

WHEATON PLANNING AND ZONING BOARD

I. CALL TO ORDER AND ROLL CALL VOTE

Chair Weller called the August 11, 2020 Wheaton Planning and Zoning Board meeting to order at 7:00 p.m. via Zoom. Upon roll call, the following were:

Roll Call Vote

Present: Nicole Aranas  
Christopher Dabovich  
Bob Gudmundson  
Cecilia Horejs  
Mark Plunkett  
Scott Weller

Absent: Dan Wanzung

City Staff Present: Tracy Jones, Staff Planner  
Jim Kozik, Director of Planning and Economic  
Development

II. APPROVAL OF MINUTES - JUNE 23, 2020

The minutes were approved as presented.

III. PUBLIC COMMENT

There was none.

IV. OLD BUSINESS

ZA #20-03/ TEXT AMENDMENT/ ARTICLE 2 AND ARTICLE 24/ SHORT-TERM RENTALS

Pursuant to notice duly published on July 24, 2020, Chair Weller called to order the August 11, 2020 public hearing requesting a text amendment, initiated by City Staff, to the text of Article 2 and Article 24 of the Wheaton Zoning Ordinance pertaining to short-term rentals available through hosting platforms such as Airbnb. Currently, the City prohibits short-term rentals.

Director Kozik stated that the first public hearing on this matter was initially held on February 25, 2020. The request was then continued to March 24, 2020. However, the COVID-19 Pandemic and resulting Stay-at-Home-Order prevented that meeting from occurring. Given the amount of time that had lapsed since the previous public hearing, staff re-noticed this matter and requested that the testimony from the first public hearing be incorporated into the record. The Board agreed and on a voice vote, all voted aye.

Director Kozik stated that the City has not received any complaints associated with the short-term rental of individual rooms. The short-term rental of whole houses, however, had generated complaints relating to parking congestion, noise and in one case, significant police activity and enforcement through court action.

Director Kozik stated that because the short-term rentals of individual rooms has been taking place on a limited basis without complaint, the proposed text amendment would allow the use to continue legally subject to

certifying that all applicable life safety ordinances and codes of the City have been satisfied and where the homeowner or "Host" is present.

Director Kozik stated that because of the problems experienced by the City with whole house rentals, the proposed amendment would not allow the short-term rental of an entire home.

Director Kozik stated that the proposed text amendment considers adding additional definitions to Article 2 - Definitions. Specifically, City Staff is proposing to add the following wording shown in blue font:

“Guest or Visitor - A person who rents or occupies a Short-Term Home Sharing Rental.

Short-Term Home Sharing Rental - An activity whereby Owners of a Dwelling Unit, utilizing a Hosting Platform, host Guest(s) or Visitor(s) in their homes, for compensation, for periods of no more than fourteen consecutive days, while at least one of the Dwelling Unit’s Owners’ Lives On Site in the Dwelling Unit throughout the Guest(s) or Visitor(s) stay.

Host - An owner engaged in providing Short-Term Home Sharing Rentals.

Hosting Platform - A market place entity, in whatever form or format, which facilitates Short-Term Home Sharing Rental through advertising, matchmaking, or any other means, using any medium of facilitation, or from which the operator of the Hosting Platform derives revenue, including booking fees or advertising revenues for providing or maintaining the market place.

Lives on Site - Being present in the dwelling unit where the Short-Term Home Sharing Rental is being offered, which includes but is not limited to sleeping overnight, preparing and eating meals, entertaining and engaging in other typical activities enjoyed by a homeowner in their Dwelling Unit.

Owner - A person holding title or co-title of a dwelling unit. When such person occupies a Dwelling Unit, typically a house or an apartment, that serves as their primary residence, they may share the residence on as a Short-Term Home Sharing Rental but only in accordance with the terms of this ordinance. For purposes of home sharing, an Owner may not have more than one residence within the City of Wheaton.”

Director Kozik stated that the proposed text amendment further considers adding additional language and omitting some existing language from Article 24 - Accessory Uses and Home Occupations. Specifically, City Staff is proposing to add the wording shown in blue font and omit the wording shown in strikethrough font; the rest of the wording is existing text:

“24.9 Standards for Home Occupations.

In addition to all the standards applicable to the district in which it is located, any home occupation shall comply with the following standards:

1. Not more than one (1) person other than members of the immediate family occupying such dwelling shall be employed or report to work on the premises.
2. No stock in trade (except articles produced by the members of the immediate family residing on the premises) shall be displayed or sold upon the premises.
3. No alteration of the principal building shall be made which changes the character thereof as a dwelling.

4. No more than twenty-five percent (25%) of the gross floor area of the residential dwelling unit shall be devoted to any home occupation except the letting of rooms to roomers or boarders, [Short-Term Home Sharing Rentals](#), or the operation of a day care home.
5. The home occupation shall be conducted entirely within the principal building that is used as the residential dwelling. A special use permit shall be required for any home occupation conducted in an accessory building.
6. No outdoor storage shall be permitted.
7. There shall be no noise, odor, dust, vibration, smoke, glare, television and radio interference, electrical interference, fire hazard or any other hazard emanating from the dwelling relating to the home occupation. No home occupation shall involve the use or production of toxic or harmful materials. The purpose of this standard is to ensure that the home occupation has no adverse environmental impact on adjoining properties.
8. The home occupation shall not involve the receipt or delivery of merchandise, goods, or equipment other than by U.S. Mail, United Parcel Service, Federal Express, or similar carriers that typically deliver packages to residences. No deliveries by semi-tractor/trailer trucks shall be permitted.
9. The home occupation shall not result in the simultaneous presence on the zoning lot and adjoining street of more than three motor vehicles in excess of the number of vehicles attributable to the residential use of the premises.
10. The distribution of articles, products, or equipment from the dwelling by commercial contractors to independent contractors or other employees shall be prohibited.
11. No visitors, clients, patrons, pupils, etc., of the home occupation, except those in conjunction with the letting of rooms to roomers or boarders, [Short-Term Home Sharing Rentals](#), or day care homes, shall be permitted between the hours of 10:00 p.m. and 7:00 a.m.

#### 24.10 Particular Home Occupations Permitted.

Permitted home occupations include, but are not limited to, the following list of occupations; provided, however, that each listed occupation shall be subject to the requirements of Section 24.9 hereof, as well as to any limitations specifically imposed on such occupation by this Section 24.10.

1. Day Care Homes licensed by the State of Illinois.
2. Dressmakers, seamstresses, tailors.
3. Private tutoring provided that the instruction shall be limited to one pupil at a time except for occasional groups.
4. Artists, sculptors, photographers, authors or composers.
5. Physicians, dentists, or other licensed medical practitioners.
6. Architects, attorneys, engineers, realtors, insurance agents, brokers, and members of similar professions.

7. Ministers, rabbis, priests, or members of religious orders.
8. The letting for hire of rooms for rooming or boarding use for a lease term of at least six (6) months to not more than four (4) persons unrelated to the owner of the property or lessor. Provided, however, that this provision shall not allow the occupancy of a dwelling unit by more than five (5) unrelated individuals. Prior to the letting for hire of rooms for rooming or boarding use, the operator of the home occupation shall obtain a letter approving the occupancy from the Director of Planning & Economic Development, pursuant to certifying that all applicable life safety ordinances and codes and standards have been satisfied.
9. Offices of salespeople, sales representatives, or manufacturers' representatives; provided that no retail transactions shall be made on the premises except through telephone, e-mail, facsimile or mail, and that no wholesale transactions shall include the acceptance or delivery of merchandise on the premises.
10. Home Kitchen and Cottage Food Operations as defined by the State of Illinois Food Safe Handling Regulation Act.
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 in a form provided by the City.
  - B. All Short-Term Home Sharing Rental dwellings shall comply with the terms and conditions of this Article and the zoning district they are located in.
  - C. No dwelling shall be occupied as a Short-Term Home Sharing Rental 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 consecutive days.
  - E. Prior to the operation of the 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.
  - F. Short-Term Home Sharing Rental Hosts shall provide Guests the following disclosure:

*On (INSERT) 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."*

Staff Planner Jones stated that all persons who spoke at the first public hearing received a notice of this hearing and the request was also featured in the City's recent newsletter. In addition, staff also reached out to Wheaton College and some existing Airbnb operators within the City to make them aware of the proposed changes.

The Board briefly discussed the fourteen consecutive day limit under the definition of "Short-Term Home Sharing Rental" but ultimately decided not to make any changes to the proposed text.

Mr. Gudmundson moved and then Mr. Plunkett seconded the motion to close the public hearing. On a voice vote, all voted aye.

The Board decided to vote this evening.

Ms. Aranas moved and then Mr. Dabovich seconded the motion to approve ZA #20-03 requesting a text amendment, initiated by City Staff, to the text of Article 2 and Article 24 of the Wheaton Zoning Ordinance pertaining to short-term rentals available through hosting platforms such as Airbnb.

Roll Call Vote

Ayes: Nicole Aranas  
Christopher Dabovich  
Bob Gudmundson  
Cecilia Horejs  
Mark Plunkett  
Scott Weller

Nays: None

Absent: Dan Wanzung

Motion Passed Unanimously

V. MISCELLANEOUS

There was none.

VI. ADJOURNMENT

The Board adjourned the meeting at 7:50 p.m. On a voice vote, all voted aye.

Respectfully submitted,  
Tracy L. Jones, Staff Planner