

ORDINANCE NO. O-2023-39

**AN ORDINANCE AMENDING ARTICLE 24 - ACCESSORY USES AND HOME OCCUPATIONS OF THE
WHEATON ZONING ORDINANCE - SHORT-TERM HOME SHARING RENTALS**

WHEREAS, the City of Wheaton, Illinois, ("City") is an Illinois home rule municipality pursuant to the provisions of Article VII, Section 6, of the Illinois Constitution of 1970; and as such the City may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the City has determined it to be appropriate to amend the Wheaton Zoning Ordinance to address various public safety concerns that have arisen with some short-term home sharing rentals ("short-term rentals"); and

WHEREAS, the proposed text amendment amends the Wheaton Zoning Ordinance by limiting the number of adult guests associated with a short-term rental and defining where guests can park on a property; and

WHEREAS, pursuant to notice as required by the Illinois Municipal Code and the City Zoning Ordinance, a public hearing was conducted by the Wheaton Planning and Zoning Board, acting as a hearing body on September 12, 2023 and October 10, 2023, to consider said amendment which proposes to limit the number of guests associated with a short-term rental and define where guests can park on a property.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule powers, as follows:

SECTION 1: The text of Wheaton Zoning Ordinance, Article 24 - Accessory Use and Home Occupations, is hereby amended by repealing and rescinding Article 24.10.11 in its entirety and replacing it with a new Article 24.10.11, which shall read as follows:

"24.10 Particular Home Occupations Permitted.

11. Short-Term Home Sharing Rentals, subject to the following conditions and requirements:

- A. Short-Term Home Sharing Rental Hosts shall provide the City with their contact information on a form provided by the City.
- B. All Short-Term Home Sharing Rentals shall comply with the terms and conditions of this Article and the zoning district they are located in.
- C. No Short-Term Home Sharing Rental shall be allowed unless an Owner Lives on Site during the entire short-term rental period.
- D. No persons shall provide a Short-Term Home Sharing Rental to any person or persons for a period of more than fourteen (14) consecutive nights. The maximum number of occupants allowed during a Short-Term Home Sharing Rental shall not exceed two (2) per bedroom. An additional two (2) occupants are permitted per living room and/ or family room containing a sleeper sofa. Minors aged twelve (12) and under are

excluded from this occupancy limit.

- E. All vehicles of the occupants and guests of the Short-Term Home Sharing Rental must be parked on the Short-Term Home Sharing Rental property. Parking spaces may include garage and driveway parking and may include tandem parking.
- F. Prior to the initial operation of the home occupation for a Short-Term Home Sharing Rental, the Host shall obtain a letter approving the occupancy from the Director of Planning & Economic Development, certifying that all applicable life safety ordinances and codes of the City have been satisfied. The maximum number of occupants, based on the criteria listed above in Article 24.10.11D, shall be included in this letter.
- G. Short-Term Home Sharing Rental Hosts shall provide Guests the following disclosure:

"On September 21, 2020, the City of Wheaton Council adopted the Short-Term Home Sharing Ordinance reiterating its ban on the rental of entire units as vacation rentals. The Short-Term Home Sharing Ordinance also legalized the short-term rental of a portion of a person's home but only when the host lives on site throughout the visitor's stay."

SECTION 2: All ordinances or parts of ordinances in conflict with these provisions are hereby repealed.

SECTION 3: 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.

SECTION 4: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.



Philip J. Suer
Mayor

ATTEST:



Andrea Rosedale

City Clerk

Roll Call Vote:

Ayes: Councilwoman Robbins
Councilman Weller
Councilman Barbier
Councilwoman Bray-Parker
Mayor Suess
Councilman Clousing

Nays: None
Absent: Councilman Brown
Motion Carried Unanimously

Passed: October 16, 2023
Published: October 17, 2023

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