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**MINUTES**

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**PLANNING AND ZONING COMMISSION**

**CITY COUNCIL CHAMBERS  
505 BUTLER PLACE  
PARK RIDGE, IL 60068**

**TUESDAY, March 28, 2017 AT 7:00 PM**

Chairman Baldi called the meeting to order at 7:00 pm.

**I. ROLL CALL**

Present

Jim Argionis (arrived 7:11)  
Lou Arrigoni  
Joe Baldi  
John Bennett  
Linda Coyle  
Lou Giannetti  
Jim Hanlon  
Rebecca Mills  
Chris Zamaites

Absent

City Council

Staff

Jon Branham, Senior Planner  
Josephine Faraci, Administrative Assistant  
Jim Brown, Director  
Julie Tappendorf, City Attorney

**II. APPROVAL OF MINUTES**

On a motion by Commissioner Mills seconded by Commissioner Bennett the Commission AGREED to approve the minutes from the March 14, 2017 meeting, as submitted.

Vote on the motion as follows

AYES	9	Chairman Baldi, Commissioners Argionis, Arrigoni, Bennett, Coyle, Hanlon, Giannetti, Mills, Zamaites
NAYS	0	None
ABSTAIN	0	None
ABSENT	0	Commissioners

The motion passed.

**III. PUBLIC HEARINGS**

Chairman Baldi explained the Text Amendment.

1. Case Number 17-05-TA:

Text Amendments to Section 16, Definitions, by adding a new definition for "Short-Term Rental Unit"; and Section 7.2, Table 2, Residential Districts Permitted and Special Uses, in order to allow "Short-Term Rental Unit" as a permitted use or special use in all residential districts

Jim Brown, Director of CP&D gave an overview of the issues and concerns of the meeting held on February 28. Mr. Brown had asked City Attorney, Julie Tappendorf to attend the meeting and provide an explanation to the Commissioners in a memorandum. Also, included is a summary sheet of short-term rentals in neighboring cities. Mr. Brown indicated that he and Ms. Tappendorf made slight changes noted in the memorandum.

Commissioner Zamaites inquired about the timing of cease and desist letters.

Jim Brown explained the reason of the timing.

Commissioner Zamaites inquired about the recommendations "Limit one short term unit rental per building". How is the decision made as to who receives that benefit?

Jim Brown indicated that was a recommendation to combat some of the concerns that an entire building may be taken over used as a hotel. A possible way to address that is to limit the zoning approvals to single-family residential districts.

Commissioner Coyle suggested that a possible way to address the language is to state the owner must reside in the unit a certain number of days in a year.

Commissioner Hanlon indicated that would be highly unenforceable. The City of Park Ridge does not have the resources to enforce those rules. He opined that some of the proposals did not make sense—City should either say yes or no to short-term rentals.

Commissioner Coyle asked the City Attorney her opinion on limiting just one short-term rental unit per building.

Attorney Tappendorf indicated that there are different approaches. Some communities are only allowing short-term rentals in single-family use pursuant to special use. It is easier to control for the community; there is an administrative record. In this case, Mr. Brown has it as a permitted use but limited geographically. It still needs to go through all the licensing and registration. The City's controls really come through the registration and licensing. Such controls would be a condition of the zoning approval.

General discussion ensued regarding challenge to a City of Chicago ordinance as well as licensing in the City of Park Ridge.

Commissioner Bennett questioned if it is illegal to set a limit on a number of these units in a building.

Attorney Tappendorf indicated it is not illegal to limit the number of short-term rental units in a building. It is a zoning authority. We can have restrictions as long as it is rational. She provided other examples where there are spatial limits: adult uses, liquor licenses. She felt City was well within its authority to limit number of short-term rentals per building.

Commissioner Hanlon indicated that there is now way we can enforce a single owner from renting all units in a multi-use building. "There is nothing we can do to enforce it." He stated the commission's task was to either approve it in R1, 2, 3, 4 or not approve it.

Chairman Baldi felt that the task was strictly zoning; the commission should trust the City to create a workable licensing system. There are many difficult things to enforce, but that does not mean we should not allow it. As an example of uses that were difficult to enforce, Mr. Baldi gave home-occupied business.

Commissioners Hanlon, Baldi and Bennett discussed the fairness in limiting short-term rentals to one building or otherwise putting limits on such a use within a building.

Commissioner Coyle suggested addressing that issue by limiting the number of days in a year.

Commissioner Bennett stated people are still operating short-term rentals even though they are not allowed. "What's the point of having something on the books if you can't enforce it?" he stated.

Chairman Baldi, however, stated the issue was whether a property owner can use their property for short-term rentals. "Should a property owner be allowed to use their property in this manner? That is the question. Then you worry about enforcing it."

Commissioner Coyle felt the first question is: are we prepared to move forward and allow this? And if so, how?

Commissioner Hanlon and others discussed problems and issues with renting out entire houses while renters are not present.

Commissioner Argionis questioned whether allowing short-term rentals in order for hosts to earn extra income was a valid reason to allow short-term rentals. "Is the disruption to single-family neighborhoods" worth allowing someone to essentially run a business out of their home? He added there would always be scofflaws.

Commission Baldi questioned whether short-term rentals would indeed be disruptive. A discussion ensued concerning potential neighborhood disruptions if short-term rentals were allowed. Commissioner Argionis gave a couple examples. He called attention to fact that not all renters would be responsible.

Commissioner Baldi countered that through licensing the offenders could be regulated. He brought up the 30-day limit, and mentioned that there were no regulation beyond 30 days, and that many people rent their houses out on an annual basis.

Attorney Tappendorf explained that the Illinois Supreme Court had determined that zoning is to use, not ownership. "While a condo association can certainly limit you from renting out your house, the City of Park Ridge cannot. So if somebody owns a home and rents it under a lease, that is a lawful single-family use. The difference between that use—somebody simply renting their house because they have an investment, a [year-lease or month-to-month lease]—that is a legal use of a single-family home. The difference with the Airbnb is not the rental of the whole house under a lease—which is the same single-family use—the Airbnb is: I live in my home and that is the single-family use, and as an accessory commercial use I'm renting out a room or a couple of rooms on a short-term basis...The legality of the 30 days is to avoid the legal constraints of the City of Park Ridge distinguishing between ownership and rental, which in single-family use we cannot do [but can be done in a shorter rental]."

Commissioner Argionis questioned the benefit to the community for allowing short-term rentals. Commissioner Coyle responded that there would be certain economic benefits derived from visitors, such as restaurant patronage. Commissioner Argionis countered that any such benefits must be weighed against the intrusive nature of short-term rentals in neighborhoods. Commissioner Bennett added that short-term rentals would disrupt single-family neighborhoods. He found this debate analogous to a previous issue over signage, and concluded that, "What we are talking about is affecting the single-family nature of our community by allowing a use that is typically not associated with a single-family use."

Another brief discussion regarding enforcement ensued.

Commissioner Zamaites questioned how disruptions from short-term rentals would be different from disruptions on holidays such as Thanksgiving. She understood there were differences, but still found the transient nature that exists during holidays of people coming and going and parking on the streets similar to disruptions that might be caused by short-term rentals.

Commissioner Argionis questioned whether a prevalence of short-term rentals on a block would discourage someone from purchasing a home on that block, i.e. that property values would be diminished by the presence of short-term rentals.

Commissioner Mills and Mr. Brown discussed the table study in the memorandum regarding how other communities are handling Airbnb's.

Chairman Baldi suggested the commissioners take a poll.

Attorney Tappendorf reminded the Commission that City Council is looking for a recommendation.

Chairman Baldi explained the public hearing process and swore in those wishing to provide comments.

Simon Lambert, resident, explained that he complied with the cease-and-desist notice and was not aware of any complaints in the four years in which he operated. He mentioned the concerns in the last meeting of how Airbnb may affect the community. However, currently in the ordinance Park Ridge allows for similar uses such as small business, home day care, etc and to the best of his knowledge, these have not affected the character of the neighborhood. He asked that the same consideration be taken for short-term rental, as there is no negative impact. He suggested the Commission come up with regulating a spacing system of Airbnb's for each ward. He stated that their personal experience with Airbnb did not noticeably change the character of the neighborhood but could significantly benefit a community. He opined that banning short-term rentals in Park Ridge would not stop residents from continuing under the radar. He asked the Commission how many complaints have been made to CP&D regarding Airbnb.

Missy Langan, resident, stated that she has concerns with the proposal. She stated several reasons why she felt short-term rentals can change the characteristics of the neighborhood. She expressed how the standards for text amendment are not being met or even qualify for the Commission to amend, whereupon she read through the standards from the Zoning Ordinance with comment on each standard.

Pat Livensparger, resident, stated that she had concerns with the proposal. She gave examples of how condominiums are protected and controlled by the condominium association. A

homeowner's only protection is how the City enforces the zoning ordinance. She is concerned with property value and how "transient lodging" can affect the community.

Chairman Baldi suggested a preliminary vote of the Commission.

Commissioner Argionis stated that he is not in favor of allowing short-term rentals. He is concerned with the implications of changing the single-family neighborhood. He feels the amendment is not compliant with the Comprehensive Plan.

Commissioner Hanlon stated that he is not in favor of short-term rental in residential district; however, he will consider it in multi-family districts. Additionally, he states that he strongly disagrees with allowing one short-term rental per unit in multi-family dwelling. The vote is either yes or no.

Chairman Baldi stated that he is in favor. He indicated people should be able to use their property as they wish. By licensing and regulating, the City has better control.

Commissioner Coyle stated she is in favor; she indicated there is no negative impact.

Commissioner Arrigoni stated he is in favor, based on the number of complaints. He is open to restrictions and regulations.

Commissioner Bennett stated he is thinking no. He indicated there was no need to add a definition for short-term rental in the ordinance. Generally, people do what they want with their property, if we need to restrict short-term rental the City currently can. He stated that he likes the feel of Park Ridge neighborhood and that we should stick with what the zoning districts allowed.

Commissioner Mills stated she is not in favor of short-term rentals. She indicated that regulations will be difficult to enforce. She also made a recommendation to remove the cease-and-desist order because it is difficult to identify all those who are violating. She thought the best option was to continue monitoring and always revisit short-term rental.

Commissioner Zamaites stated she is in favor, but with limitations and regulations. She opined it would be a positive impact to the community.

Chairman Baldi made a suggestion to recommend approval in residential and not in multifamily districts. Commissioner Hanlon disagreed.

A motion was made by Commissioner Hanlon and seconded by Commissioner Arrigoni to: (1) amend Section 16, definitions, by adding a new definition for "Short-Term Rental Unit" as revised in the latest staff report; and (2) to amend Section 7.2 Table 2, Zoning Districts Permitted and Special Uses, in order to allow "Short-Term Rental Unit" as a permitted use in the R3, R4, R5 residential districts; and (3) add the footnote to Table 2 as indicated in the latest staff report, i.e. short-term rentals are accessory uses.

Commissioner Coyle had a question for the Attorney. She stated her preference is to approve short-term rentals for R1 and R2, and she wanted to know what effect a negative vote for the motion to allow in R-3, R-4 and R-5 would have. City Attorney Tappendorf replied that once a positive recommendation is received from the Commission, the Council can alter and approve it without the required super majority to overturn a negative recommendation.

Commissioner Bennett proposed to amend the motion to eliminate the R3 district and remove the portion of the footnote "one short-term unit per building". This motion to amend the original motion was seconded by Commissioner Mills.

Vote on the motion to amend the original motion was as follows:

AYES	7	Commissioners Arrgoni, Bennett, Coyle, Hanlon, Giannetti, Mills, Zamaite
NAYS	2	Chairman Baldi, Commissioner Argionis
ABSTAIN	0	None
ABSENT	0	None

The motion passed

Chairman Baldi stated the amendment passes, the motion on the floor text amendments to Section 16, Definitions, by adding a new definition for "Short-Term Rental Unit"; and Section 7.2, Table 2, Residential Districts Permitted and Special Uses, in order to allow "Short-Term Rental Unit" as a permitted use or special use in R4, R5 and adding footnote 4 without parenthesis "one short-term rental per building"

Mr. Brown read the standards for zoning text amendments found in Section 4.8.D (Table 1) and asked the Commissioners to consider the applicable ones in their vote.

Vote on the motion as follows

AYES	6	Chairman Baldi, Commissioners Arrgoni, Coyle, Hanlon, Mills, Zamaite
NAYS	3	Commissioner Argionis, Bennett Giannetti
ABSTAIN	0	None
ABSENT	0	None

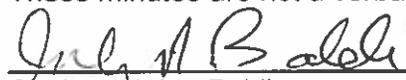
The motion passed.

- IV. OTHER ITEMS – Training with City Attorney
- V. CITY COUNCIL LIAISON REPORT
- VI. ZONING ORDINANCE PROVISIONS
- VII. PUBLIC COMMENT
- VII. ADJOURNMENT

On a motion by Commissioner Mills, seconded by Commissioner Arrgoni, the Commission AGREED to adjourn the meeting.

The meeting was adjourned at 10:00 pm

These minutes are not a verbatim record of the meeting but a summary of the proceedings.

  
Chairman, Joe Baldi

5/9/17  
Date