

VILLAGE OF GILBERTS

**AN ORDINANCE AMENDING THE VLLAGE'S UNIFIED DEVELOPMENT
ORDINANCE REGARDING SHORT-TERM RENTALS**

WHEREAS, on January 7, 2014, the Village Board of the Village of Gilberts adopted the Gilberts Unified Development Ordinance ("**UDO**"), which sets forth the zoning and development standards and procedures for the Village; and

WHEREAS, the UDO does not currently permit residential buildings to be used as short-term rentals; and

WHEREAS, the Village Board desires to ratify and clarify the existing prohibition on short-term rentals under the UDO; and

WHEREAS, the Village Board has proposed an amendment to the UDO that would clarify and ratify the existing prohibition on short-term rentals (the "**Amendment**"); and

WHEREAS, the Plan Commission conducted a public hearing, pursuant to notice published in accordance with Illinois state law, on the Amendment at its meeting held on November 7, 2018, at which time the Plan Commission recommended approval of the Amendment; and

WHEREAS, the Village Board of Trustees has considered the Plan Commission's recommendation, and has determined that it is in the best interests of the Village to approve the Amendment as set forth in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GILBERTS, KANE COUNTY, ILLINOIS, as follows:

SECTION 1. RECITALS The recitals set forth above are incorporated into Section 1 as set forth herein.

SECTION 2. AMENDMENT TO SECTION 10-13-13 OF THE UDO. Section 10-13-13 of the UDO, entitled "Definitions," is hereby amended as follows (deletions in ~~strikethrough~~, additions in **bold** and underline):

"10-13-13 DEFINITIONS

When used in this code, the following terms have the meanings ascribed to them:

* * *

Setback: The minimum horizontal distance between the street right-of-way line or front lot line and/or corner side lot line of a lot and the nearest wall of a building or structure adjoining such right-of-way or lot line.

Short-Term Rental: A residential building or portion thereof that is

held out for rent, rented, or occupied as a rental for overnight accommodation for a period of less than thirty (30) consecutive days.

Site Plan: The graphical depiction of the location and arrangement of existing and proposed buildings and structures, parking lots and drives, roadways and rights-of-way, sidewalks, ground signs, and other freestanding structural features on a lot.”

SECTION 3. AMENDMENT TO SECTION 10-3-4 OF THE UDO. Section 10-3-4 of the UDO, entitled “Use Limitations,” is hereby amended to add a new paragraph C as follows (deletions in ~~strikethrough~~, additions in **bold and underline**):

“10-3-4 USE LIMITATIONS

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

SECTION 4. EXISTING LAW. The Amendments to the UDO adopted under this Ordinance are declarative of existing law.

SECTION 5. SEVERABILITY. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect. If any part of this Ordinance is found to be invalid in any one or more of its several applications, all valid applications shall remain in effect.

SECTION 6. REPEAL AND SAVINGS CLAUSE. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however that nothing in this Ordinance shall affect any rights, actions, or causes of action which shall have accrued to the Village of Gilberts prior to the effective date of this Ordinance.

SECTION 7. EFFECTIVE DATE. This Ordinance shall only be effective upon the passage, approval, and publication in the manner required by law.


PASSED BY THE BOARD OF TRUSTEES this 13 day of November, 2018 by roll call vote as follows:

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Dan Corbett	<u>✓</u>	_____	_____	_____
Trustee Elissa Kojzarek	<u>✓</u>	_____	_____	_____
Trustee Nancy Farrell	<u>✓</u>	_____	_____	_____
Trustee Jeanne Allen	<u>✓</u>	_____	_____	_____
Trustee Lou Hacker	<u>✓</u>	_____	_____	_____
Trustee Guy Zambetti	<u>✓</u>	_____	_____	_____
President Rick Zirk	_____	_____	_____	_____

APPROVED THIS 13 DAY OF Nov, 2018




Rick Zirk, Village President

ATTEST: 
Courtney Nicholas, Village Clerk

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