

## *Village of Gilberts*

Village Hall: 87 Galligan Road, Gilberts, Illinois 60136

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### **VILLAGE PLAN COMMISSION / ZBA MEETING AGENDA**

**Wednesday November 7, 2018 - 7:00 p.m. - Village Hall Board Room**

#### **ORDER OF BUSINESS**

- 1. CALL TO ORDER**
- 2. ROLL CALL / ESTABLISH QUORUM**
- 3. PUBLIC COMMENT\***

Intended for public comment on issues not otherwise on this agenda, those comments offered when individual issues are discussed

#### **4. ITEMS FOR APPROVAL**

A. A Motion to approve Minutes from the August 8, 2018 Plan Commission Meeting.

#### **5. EXECUTIVE SESSION\***

#### **6. PUBLIC HEARING ON THE APPLICATION FOR A TEXT AMENDMENT TO SECTIONS 10-13-13 and 10-3-4 OF THE VILLAGE OF GILBERTS UNIFIED DEVELOPMENT ORDINANCE**

#### **7. RECOMMENDATION TO THE VILLAGE REGARDING THE APPLICATION FOR A TEXT AMENDMENT TO SECTIONS 10-13-13 and 10-3-4 OF THE VILLAGE OF GILBERTS UNIFIED DEVELOPMENT ORDINANCE**

#### **8. NEW BUSINESS**

#### **9. OTHER BUSINESS**

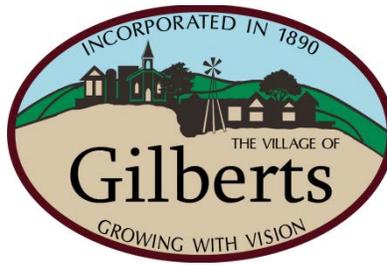
#### **10. ADJOURNMENT**

##### **\*Executive Session Information**

A portion of the meeting will be closed to the Public, effective immediately as Permitted by 5 ILCS 120/2( c ) (1) to discuss the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the Village, and as permitted by 5 ILCS 120/2 ( c ) (11) to discuss litigation against, affecting, or on behalf of the Village which has been filed and is pending in a court or administrative tribunal of which is imminent and as permitted by 5 ILCS 120/2( c ) (21) to review and approve closed session minutes and as permitted by 5 ILCS 120/2 ( c ) 2 Collective negotiating matters.

##### **\*Public Comment Policy**

Anyone indicating a desire to speak during Public Comments portion of the Plan Commission Meeting will be acknowledged by the Commission Chairman. All remarks are to be addressed to the Commission Chairman and Board of Commissioners as a whole, not to any specific person(s). To ensure that everyone who wishes to speak has the opportunity to do so, please limit your comments to five minutes. Additional time may be granted at the discretion of the Commission Chairman. If you have written comments, please provide a copy to the Commission Chairman. If there are a number of individuals present to speak on the same topic, please designate a spokesperson that can summarize the issue. During Public Comments, the Commission Chairman, Commissioners and Staff will listen to comments and will not engage in discussion. The Commission Chairman or Commissioners may ask questions to better understand your concern, suggestion or request. Please direct any personnel concerns to the Village Administrator before or after the meeting. The Village of Gilberts complies with the Americans Disabilities Act (ADA). For accessibility Assistance, please contact the Village Clerk at the Village Hall, telephone number is 847-428-2861". Assistive services will be provided upon request.



**MINUTES FOR VILLAGE OF GILBERTS  
PLAN COMMISSION/ZONING BOARD OF APPEALS MEETING  
Village Hall: 87 Galligan Road, Gilberts, IL 60136  
Meeting Minutes  
Wednesday, August 8, 2018**

**1. CALL TO ORDER / PLEDGE OF ALLEGIANCE**

Chairman Mills called the meeting to order at 7:00 p.m.

**2. ROLL CALL / ESTABLISH QUORUM**

Village Clerk Courtney Nicholas called the roll. Roll call: Members present: Commissioners Sullivan, Page, McHone, and Chairman Mills. Others present: Village Administrator Brian Bourdeau and Public Works Director John Swedberg. Commissioners Del Vecchio and Borgardt were absent.

**3. PUBLIC COMMENT**

There were no public comments.

**4. ITEMS FOR APPROVAL**

A. A Motion to approve Minutes from the May 9, 2018 Plan Commission Meeting.

**A Motion was made by Commissioner Sullivan and seconded by Commissioner McHone to Approve the Minutes from the May 9, 2018 Plan Commission Meeting.** Roll call vote: Commissioners Sullivan, Page, McHone and Chairman Mills voted Aye. 0-nays, 0-abstained. Motion carried.

**5. EXECUTIVE SESSION\***

An executive session did not take place.

**6. PUBLIC HEARING AND RECOMMENDATION**

**A Motion was made by Commissioner Page and seconded by Chairman Mills to open the public hearing.** Roll call vote: Commissioners Sullivan, Page, McHone and Chairman Mills voted Aye. 0-nays, 0-abstained. Motion carried.

A. Proposed amendment to the UDO Section 10-2-2 concerning Permitted Uses in the A-1 Agricultural District for breeding, keeping, and grazing of livestock, poultry, and other farm animals, but only on a lot consisting of more than 5 acres

B. Proposed amendment to the UDO Section 10-2-3 concerning the issuance of a Special Use permit as provided in section 10-11-11

Administrator Bourdeau and Public Works Director Swedberg provided an overview of the proposed amendment. The amendment to the UDO would be to modify the A-1 District regulations that currently state that farm animals and private stables are allowed on all properties in the A-1 district. The Village Board seeks to add a property size restriction for horses and farm animals that would be only on a lot consisting of more than five acres. The recommendation would also be that each time a resident would like to keep the farm animals and private stables, they would be required to apply for a special use permit from the Village.

**A Motion was made by Commissioner Page and seconded by Commissioner McHone to close the public hearing.** Roll call vote: Commissioners Sullivan, Page, McHone and Chairman Mills voted Aye. 0-nays, 0-abstained. Motion carried.

**A Motion was made by Commissioner Sullivan and seconded by Commissioner Page to approve the additional wording of section 10-2-2 and section 10-2-3 of the UDO.** Roll call vote: Commissioners Sullivan, Page, McHone and Chairman Mills voted Aye. 0-nays, 0-abstained. Motion carried.

**7. NEW BUSINESS**

There were no items to discuss at this time.

**8. OTHER BUSINESS**

There were no items to discuss at this time.

**9. ADJOURNMENT**

There being no further public business to discuss, **a Motion was made by Chairman Mills and seconded by Commissioner Page to adjourn from the public meeting at 7:13 p.m.** Roll call vote: Commissioners Sullivan, Page, McHone and Chairman Mills voted Aye. 0-nays, 0-abstained. Motion carried.

Respectfully submitted,

*Courtney Nicholas*

Courtney Nicholas  
Village Clerk

## MEMORANDUM

**To:** Village of Gilberts Plan Commission

**CC:** Brian Bourdeau, Village Administrator

**From:** Julie A. Tappendorf  
Kurt S. Asprooth

**Subject:** Short-Term Rentals Amendment

**Date:** October 29, 2018

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The Plan Commission will be meeting on November 7, 2018 to hold a public hearing to consider a proposed amendment to the Gilberts Unified Development Ordinance (“*UDO*”) regarding restrictions on short-term rentals, such as those operated through Airbnb.

The current UDO already prohibits short-term rentals. The UDO makes it clear that only those uses listed as permitted or special uses are allowed in the Village. Short-term rentals are not listed as a permitted or special use in any zoning district within the Village, although hotels and motels are permitted as a special use in the C-1 district.

Recently, questions have been raised by property owners and others as to whether the Village allows short-term rentals in its residential zoning districts. As a result, the Village Board would like to add language to the UDO to include an express prohibition on short-term rentals in the Village’s residential zoning districts.

The Village is authorized by the Illinois Zoning Enabling Act to “prohibit uses, buildings, or structures incompatible with the character” of specific zoning districts. 65 ILCS 5/11-13-1. As such, a ban on short-term rentals would be prohibiting a “use” that, in the judgment of the Village, is incompatible with the character of the Village’s residential districts. The nature of short-term rentals is different than the nature of standard residential uses, and is more akin to a hotel/motel.

The Village Board has asked the Plan Commission to consider an amendment to the UDO to prohibit short-term rentals in the Village’s residential areas. The amendment includes a definition of “short-term rental” and a new provision prohibiting this use in all of the Village’s residential zoning districts.

Below is the proposed definition of short-term rentals to be added to the definition section of the UDO (10-13-13):

*Short-Term Rental: A residential building or portion thereof that is held out for rent or rented for overnight accommodation for a period of less than thirty (30) consecutive days.*

This definition would still permit a lease of 30 days or more, which would also accommodate month-to-month rentals after a lease's original term has expired.

Below is the proposed addition to Section 10-3-4 of the UDO, which governs the use limitations in all of the Village's residential districts:

*Short-Term Rental Prohibition. Short-term rentals, as defined in Section 10-13-13 of this code, are prohibited in all residential districts.*

Under the UDO, there are no specific standards for text amendments that must be satisfied. Instead, the Plan Commission is directed to evaluate the proposed text amendment against the intent of the UDO, the recommendations of the Comprehensive Plan, and the public health, safety, and general welfare. As always, the Plan Commission is only a recommending body, and the Village Board has final authority to approve any amendment to the UDO.