

ORDINANCE NO. 2021-09

**AN ORDINANCE OF THE CITY OF BYRON, ILLINOIS AMENDING VARIOUS SECTIONS OF TITLE 17 ZONING OF THE CITY OF BYRON CODE OF ORDINANCES TO ALLOW FOR SHORT-TERM RENTAL PROPERTIES**

WHEREAS, the City of Byron, Illinois (“City”) has adopted a City Code of Ordinances (“Code”); and

WHEREAS, Title 17 of the Code regulates Zoning; and

WHEREAS, the City desires to amend various provisions of the Code to permit short term rental properties as a special use in various zoning districts; and

WHEREAS, the City duly held and conducted a Zoning Board of Appeals hearing on \_\_\_\_\_ to consider text amendments to the City Zoning Code to permit short term rental properties as set forth herein; and

WHEREAS, the Zoning Board of Appeals recommended to approve said text amendments; and

WHEREAS, the City has determined it is in the best interest of the City and its citizens to make such amendments.

NOW THEREFORE, be it ordained by the Mayor and City Council of the City of Byron, Illinois as follows:

1. The above recitals are incorporated herein and made a part hereof.
2. That Section 17.08 entitled “Definitions” is hereby amended to create Section 17.08.030 entitled “Short Term Rental Properties” to read as follows (additions shown as **bold and underlined** and deletions as ~~strike~~throughs) (all other sections not amended shall remain as written):

**“17.08.730 Short Term Rental Properties**

**Short term rental properties mean any structure offered for rent to any person, other than a member of the owner’s family, for a period which does not exceed thirty (30) consecutive days. The term “short term rental properties” shall not include hotels, bed and breakfast inns or boarding facilities.**

3. That Section 17.20.030 entitled “Special Uses” in “District No 1 - R-1, Single-Family Residential Zoning District” is hereby amended to read as follows (additions shown as **bold and underlined** and deletions as ~~strike~~throughs) (all other sections not amended shall remain as written):

“The following uses may be allowed by special use permit in accordance with the provisions of Chapter 17.48 of this title:

- A. Nonprofit and charitable institutions;
- B. Private clubs or lodges, except those the chief activity of which is a service customarily carried on as a business;
- C. Churches, rectories, seminaries, convents, monasteries and similar religious institutions;
- D. Community swimming pools;
- E. Day nursery schools;
- F. Daytime or nighttime care centers;
- G. Educational institutions;
- H. Golf courses, public or private;
- I. Offices, business and professional;
- J. Planned community developments;
- K. Public service uses, including but not limited to:

Filtration plant;

Sewage treatment plant;

Police and fire stations;

Telephone exchange;

Electric substations and booster stations;

Other governmental uses.

L. Bed and breakfast inns;

M. Cemetery, crematory, mausoleum;

N. A conversion of a single-family dwelling to a two-family or multi-family dwelling;

**O. Short-term Rental Properties as defined in Section 17.08.730.**

4. That Section 17.22.030 entitled “Special Uses” in “District No 2 – R-2, Two-Family Residential Zoning District” is hereby amended to read as follows (additions shown as **bold and underlined** and deletions as ~~strike throughs~~) (all other sections not amended shall remain as written):

“The following uses may be allowed by special use permit in accordance with the provisions of Chapter 17.48 of this title:

- A. Non-profit and charitable institutions;
- B. Private clubs or lodges, except those the chief activity of which is a service customarily carried on as a business;

- C. Churches, rectories, seminaries, convents, monasteries and similar religious institutions;
- D. Community swimming pools;
- E. Day nursery schools;
- F. Daytime or nighttime care centers;
- G. Educational institutions;
- H. Golf courses, public or private;
- I. Offices, business and professional;
- J. Planned community developments;
- K. Public service uses, included but not limited to:

Filtration plant;

Sewage treatment plant;

Police and fire stations;

Telephone exchange;

Electric substations and booster stations;

Other governmental uses.

L. Radio and television towers, commercial;

M. Bed and breakfast inns;

N. A conversion of a two-family dwelling to a single-family dwelling;

O. Any use permitted in the R-1 District as set forth in Section 17.20.020;

**P. Short-term Rental Properties as defined in Section 17.08.730.**

5. That Section 17.24.030 entitled “Special Uses” in “District No 3 – R-3, Multi-Family Residential Zoning District” is hereby amended to read as follows (additions shown as **bold and underlined** and deletions as ~~strikethroughs~~) (all other sections not amended shall remain as written):

“The following uses may be allowed by special use permit in accordance with the provisions of Chapter 17.48 of this title:

- A. Non-profit and charitable institutions;
- B. Private clubs or lodges, except those the chief activity of which is a service customarily carried on as a business;
- C. Churches, rectories, seminaries, convents, monasteries and similar religious institutions;
- D. Community swimming pools;
- E. Day nursery schools;
- F. Daytime or nighttime care centers;
- G. Educational institutions;
- H. Golf courses, public or private;

- I. Offices, business and professional;
- J. Planned community developments;
- K. Public service uses, including but not limited to:

Filtration plant;

Sewage treatment plant;

Police and fire stations;

Telephone exchange;

Electric substations and booster stations;

Other governmental uses.

L. Funeral homes;

M. Meeting halls;

N. Bed and breakfast inns;

O. Cemetery, crematory, mausoleum;

P. Nursing and convalescent home;

Q. Any use permitted in the R-2 zoning district as set forth in Section 17.22.020;

**R. Short-term Rental Properties as defined in Section 17.08.730.**

6. That Section 17.26.030 entitled “Special Uses” in “District No 4 – R-4, Rural Residential Zoning District” is hereby amended to read as follows (additions shown as **bold and underlined** and deletions as ~~strikethroughs~~) (all other sections not amended shall remain as written):

“The following uses may be allowed by special use permit in accordance with the provisions of Chapter 17.48 of this title:

A. Non-profit and charitable institutions;

B. Private clubs or lodges, except those the chief activity of which is a service customarily carried on as a business;

C. Churches, rectories, seminaries, convents, monasteries and similar religious institutions;

D. Day nursery schools;

E. Daytime or nighttime care centers;

F. Educational institutions;

G. Golf courses, public or private;

H. Off-street parking areas;

I. Offices, business and professional;

J. Planned community developments;

K. Public service uses, including but not limited to:

Filtration plant;

Sewage treatment plant;

Police and fire stations;

Telephone exchange;

Electric substations and booster stations;

Other governmental uses.

L. Radio and television towers, commercial;

M. Bed and breakfast inns;

**O. Short-term Rental Properties as defined in Section 17.08.730.**

7. That Section 17.28.030 entitled “Special Uses” in “District No 5 – C-1, Limited Office Zoning District” is hereby amended to read as follows (additions shown as **bold and underlined** and deletions as ~~strikethroughs~~) (all other sections not amended shall remain as written):

“The following uses may be allowed by special use permit in accordance with the provisions of Chapter 17.48 of this title.

A. Medical offices over three thousand square feet;

B. Funeral homes;

C. Public service or utility uses;

D. Trade or business schools and studios;

E. Art galleries and museums;

F. Any use allowed in multi-family;

G. Community service organization;

H. Child care facility or elderly care facility;

I. Interior decorating shop;

**J. Short-term Rental Properties as defined in Section 17.08.730.**

8. That Section 17.30.030 entitled “Special Uses” in “District No 6 – C-2, Commercial Retail Zoning District” is hereby amended to read as follows (additions shown as **bold and underlined** and deletions as ~~strikethroughs~~) (all other sections not amended shall remain as written):

“The following uses may be allowed by special use permit in accordance with the provisions of Chapter 17.48 of this title:

A. Packaged liquor sales;

B. Outside sales of liquor;

**C. Short-term Rental Properties as defined in Section 17.08.730.**

9. That Section 17.34.030 entitled “Special Uses” in “District No 8 – C-4, River Commercial Zoning District” is hereby amended to read as follows (additions shown as **bold and underlined** and deletions as ~~strikethroughs~~) (all other sections not amended shall remain as written):

The following uses may be allowed by special use permit in accordance with the provisions of Chapter 17.48 of this title:

- A. Packaged liquor sales;
- B. Outside sales of liquor;
- C. Gasoline/marina services;
- D. Short-term Rental Properties as defined in Section 17.08.730.”**

10. If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.
11. All other ordinances of the City shall remain in effect as previously enacted except that those ordinances, or parts thereof, in conflict are hereby repealed to the extent of such conflict.
12. This Ordinance shall be in full force and effect from after its passage, approval, and publication in pamphlet form as provided by law.

PASSED UPON MOTION BY Administrative Committee

SECONDED BY N/A

BY ROLL CALL VOTE THIS 3rd DAY OF November, 2021

AS FOLLOWS:

	AYE	NAY	ABSENT	ABSTAIN
Emily Gerdes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Zeke Hobbie	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jessica Nehring	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Isaacs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gyorkos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Christy Hanlin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mittzi Fulrath	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cheryl Metz	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

APPROVED November 3, 2021

ATTEST:

Caryn Huber  
Caryn Huber, City Clerk, City of Byron

John Rickard  
John Rickard, Mayor, City of Byron