

NOTICE OF PUBLIC HEARING

The Wheaton Planning and Zoning Board will hold a public hearing on Tuesday, August 11, 2020 at 7:00 p.m. remotely via Zoom, <https://us02web.zoom.us/j/81772663191> or by calling (312) 626-6799, Meeting ID: 817 7266 3191 to consider the following zoning application:

Zoning Application #20-03. An amendment to the text of the Wheaton Zoning Ordinance, Article 2 - Definitions and Article 24 - Accessory Uses and Home Occupations to allow short-term rentals available through hosting platforms such as Airbnb. Currently, the City prohibits short-term rentals. The Wheaton Planning and Zoning Board is expected to incorporate the previous testimony provided at the first public hearing on this matter (which was held on Tuesday, February 25, 2020) into the record.

The proposed text amendment will consider adding the following definitions to Article 2 - Definitions:

“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, 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 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.

Transient Occupancy Tax (“TOT”) - A local transient tax as set forth in Article III of this Ordinance which is paid by the guest or visitor for renting a short-term rental their short-term rental and remitted to the City no less than five business days. TOT shall be paid to the City prior to the short-term occupancy.”



The proposed text amendment will further consider deleting Article 24.9 - Standards for Home Occupations, Article 24.10 - Particular Home Occupations Permitted, and Article 24.11- Particular Home Occupations Prohibited in their entirety and replacing them with the following language:

"24.9 Standards for Home Occupations.

In addition to all of 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, certifying that all applicable life safety ordinances and codes have been satisfied.
9. Offices of sales people, 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.

24.11 Particular Home Occupations Prohibited.

1. Nonconforming Uses.

All home occupations which do not comply with the provisions of this Ordinance (Ordinance No. F-0119, adopted March 17, 1997) shall comply with all such provisions prior to (a date one year from the date of adoption).

- 2. Permitted home occupations shall not in any event be deemed to include:
 - a. Animal hospitals.
 - b. Clinics or hospitals.
 - c. Dancing schools, except as permitted above.
 - d. Mortuaries.
 - e. Nursery schools.
 - f. Private clubs.
 - g. Renting of trailers
 - h. Repair shops or service establishments, except the repair of computers, cameras, locks, clocks, or other similar small items.
 - i. Restaurants.

- j. Stables or kennels.
- k. Towing companies.
- l. The sale of firearms and/or ammunition.”

At the public hearing, anyone wishing to make a public statement will be encouraged to do so. Written comments may be submitted to Wheaton’s Staff Planner Tracy Jones at tjones@wheaton.il.us. A copy of the application is available for review in the office of the Director of Planning and Economic Development, 303 West Wesley Street, Wheaton, Illinois during normal business hours.

Scott Weller, Chair
Wheaton Planning and Zoning Board