the city is not there yet, Planning and Zoning Chairman Jeff Greenman said. He supported, at best, “incredibly restrictive” regulation on such home uses.

“I think, within single-family residential areas, there is absolutely an expectation that the person who owns the home lives there,” Greenman said. “That’s why they

moved to that area.”

Greenman said that he was concerned about the possibility of buyers scooping up dozens of homes around the city for rental purposes, while other commission members added that the variety of issues that could arise by encouraging more short-term rental homes made regulation inefficient or ineffective.

“I wouldn’t want a rental home next to me unless someone was living there full-time,” said Bob Gronow, vice-chairman of the Planning and Zoning Commission. “There are parking issues, major liability issues. I really struggle with having it anywhere in the city.”

Several City Council members, however, expressed the opposite opinion, and argued for the right of a homeowner to run a business out of their house as long as they were good neighbors.

“I am begging for short-term rentals in Crystal Lake,” City Council member Mandy Montford said. “I am screaming this from the mountaintops. We need a solution. This is the future.”

Currently, there is a lack of options for people who are hoping to stay in Crystal Lake for a few weeks or months, either because they need a place to stay while they look for more permanent options, or had to take care of a family member in hospice for an extended period, Montford said.

Planning and Zoning Commission member Natasha Teetsov disagreed with the idea that Crystal Lake needed more Airbnbs or was a “destination city,” particularly compared to suburbs closer to Lake Michigan.

“It’s not that I don’t want us to be progressive,” Teetsov said. “But I’m not naive. And I don’t want people who don’t even know where Crystal Lake buying homes because there’s an incredible cash flow.”

Whether Crystal Lake is currently or becoming a tourist destination, there is a long history of Crystal Lake utilizing homes for short term rentals, particularly along the lake, council member Cathy Cagle said.

“If you think about beach cottages on the north shore [of Crystal Lake], people came there in the summer and rented them the rest of the year,” Cagle said.

“Nobody occupied those homes in the winter [historically]. What is wrong with a company owning a home or multiple homes? We live in a free economy.”

Montford dismissed the idea of “kegger parties and wild nights” as something one might see in Chicago or Miami, but not Crystal Lake, arguing that rentals are held to a higher standard and kept in good condition due to the need for a continual strong reputation to maintain the business.

Airbnb banned parties starting in August 2020, which it codified into permanent policy last June, the company said at the time. The language forbids “disruptive parties” and “party house properties” as part of the rules, the company said. It has suspended more than 6,600 customers from Airbnb In 2021 for attempting to violate the party ban.

Council member Cathy Ferguson said it didn’t matter what people did within a home, as long as it was legal and accepted by the homeowner.

“I’m sorry, but people are allowed to drink alcohol,” Ferguson said.

For You:

SHAW LOCAL News Network

From: MARIE WEICHMAN <[REDACTED]>
Sent: Friday, February 10, 2023 12:49 PM
To: Melanie Nebel <mnebel@crystallake.org>
Subject: Crystal Lake - AirBNB

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon,

I am writing to you in connection with an article I read in the Northwest Herald regarding the status of AirBNBs in Crystal Lake. I am requesting a total ban of any type of short-term rentals in Crystal Lake. It is my opinion that people do not move into a residential area to live next to what is essentially a hotel, with a rotating stream of strangers. We have numerous, tax revenue generating hotels for this purpose. My guess is that the proponents of short-term rentals in Crystal Lake would not be pleased to live next door to a house being used for short-term rental purposes themselves. Let's keep Crystal Lake a wonderful city of homeowners, who participate in and give back to the community.

Kind Regards,

Marie Weichman
[REDACTED] Cell Phone

From: Jeffrey Weichman <jweichman@mrcltd.com>
Sent: Thursday, February 9, 2023 12:07 PM
To: Melanie Nebel <mnebel@crystallake.org>
Subject: Email from Website

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I would like to comment on the article that I just read in the Northwest Herald, "This is the future: Crystal Lake residents, officials ready to take up AirBnB debate".

I would just like to let the City Council know that I am requesting that they vote for a total ban of any type of short-term rentals. We do not live in Crystal Lake to live next to what essentially becomes a hotel. Please take a stand on this issue and vote for a total ban of any type of short-term rentals. We will be watching your response.

Sincerely,

Jeff Weichman, CPA
McCullough, Rossi & Co., Ltd.
2300 N. Barrington Rd., Suite 260
Hoffman Estates, IL 60169

Phone: [REDACTED]

Fax: (847)843-7995

Website: www.mrcld.com



McCullough Rossi
& Company, Ltd.

Trusted Accountants. Confident Advisors.

MEMO

Thursday, February 2, 2023

From: Donald Barkley, as spokesperson on behalf of the concerned residents of Crystal Lake
225 College Street
Crystal Lake, Illinois 60014
E-mail: donbrkly@yahoo.com

To: City Council, Planning and Zoning, Neighbors, NW Herald

Cc: File

RE: AIRBNB AND TOURIST HOMES

1. CONCERNS (RESPECTFULLY SUBMITTED FOR FURTHER DISCUSSION)

A. THERE IS A LACK OF COMMUNICATION AND FLOW OF INFO

We collectively raised concerns to the City in a letter dated August 26, 2022. Eric Helm sent a letter dated September 16, 2022 acknowledging our concerns and noted the City would be in contact once they'd evaluated the potential options. The City Web site noted this meeting change to 1/18/23 (from 1/19/23), and lists the documents submitted, BUT none of us noted as concerned residents and neighbors, was informed directly of the meeting or the change? If we weren't paying attention to the website, and didn't get the newspaper - how would we have known? It feels as though there is a lack of transparency, and a potential underlying agenda by whoever is pushing this thru.

B. CHECKS AND BALANCES ARE TYPICALLY GOOD

Crystal Lake required us to follow an extensive list of steps to get a simple fence variation in 2018. We recognize there are steps required. This included: *Completion of the Development Application; Submission of a \$100 application fee, Provide photos of the planned work, site plan, Cut Sheets, preparation of a Notarized Affidavit legal notice + publication in the newspaper of our intent as well as mailed to the surrounding 24 property owners (the list as provided by the City), Posting a sign on our property so that any party wishing to voice an objection could.... We were responsible to attend the Planning and Zoning Commission hearing AND a later date City Council meeting. This was the process required of us to change a proposed fully transparent aluminum picket fence from 3' to 4' in height, and so it would match the adjacent sections previously allowed by Permit in 2013 on our property.*

- 1) Why then is the subject of allowing Airbnb, an issue we have real concerns regarding and which we raised for discussion, handled in a less transparent manner and there are no defined rules, no Permitting? or any oversight needed? Why is it harder to get a fence permit than to establish an Airbnb, and
- 2) Why were our concerns framed as a Complaint? And the plan to simply and quietly change the Ordinance?

C. THERE IS A LACK OF TRANSPARENCY REGARDING AIRBNB

- 1) Airbnb requirements seem lacking with no oversight. It seems I can make my home an Airbnb by simply listing it and uploading photos and by having a great tag line.....?
- 2) We've been told that the home at 222 College was bought by an Investor from AZ that purchased it directing the RE Agent they would pay \$2,000 above the highest bidder. This would have the appearance of impropriety that prevented competitive bidding - and clearly

RE: AIRBNB AND TOURIST HOMES

eliminated the opportunity for any young families to have a chance at purchasing the home. Airbnb Investors do NOT promote the neighborhood values we strive for in Crystal Lake.

- 3) How does anyone know who is renting and who is actually occupying the Airbnb home? There are potential safety concerns due to the high turn-over + lack of transparency of tenants.

College Street is a main artery to Hussmann Elementary Grade School. Every day during the school year, there are many young children (kindergarten to 5th grade) that walk to school down this street. They are not always accompanied by an adult. Not knowing who could be seeking lodging at this property could presents another issue. In Crystal Lake, persons convicted of a sex crime have to be registered with the city. In this case no one would ever know who is temporarily there.

- D. This has the very real possibility of affecting resale / property value for surrounding homes.

We did not purchase homes in areas with those use classifications allowed. Changing the governing rules of the UDO after the fact for existing conditions, specifically related to RE, R-1, R-2 seems quite unfair and frankly a liability to the City should we be financially damaged by adopting this.

- E. Crystal Lake has no current controls in place and seems willing to change the Unified Development Ordinance for 8 current homes in the City that are Airbnb.

Are there any conflict-of-Interest issues occurring here by ANY of the Planning and Zoning Committee members, the City Council / Board or ANY others that are affecting this outcome? If so, anyone with a conflict-of-interest should recuse themselves from this decision process.

2. CURRENT UNIFIED DEVELOPMENT ORDINANCE

- A. The UDO defines: **The people of Crystal Lake want to preserve and enhance the traditional character of the City and protect its natural resources. Crystal Lake's rich architecture and neighborhood feel, with sidewalks, street trees, a mix of housing types** within walking distance of each other and the community amenities as well as the natural resources.

In the 1/8/23 meeting the Zoning and Planning Committee members discussed “being intentional” with the guidelines that have historically been adopted here. Why then does this seem to be quickly and quietly being “pushed” without consideration of those very pillars of the UDO? Is this intentional? For who’s benefit?

- B. SECTION 1-100 of the UDO defines: Single-Family E (Estate) , RE (Residential Estate), R-1 (Single-Family), R-2 (Single-Family) Districts are the City's primary single-family detached residential districts. They permit a wide range of residential living styles and encourage a variety of housing types. They specifically state they are.....**subject to restrictions set forth in this Ordinance to preserve the residential nature of these districts.**

Is this simply being ignored in the planned adoption of the Airbnb concept?

- C. Though Overnight Lodging is allowed as Bed and Breakfast Inn (on a limited basis) per Amendment of 12/11/17, by Ord. 7419, these by definition are noted **required to be Owner Occupied.** By their very nature, a Bed and Breakfast operates much differently than an

RE: AIRBNB AND TOURIST HOMES

*Airbnb, which is more commercial in nature. **** As above, some Committee members agreed that Airbnb has no place in a residential zoned area. ****

D. Special uses require review and approval by the City Council PRIOR to initiation of the use (following recommendations from the Planning and Zoning Commission). Hence, the current Airbnb at 222 College (and presumably the 7 others in the City) are technically NOT an allowed use and CURRENTLY in violation of the City ordinance....? OR IS IT JUST SOME OF THE 8 depending on the zoning designated area they are in? It was stated, since there were no guidelines for these, they were simply allowed.....What? Why are we not simply enforcing the current requirements?

E. The UDO in Section 2-400 defines General standards for all special uses and specifically, the following:

- 1) That the proposed use **is necessary or desirable**, at the location involved, to provide a service or facility which will further the public convenience **and contribute to the general welfare of the neighborhood or community**.
 - a) *I'm not sure this is the case in RE, R-1, or R-2? This CLEARLY isn't a benefit if it negatively affects an adjacent property Owners investment and therefore frankly becomes a liability to the City.*
 - b) *As discussed in the meeting by Real Estate professional members of the Committee, (summarizing here) "an Airbnb is a commercial business and has NO PLACE in a residential zones area".*
- 2) That the proposed use will NOT be detrimental to the value of other properties or improvements in the vicinity.
 - a) *This DOES NOT appear to be the case, see above.*
- 3) That the proposed use will comply with the regulations of the zoning district in which it is located and this Ordinance generally, including, but not limited to, all applicable yard and bulk regulations, parking and loading regulations, sign control regulations, watershed, wetlands, and floodplain regulations, Building and Fire Codes and all other applicable City Ordinances.
 - a) *This clearly is NOT the case currently (further see above). Changing the UDO for 8 homes currently seems odd (at a minimum) and certainly unattractive to those of us adjacent to them when this specifically was not the case when we purchased our homes.*

3. PROPOSED UDO TEXT AMENDMENTS PER CL PLANNING AND ZONING

A. "In order to best provide some structure for owners looking to create a short-term rental on their property, staff has proposed adding the use to the ordinance and establishing criteria".

**** Which we should note here was NOT supported by 5 of the 6 members present at the 1/18/23 Planning and Zoning Committee meeting.****

- 1) "Amending the UDO would allow Tourist Homes as a Limited Use, similar to traditional bed and-breakfast uses. Limited Uses are approved by staff, provided they meet the

RE: AIRBNB AND TOURIST HOMES

established criteria. It is noted also that the existing bed-and-breakfast LUP criteria were used as a base in the creation of the proposed Tourist Home criteria”.

- a) *A B&B is however Owner Occupied, these Airbnb's are NOT*
 - b) *How do you plan to police these properties? Transparency DOESN'T EXIST. The home at 222 College Street for example is per readily available public info owned by:*
 - a. *Lisa and Ludwing Arias of 10608 West Sonova Street, Tolledon AZ. 85353*
 - b. *They have the Senior Exemption on College Street and are listed as full-time residents / owner occupied.....but it is not.*
- 2) The following was the proposed amendment by the City staff to the UDO. In addition, taking into consideration the PZC's last discussion:
- a) *Staff reduced the distance requirement from 500 feet to 250 feet. THE B&B CRITERIA IS 1,000 feet. CL notes this is approximately four R-2 lot widths. This change was to address the concern of limiting property rights within a neighborhood BUT WHO BENEFITS FROM THIS? This INCREASES the amount of these allowed?*
 - b) *This Limiting criteria means an outside Investor (as we have in many instances) who opens their house as an Airbnb, would prevent nearby residents from doing the same? So – if adopted as proposed, existing residents could be penalized by the City's actions? Another potential liability ?*
 - c) *Why reduce the distance allowing more of these in the R-2 zoning district? To what benefit for CL, the City or Tax base? Why not at a minimum restrict these to multi-family areas or downtown zones?*
 - d) Regarding the number of occupants, the proposed criteria was revised to include adults and allowing children related to those adults and allows up to 12 people.
- B. How is the proposed use to meet standards and requirements established by jurisdictions other than the City such as federal, state or county statutes requiring licensing procedures or health/safety inspections, and submit written evidence thereof ?
- 1) *Airbnb skates around this by its nature.*
- C. *Nearby Communities that have adopted these were noted by Elizabeth and potentially using the language of Hilton Head, SC was quoted by the singular Committee member in support of these. BUT adjacent areas to us, including Algonquin, Barrington, the Village of Lakewood either DO NOT allow these or have aggressively regulated them. The UDO Amendment NEVER mentioned the adopted language in Lakewood's requirements (attached here for reference) which seems odd being they are our sister community. We ARE NOT a destination place similar to Hilton head Island. It seems a very far stretch to use to get this adopted.*
- D. That the proposed use shall conform to any stipulations or conditions approved as part of a special use permit issued for such use.
- 1) *Some controls other than a simple UDO adoption seems warranted. The Language adopted by Lakewood seems much closer to what is needed at a minimum and could be considered, reviewed, and / or adjusted for our purposes if this is going forward.*

Section 15
SPECIAL USES

- 15.1 Purpose
- 15.2 General Requirements
- 15.3 Standards for Special Uses
- 15.4 Special Uses
- 15.5 Additional Requirements for Earth Materials Extraction, Processing, Site Reclamation and Related Operations
- 15.6 Additional Requirements for Temporary Tents
- 15.7 Requirements for Short Term Rentals
- 15.8 Conditions of Approval

15.1 **PURPOSE:** *Amended, 08-11*

The principal objective of this Zoning Code is to provide for an orderly arrangement of compatible building and land uses, and for the proper location of all types of uses required for the social and economic welfare of the Village. To accomplish this objective, each type and kind of use is classified as permitted in one or more of the various districts established by this Zoning Code. However, in addition to those uses specifically classified and permitted in each district, there are certain additional uses which it may be necessary to allow because of their unusual characteristics or the service they provide the public. These "special uses" require particular consideration as to their proper location in relation to adjacent established or intended uses, or to the planned unit development of the community. The conditions controlling the location and operation of such "special uses" are established by the following provisions of this Section 15.

15.2 **GENERAL REQUIREMENTS:** *Amended, 2017-24, 05-05, 00-41*

The general requirements of the specific zoning district in which the requested use will be located are applicable except where specifically modified by a special use permit. All conditions and requirements, as determined by the Village Board and based on recommendations of the Planning and Zoning Commission and Village staff, shall be considered as additions to the general requirements as found in this Code. The special use permit shall include the approved specific conditions required to address circumstances unique to the proposed use.

15.3 **STANDARDS FOR SPECIAL USES:** *Amended 2014-03*

The Village Board may authorize a special use permit as provided herein upon determining and finding as fact, the following:

1. That the proposed use will not be detrimental to the public health, safety, comfort or general welfare, nor substantially diminish or impair the value of other properties or improvements in the vicinity.
2. That the proposed use will comply with the regulations of the zoning district in which it is located and this Code generally, including, but not limited to all applicable yard and bulk regulations, parking and loading regulations, sign control regulations, wetlands and flood plain regulations, building and fire codes, and all other applicable Village ordinances, or if exceptions are requested, that such exceptions are justified.
3. That the proposed use will not negatively impact the existing off-site traffic circulation; will adequately address on-site traffic circulation; will provide adequate on-site parking

15.6-9 A temporary tent may be located in the front, side or rear yard of the property and shall be no closer than 250 feet from the closest residence.

15.7 REQUIREMENTS FOR SHORT TERM RENTALS 22-16

6

15.7-1 DEFINITIONS: In addition to the definitions set forth in Section 3 of this Chapter, the following terms shall have the following meaning:

Guest: A person or persons paying compensation for and staying in a short term rental guest room overnight for one or more days, up to a maximum of 30 days, as well as any invitee thereof listed on the rental agreement or log, and having a permanent residence at an address other than the address of the short term rental.

Guest room: A room equipped with a closet and bed(s) intended as habitable space for sleeping purposes. Short term rental guests may not stay overnight in any portion of the short term rental not designated as a guest room in the floor plan submitted and approved as part of the application for a special use.

Habitable space for sleeping purposes: A guest room of a minimum of seventy (70) square feet. Each guest room occupied by more than one person shall contain not less than fifty (50) square feet of floor area for each guest. Kitchens, bathroom, hallways, and closets are not considered habitable rooms for sleeping purposes.

Owner: The fee owner of record of a property that is subject to this section. For property owned in a trust, the owner shall also include the trustee or beneficiary of the trust.

Primary residence: An owner's usual place of abode or home as documented by any of the following: current motor vehicle registration; current driver's license; current voter registration; or property tax documents showing the property as the Owner's residence for the purposes of a homeowner's property tax exemption. A person may have only one primary residence.

Short term rental (restated from Chapter 17, §3): A dwelling unit or portion thereof offered for and occupied for overnight accommodation on a temporary basis that is available for rent by transient guests for a period shorter than thirty (30) consecutive days. The term "short term rental" shall not include hotel or motel as defined in this Chapter. The term "short term rental" shall not include the rental of a dwelling unit pursuant to a rental or occupancy agreement executed in conjunction with a contract to sell the dwelling unit.

15.7-2 Special Use Permit Required: A special use permit is required for any dwelling unit or property which is let, rented or occupied as a short term rental. The use of any dwelling unit or property as a short term rental without a special use permit is prohibited. Short term rentals are subject to the following restrictions and regulations:

A. Primary Residence: The short term rental property must be the owner's primary residence.

B. Residence Requirement: The property owner must reside at the property at least two hundred seventy five (275) days each calendar year.

C. Accessory and Secondary Dwellings: Accessory or secondary dwelling units may not be used as short term rentals.

D. Parking: All overnight vehicle parking shall be on-site and on an improved surface.

E. Maximum Guests Per Night: The maximum number of persons allowed at a short term rental property during the rental period shall be based upon the number of guest rooms and minimum square footage of habitable space required for sleeping purposes per guest. In no event shall a short term rental be occupied by more than twelve (12) guests per night. The ordinance approving the special use shall specify the maximum number of guests per night.

F. Minimum Length of Short Term Rental: No short term rental shall be rented for less than seven (7) consecutive nights. No rental contract or agreement shall provide for free or nominal rates for certain nights in order to avoid this minimum length of stay requirement.

G. Maximum Annual Short Term Rental Total: No short term rental shall be rented for more than sixty (60) total days in any calendar year.

H. Life Safety Requirements: All short term rentals must comply with the following life safety requirements:

1. Manual fire extinguishing equipment must be provided on each floor and in the kitchen used by short term rental guests in accordance with National Fire Protection Association (NFPA) 10-Standards for the Installation of Portable Fire Extinguishers.

2. No combustible storage is permitted in or under stairways.

3. No cooking facilities are permitted in guest rooms.

4. All hallways and stairways must be adequately lighted.

5. Portable heating devices are prohibited in guest rooms.

6. Smoke detectors and carbon monoxide detectors must be provided in each guest room.

7. All bedrooms used for short term rental must contain an egress window that complies with section R310 of the current edition of the International Residential Code or other applicable national code adopted by the Village. Specifically, the bedroom egress window must have a net clear opening of not less than 5.7 square feet obtained by the normal operation of the window from the inside; provided however, an egress window at or below grade must have a net clear opening of not less than five (5) square feet. The egress window opening shall be at least twenty four inches (24") high and at least twenty inches (20") wide. The egress window must have a sill height of not more than forty four inches (44"). Egress windows at or below grade must be provided with a window well with a horizontal area of not less than nine (9) square feet and with a horizontal projection and width of not less than thirty six inches (36"). Notwithstanding the foregoing, bedrooms constructed prior to October 26, 2010 may continue to use existing windows that use removable sashes to meet the minimum egress window opening requirements.

8. All stair systems with four (4) or more risers must have handrails.

9. GFCI outlets must be installed as required by the Village Code.

I. Prohibited Acts: No owner of a short term rental shall do any of the following:

1. Place or erect any on-site or off-site signage regarding the short term rental.

2. Serve or otherwise provide to any guest any food or beverage other than food or beverages that are pre-packaged and sealed by the manufacturer for individual serving.

3. Allow the property to exceed the occupancy limits of this ordinance or as specified in the ordinance approving the special use.

4. Advertise, hold out, encourage or allow a short term rental property to be used as a venue for weddings, conferences, parties, or other events, regardless of the number of attendees.

5. Allow any outdoor activity on the short term rental property between ten o'clock (10:00) P.M. and eight o'clock (8:00) A.M.

6. Knowingly permit any criminal activity or public nuisance, including excessive noise, to take place on the property.

15.7-3 Application for Special Use for Short Term Rental. In addition to any other requirements of this Chapter, applications for a special use for a short term rental shall include the following:

A. Proof from the owner of the property on which the short term rental is proposed to be located that the property is his or her primary residence, along with proof that the owner has occupied the property for no less than 275 days of the calendar year as his or her primary residence. If the Owner has not owned the property for the full preceding calendar year, the owner shall provide proof of occupancy for no less than 75% of the days that he or she has owned the property.

B. The names, addresses, ownership interest and current contact information for each owner of the property.

C. If the proposed short term rental property is subject to covenants, regulations or restrictions of a property owners' association or condominium association, the Owner must provide documentary evidence that the applicable association or board has approved the use of the property as a short term rental or adequate proof that the association does not regulate short term rentals.

D. A diagram of the floor plan of the principal building on the property showing each guest room with beds for each guest and a calculation of the maximum number of permitted guests for the property per night.

E. A plat of survey of the property along with a plan depicting the proposed parking of cars which shall correspond to the number of guests.

F. An aerial image of the proposed short term rental property which shows all adjacent properties, including those across streets and rights of way.

G. If applicable, the name, address and contact information of a responsible person who will manage the property and be available to respond within a 30-minute timeframe to emergency and non-emergency calls related to the short term rental.

15.7-4 Annual Registration.

A. Annual Registration Required: Every owner who has been granted a special use for a short term rental must register the property annually with the Village upon a form provided by the Village.

B. Contents of Registration Form: The owner must truthfully provide the information required on the registration form, including, without limitation, the following:

1. The property address, name and contact information of the property owner.
2. An affirmation that the owner resides at the property at least two hundred seventy five (275) days per year.
3. An affirmation that the owner has read and understands the regulations regarding short term rentals contained in this section of the Village Code and the ordinance approving the special use.
4. Proof of insurance indicating that the Owner and the property are covered by commercial liability insurance with limits of not less than one million dollars (\$1,000,000.00) per occurrence, for bodily injury and property damage related to the property. This requirement cannot be satisfied by insurance coverage provided by a short term rental platform, such as, Airbnb, VRBO, HomeAway and the like.
5. If applicable, the name and contact information for a local manager who will be available at all times during short term rental periods to immediately address emergency and non-emergency issues.
6. An affirmation that copies or summaries of the applicable noise, solid waste and recycling, parking, and short term rental regulations will be tendered to each short term rental guest. These regulations may also be posted in a conspicuous place at the property.

15.6-5 Annual Registration Fee: The annual registration fee for short term rentals shall be \$250.00 per property which shall be paid to the Village at the time the annual registration form is submitted. The registration fee shall not be prorated.

15.7-6 Life Safety Inspection Required: Each short term rental property shall be subject to life safety inspections conducted by the Village as provided herein. No short term rental may occur until the property passes the life safety inspection. After the initial inspection, properties subject to a special use for short term rentals shall be required to pass a reinspection every two years.

15.7-7 Log: The owner of a short term rental property shall keep a written log of the names and contact information for each guest over the age of 18 along with the dates and the number of guests for each short term rental booking period. The owner or agent of the owner must produce the log immediately upon the request of the Village's Chief of Police, Village Manager or the designee of either of them. The log shall be kept by the owner for at least four (4) years.

15.7-8: Advertising: When advertising a short term rental property, the owner or agent of the owner shall only advertise a short term rental that complies with all of the short term rental regulations and restrictions set forth in the Village Code and the ordinance approving the special use.

15.7-9 Taxes: If applicable, the owner of a short term rental shall collect and remit the Village's hotel and motel tax as required by the Village Code.

15.7-10 List of Short Term Rental Properties: A list of all registered short term rental properties which shall be open to the public shall be maintained at Village Hall and may be posted on the Village's website.

15.7-11 Maximum Number of Short Term Rental Properties: No more than six (6) short term rental properties shall be authorized by the Village at any one time.

15.7-12. Penalty: Any person who violates any of the provisions of this section shall be fined not less than five hundred dollars (\$500.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

15.8 CONDITIONS OF APPROVAL: *Amended, 2022-12, 2017-24, 14-07, 05-05, 00-41*

- A. Development of Conditions: The Planning and Zoning Commission may recommend, and the Village Board may impose, such conditions of approval upon a special use permit as to the establishment, location, construction, maintenance and operation of a special use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements of Section 15.3 herein.
- B. Landscape Plan: A Landscape Plan shall be required for all applications for a special use permit. The Landscape Plan shall be prepared in accordance with Chapter 21, Landscaping Code, of the Lakewood Municipal Code. The Planning and Zoning Commission or the Village Board may request or require the review of all landscape plans by the Village Architect as part of the consideration of a petition for a special use permit.