



AGENDA
REGULAR ZONING BOARD MEETING
Public Meeting Room, Village Hall
Thursday, September 8, 2015
7:00 p.m.

Reasonable accommodations or auxiliary aids will be provided to enable persons with disabilities to effectively participate in any public meetings. Please contact the Village Administrative Office (847.883.8600) 48 hours in advance if you need any special services or accommodations.

CALL TO ORDER

1.0 ROLL CALL

2.0 APPROVAL OF MINUTES

2.1 Approval of the Minutes of the regular Zoning Board Meeting held on Thursday, August 13, 2015.

3.0 GENERAL BUSINESS

3.1 PUBLIC HEARING regarding Text Amendments to Chapter 3, General Zoning Regulations, Chapter 2, Zoning Definitions, Chapter 5, Residence Districts, and associated cross-references, in Title 6 - Zoning of the Lincolnshire Village Code, to amend and introduce new regulations governing short-term rental of residential property (Village of Lincolnshire).

4.0 UNFINISHED BUSINESS

5.0 NEW BUSINESS

6.0 CITIZEN COMMENTS

7.0 ADJOURNMENT

The Zoning Board will not proceed past 10:30 p.m. unless a motion is made and approved by a majority of the Zoning Board members to extend the meeting one-half hour to 11:00 p.m. Any agenda items or other business that are not addressed within this time frame will be continued to the next regularly scheduled Zoning Board Meeting.



UNAPPROVED Minutes of the **RESCHEDULED MEETING OF THE ZONING BOARD** held on Tuesday, August 13, 2015, in the Public Meeting Room in the Village Hall, One Olde Half Day Road, Lincolnshire, IL.

PRESENT: Chairman Manion, Members Leider, Kalina and Van de Kerckhove

STAFF PRESENT: Tonya Zozulya, Economic Development Coordinator

ABSENT: Members Brady, Bichkoff and Trustee McDonough

CALL TO ORDER: **Chairman Manion** called the meeting to order at 7:00 p.m.

1.0 ROLL CALL

The roll was called by **Economic Development Coordinator Zozulya** and **Chairman Manion** declared a quorum to be present.

2.0 APPROVAL OF MINUTES

2.1 Approval of the Minutes related to the Zoning Board Meeting held on Tuesday, July 14, 2015, 2015.

Member Leider moved and **Member Van de Kerckhove** seconded the motion to approve the minutes of the Regular Meeting of the Zoning Board, as submitted. The motion passed unanimously by voice vote.

3.0 ITEMS OF GENERAL BUSINESS

3.1 PUBLIC HEARING regarding a request for a new Special Use Permit to establish and operate a dance studio at 300 Village Green in the Village Green Shopping Center (Center for Ballroom and Dance of Lincolnshire, LLC).

Chairman Manion recessed the Zoning Board meeting and opened the Public Hearing.

Michael Berman, representing the Center of Ballroom and Dance, signed in and was sworn in by **Chairman Manion**. He stated they propose to occupy the space facing the Village Green fountain. They will offer ballroom and dance lessons in an elegant environment modeled after a studio in England. Most of their students will arrive as couples and foursomes. **Mr. Berman** requested their responses to the Special Use standards (findings of fact) be entered into the record.

Economic Development Coordinator Zozulya stated the hours of operation will be 12-9 p.m. Monday through Friday and 9 a.m. - 3 p.m. on Saturday. They will be closed on Sunday. In addition to private lessons, they will also offer free monthly group classes and a special holiday class once a year. **Economic Development Coordinator Zozulya** stated similar uses have been previously approved and operated without issues. She further stated staff did not identify any issues with the proposed use and does not believe parking will be a problem.

There being no further public comments, **Chairman Manion** closed the public hearing and reconvened the Zoning Board meeting and sought comments from the Zoning Board.

The Zoning Board did not have any further questions or concerns.

There being no further comments, **Chairman Manion** sought a motion from the Zoning Board.

***Member Kalina** moved and **Member Leider** seconded a motion to recommend approval to the Village Board, based on facts covered in a Public Hearing held on August 13, 2015, of a new Special Use Permit to establish and operate a dance studio at 300 Village Green in the Village Green Shopping Center, for the Center for Ballroom and Dance.*

The motion passed unanimously by voice vote.

- 3.2 PUBLIC HEARING regarding a request for amendment to Special Use Permit No.11-3218-40 to permit the expansion of an existing children's daycare center into an adjacent tenant space and construction of a new outdoor playground area at 100 Village Green in the Village Green Shopping Center (Bright Stars Kids University, Inc.).

Chairman Manion recessed the Zoning Board meeting and opened the Public Hearing.

Dennis Lanski, representing Bright Stars Kids University, signed in and was sworn in by **Chairman Manion**. He stated the school has operated in the 100 Village Green building since 2009. In 2011, they received Village approval for a Special Use amendment to expand their enrollment to 65 children in a 4,300-square foot space. Their hours of operation are 7 a.m. to 6 p.m. The current expansion request is to add 30 more children (for a total of up to 95) and add two additional classrooms. The school intends to keep all original parking and drop-off procedures in place after the current Special Use amendment. They have received preliminary approvals from the Illinois Department of Children's and Family Services for the proposed expansion and playground area. Their expansion will allow Subway to relocate to a more visible space at 185 Milwaukee Avenue. It will also result in Bright Stars signing a long-term lease at the Village Green. The school will replace the 7 parking spaces that are slated to be removed for the new playground with 7 new spaces along the south side of the building. **Mr. Lanski** demonstrated the proposed attached playground and parking spaces on a rendering board. He stated the new attached playground will allow the school to be more competitive and meet customer expectations. It will also assist young students with safety and potty training and allow them to have a separate playground area for twenty and twenty-two-month-old children as required by DCFS. **Mr. Lanski** noted they received support from the Center ownership and adjacent tenants, including Half Day Brewing, Eddie Merlot's, Aronson & Associates, Soskin & Associates and Advocate Condell (the last three tenants are located on the second floor of the 100 Village Green building). **Mr. Lanski** requested their responses to the Special Use standards (findings of fact) be entered into the record.

Economic Development Coordinator Zozulya stated staff is appreciative of the Petitioner's efforts to find a more suitable location for a new playground area per the Village Board's direction after their preliminary evaluation meeting. She said daycare centers located in commercial areas typically locate their playground behind the building

which was not an option in this case due to a usable drive aisle. Staff is supportive of the proposed Option D with 9 stipulations noted in the Staff memorandum. She noted staff distributed an additional memorandum to the Zoning Board prior to the meeting outlining the landlord's concern regarding Stipulation #4 (removal of the attached playground area).

Member Van de Kerckhove inquired whether the new attached playground is in addition to the existing detached playground to which **Mr. Lanski** responded affirmatively.

Chairman Manion inquired what the 95-student capacity request is based on. **Mr. Lanski** stated they may not reach a 95 student count but would like to have the maximum number desired in case they do.

Mr. Lanski noted they proposed the decorative wall to match the existing playground area. The school is willing to work with staff on whether the proposed decorative wall should be installed around the playground. They agree to meet all Village code regarding vehicle overhangs and would be willing to adjust the size of the playground area to make room for the overhang and decorative wall.

Chairman Manion noted the wall may be a good addition to serve as a barrier to protect the vehicles from running into the fence.

Michael Lotte, Director of Leasing at Baceline Investments who owns the Village Green Center, signed in and was sworn in **by Chairman Manion**. He stated Baceline fully supports the proposed Special Use amendment and does have a concern about Stipulation # 4 as explained by staff. Baceline believes any replacement tenant will be a daycare center which will need an adjacent playground. In the event it is not, Baceline would evaluate other options, including converting the playground into public space or removing the playground equipment. They believe completely removing the playground area would be costly and disruptive.

There being no further public comments, **Chairman Manion** closed the public hearing and reconvened the Zoning Board meeting and sought comments from the Zoning Board.

Chairman Manion inquired as to whether the surface will be woodchips and dirt which **Mr. Lotte** confirmed.

Member Kalina inquired whether Bright Stars will be open to removing the fence to which **Mr. Lotte** responded affirmatively.

The Zoning Board discussed staff--proposed Stipulation #4 and 6 and modified them. **Member Leider** proposed a 6-month timeframe as 90 days is too short to find a new tenant. He suggested the landlord come back to the Village at that time to discuss a suitable plan for the playground area.

There being no further comments, **Chairman Manion** sought a motion from the Zoning Board.

Member Leider moved and **Member Kalina** seconded a motion to recommend approval to the Village Board, based on facts covered in a Public Hearing held on August 13,

2015, of an Amendment to Special Use Permit No. 11-3218-40, to permit expansion into adjacent first-floor space in the 100 Village Green building and construction of a new 2,334-square foot outdoor playground area adjacent to the west side of the 100 Village Green, as presented in Option D, for Bright Stars Kids University, located at 100 Village Green Drive in the Lincolnshire Retail Center, subject to the following stipulations:

1. Bright Stars Kids University, Inc. must obtain all applicable approvals for daycare facility and playground area from Illinois DCFS and other appropriate licensing authorities prior to occupancy of the additional building space.
2. Any increase in daycare enrollment beyond 95 children and any changes to the playground area location or other site plan changes shall be approved only by Special Use amendment.
3. All conditions stipulated in Special Use Ordinance No. 09-3080-03 and Ordinance No. 11-3218-40 shall remain in effect.
4. Should Bright Stars vacate the Center and no replacement daycare center be secured within 6 months of their move, the landlord must return to the Village and discuss with the Department of Community and Economic Development their plans for the attached playground area and playground equipment to determine whether that playground should be completely removed or modified.
5. The proposed northern curb of the new playground area shall be extended further north to align with the existing northern curb of the existing landscape median.
6. The Petitioner shall further discuss with staff whether the proposed decorative landscape wall adjacent to the proposed playground needs to be installed, provided all parking stall code requirements are met.
7. The proposed closure of the drive aisle immediately west of the 100 Village Green building must be approved by the Lincolnshire-Riverwoods Fire Protection District.
8. Evergreen screening material for the new playground area shall be dense and approved by the Village's Department of Community & Economic Development prior to issuance of a building permit.
9. Bright Stars shall permanently maintain year-round screening of the playground area.

The motion passed unanimously by voice vote.

4.0 UNFINISHED BUSINESS (None)

5.0 NEW BUSINESS

6.0 CITIZENS COMMENTS

Chairman Manion and Member Leider expressed appreciation to the Village's Public Works Department for repairing a recent water main break on Briarwood Lane and Brampton Lane.

7.0 ADJOURNMENT

There being no further business, **Chairman Manion** sought a motion for adjournment. **Member Van de Kerckhove** moved, and **Member Leider** seconded the motion to adjourn. The meeting adjourned at 7:50 p.m.

Minutes Submitted by Tonya Zozulya, Economic Development Coordinator.

**REQUEST FOR BOARD ACTION
Zoning Board
September 8, 2015**

Subject:	Text Amendments to address Short-Term Rental of Single-Family Residential Property
Action Requested:	Public Hearing regarding Text Amendments to Chapter 3, General Zoning Regulations, Chapter 2, Zoning Definitions, Chapter 5, Residence Districts, and associated cross-references, in Title 6 - Zoning of the Lincolnshire Village Code, to amend and introduce new regulations governing short-term rental of residential property.
Originated By/Contact:	Steve McNellis, Director Department of Community & Economic Development
Advisory Board Review:	Zoning Board

Background:

- The Village has traditionally permitted single-family residential property to be rented, whether it's a room or an entire home, on an annual basis.
- The rental of single-family residential property for uses such as a bed and breakfast, lodging house or through a home rental organization such as Vacation Rental By Owner (VRBO) or Air BnB is not currently permitted, nor has it ever been.
- A recent issue with a resident operating an Air BnB business in a single-family residence brought to light the Village's regulations prohibiting such a use should be clarified and placed in a more appropriate section of the Code.
- At their July 27th meeting, the Village Board re-confirmed that certain rentals should continue to be prohibited and clarified what should constitute a permitted short-term rental. The Village Board further directed Staff and the Zoning Board to hold a Public Hearing to consider amending Village Code to clarify permissibilities and prohibitions related to the single-family home rentals.
- Per Village Code, a Notice of Public Hearing regarding proposed Text Amendments to be discussed at the September 8th Zoning Board meeting was published in the Lincolnshire Review on Thursday, August 20, 2015.

Project Summary:

Following, is a summary of proposed amendments related to the rental of single-family residential property (*for specific detail, please see attached Draft Code*):

- **Accessory Use:** Per Village Attorney's recommendation, regulations on the permissibility of short-term rentals are placed in the Accessory Structures and Uses (Section 6-3-5(B)) section of the Zoning Code. This is to reiterate the primary use of single-family residential property should be residential and not business use. This also recognizes rental of a property is accessory to the primary purpose of single-family residential, which is long-term owner-occupied use.
- **Permissible Timeframe:** The proposed amendment follows Board direction in permitting rentals for no less than three months and permitting no more than one rental per consecutive twelve-month period, regardless of whether the rental is for 3 months, 6 months or 11 months, etc. However, a caveat is provided permitting more than one rental per twelve-month period if a Tenant defaults on a Rental Agreement. The 3-month minimum

rental still applies in this scenario. In this way, the Owner is not punished for any legal remedy they must take with a bad Renter.

- **Limits of Rental Area:** Since this amendment is not intended to prohibit the rental of a room in someone's house versus the entire house that permissibility has been clarified.
- **Code Enforcement:** A caveat is added stating compliance with Codes is the owner's responsibility during a Rental period, unless it can be clearly proven the tenant caused a particular violation, despite the Owner's demonstrated efforts to remedy the violation. The Village Attorney advises this stipulation is commonplace in Municipal regulations.
- **Definitions:** The proposed amendment removes current definitions for both Lodging Room and House, which were previously utilized to define the type of short-term rentals being clarified in this Code Amendment. These are being replaced by a new definition of Short Term Rental, which more accurately describes these uses.
- **Permissibility in Residential Zoning Districts:** The R1, R2, R2A and R3 Zoning Districts would be amended to add a caveat that Short-Term rentals are permitted per the requirements of Section 6-3-5(B), Accessory Structures and Uses.

Note – Three of six Zoning Board members have notified Staff they will not be available for the September 8th Zoning Board meeting. Although there is sufficient attendance for a Quorum to hold a meeting, there will not be sufficient attendance to vote on the proposed amendment. Therefore, Tuesday night's meeting will function as the required Public Hearing and a workshop session, to enable revised language to be prepared for a vote on October 14th.

Recommendation:

Hold the **Public Hearing** and provide feedback and direction to Staff regarding proposed Draft Code Amendments for further consideration at the October 14th Zoning Board meeting.

Reports and Documents Attached:

- Draft Section 6-3-5, Accessory Structures and Uses, of the Lincolnshire Zoning Code.

Meeting History	
Preliminary Evaluation (COW):	July 27, 2015
Current Zoning Board Public Hearing:	September 8, 2015

6-3-5: ACCESSORY STRUCTURES AND USES

No accessory structure or use shall be established, erected, altered or moved onto a lot unless it is specifically conforms to the requirements of this Section.

A. General Requirements:

1. Floor Area Ratio: The maximum size shall not exceed 10% of the gross square feet of the Principal Structure on the lot, except as further regulated in Section 6-3-5(B).
2. Height: The maximum height shall not exceed fifteen (15) feet, except as further regulated in Section 6-3-5(B).
3. Location: Shall meet the minimum required Setbacks applicable to the Principal Structure on the lot, except as otherwise permitted in Section 6-3-5(B).
4. Relationship to Principal Structure: No portion of an Accessory Structure shall extend beyond the front façade of the Principal Structure on the lot.
5. Tree Removal: Any tree removal related to the installation of an Accessory Structure shall be subject to the tree removal requirements of Section 13-1-3(l).
6. Quantity: A maximum of two Accessory Structures shall be permitted on a lot. No two Accessory Structures shall be the same, with the exception of Play Structures.
7. Establishment: An Accessory Structure shall not be erected, altered or moved onto a lot prior to the establishment of a permitted Principal Structure on the same lot. Accessory Structures to any non-residential use or structure shall require Architectural Review Board approval prior to establishment.
8. Appeal: Any person or entity aggrieved by Staff determination regarding the application or interpretations of these requirements may submit a written appeal, as specified in Section 6-14-12 of the Lincolnshire Village Code, to the Architectural Review Board or Zoning Board, for final decision by the Village Board of Trustees.

B. Specific Requirements: The following Accessory Structures and Uses shall be permitted subject to the additional specific regulations set forth below:

ACCESSORY STRUCTURES AND USES 6-3-5(B)	P = Permitted S = Special Use
Flagpole & Flags	
<ul style="list-style-type: none">• Flagpoles shall not exceed a height of fifteen feet (15') or 75% of the height of the Principal Structure, whichever is greater.• Flagpoles may be located beyond the front façade of the Principal Structure and shall comply with all required building setbacks or setbacks shall be equal to the pole height, whichever is greater.• Flagpoles shall be exempt from the Quantity requirement of Section 6-3-5(A)(6). In addition, Flagpoles in single-family residential lots shall be limited to one (1) flagpole per lot.	

Gazebo	
<ul style="list-style-type: none">• Shall incorporate traditional/classical architectural detailing and ornamentation in the pillars, railings, walls, eave brackets, structural members, roof and/or similar elements• Shall have a shape of six (6) or more sides, with a maximum diameter of fifteen feet (15').• Shall be open sided, with no more than 50% of any exterior side of the structure consisting of a solid wall surface.• Installation of natural gas, water supply or sanitary sewer service; plumbing fixtures; hot tubs; whirlpool tubs or similar equipment is prohibited.• Permanent or temporary windows or other installations are prohibited. The installation of screens to control insects and ceiling fans are permitted.• Storage is prohibited.	

- Shall be constructed of wood materials erected upon concrete piers or a structural foundation
- Permitted within the required rear yard setback, provided the Gazebo is no closer than ten feet (10') from the nearest property line(s).

Greenhouse

- At least two walls and the roof of the structure must be glass or similar transparent materials.
- Storage of materials other than plants shall not be visible from adjacent properties and public ways

Memorial Garden

- As defined in Section 6-2-2

Memorial Assembly Facility

- Shall only be permitted as an accessory use to an assembly use, including but not limited to religious institutions or schools.
- Shall be permitted inside the principal structure on the lot.
- If located outside as an accessory structure, the following shall apply:
 1. Shall be located not less than 100 feet from any Lot Line where there is Frontage.
 2. Shall maintain a minimum distance of 135 feet from any Lot Line where there is no Frontage.
 3. Shall be located not more than 20 feet from the principal structure on the lot.
 4. Shall comprise an area no greater than 600 square feet.
 5. The structure shall have a height not greater than 3 feet.
 6. The structure shall be concealed from the adjacent right-of-way and contiguous residential Lots with vegetation which provides complete screening during the entire year and shall be a minimum of 6 feet tall at the time of planting (such vegetation shall not be considered part of the permitted area).
 7. The face of the structure into which cremated human remains are interned must substantially face towards the principal structure on the Lot.

Parking Garage Structure

- Refer to permitted zoning districts for specific regulations.

Personal Recreation Facility

- Recreation courts/facilities which do not require a foundation, concrete slab, or impervious surface floor shall not require a building permit.
- Permitted within the required rear yard setback, provided they are no closer than ten feet (10') from the nearest property line(s).
- Lighting shall be positioned and operated to minimize the amount of light and glare cast onto any adjacent property or street to not be a nuisance.

Play Structure

- Structures which do not include a foundation or concrete slab shall not require a building permit.
- Playhouses shall not exceed 8 feet in height and a maximum floor area of sixty (60) square feet.
- Storage of materials is prohibited.
- Permitted within the required rear yard setback, provided they are no closer than ten feet (10') from the nearest property line(s).

Private Residential Swimming Pools & Pool Houses

- Private Residential Swimming Pools – Refer to Chapter 5 of Title 5 for specific requirements.
- The combination of a Private Residential Swimming Pool and Pool House shall be classified as one Accessory Structure/Use and exempt from the Quantity requirement of Section 6-3-5(A)(6).
- The use of a Pool Houses as a Second Residential Unit is prohibited.
- Pool Houses shall be constructed with the same materials used on the Principal Structure.
- Pool Houses shall be permitted only in conjunction with an in-ground swimming pool. Installation of natural gas, water supply or sanitary sewer service; plumbing fixtures; heating/air conditioning is permitted.

Second Residential Unit

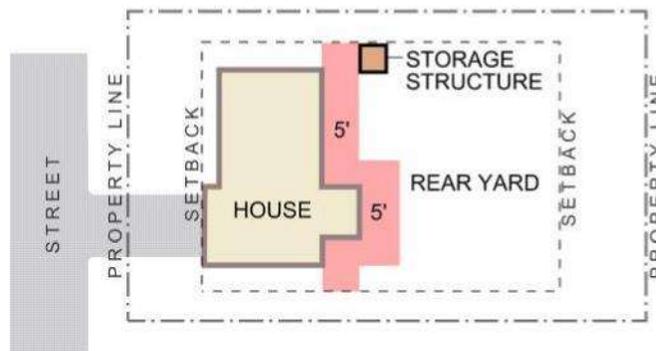
- Refer to Section 6-5A-2(H) for specific requirements.

Short Term Rental

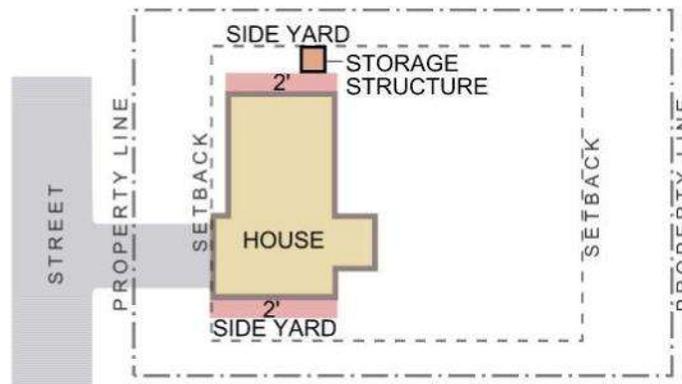
- Single Family Dwellings shall not be leased for less than three (3) months.
- Single Family Dwellings shall not be leased more than one time during any consecutive twelve (12) month period unless the term of each lease is equal to or greater than twelve (12) months, or the rental agreement has been terminated by reason of a tenant default.
- The rental premises may comprise all or a part of the principal structure.
- The rental premises shall not count toward the limit of accessory structures otherwise permitted by this Chapter.
- The form of consideration exchanged for the rental premises does not affect whether it is treated as a short term rental for the purposes of this Chapter.
- The property owner shall remain responsible for compliance with all Village Codes during the term of any rental agreement unless the owner can show by clear and convincing evidence that the tenant caused the violation despite good faith efforts by the owner to abate the violation.
- No Temporary Structure shall be permitted to be used for short term rental.

Storage Structure

- Shall be located in one of the following locations:
Rear Yard: Within five feet (5') of the Principal Structure (see figure below)



- Side Yard: Within two feet (2') of the Principal Structure (see figure below)



- Shall have a maximum floor area of 100 square feet.
- Shall not exceed a height of ten feet (10') from the established grade.
- Shall be placed on a hard surface, including but not limited to a concrete pad, cement blocks or similar materials.
- Shall be screened by plant material that provides visual relief throughout the year from both the public way and adjacent properties.
- Plastic, corrugated metal, fiberglass and dryvit/stucco are prohibited unless they are the primary material(s) on the principal structure.

C. Existing Non-Conforming Accessory Structures: Accessory structures existing as of July 10, 1995 shall be considered Non-Conforming and may be preserved, maintained and used subject to the restrictions in Chapter 13 of this Title.

1. Detached garages located within the Stonegate Circle Subdivision, as defined in Ordinance No. 62-000-70, shall not be subject to the restrictions in Chapter 13 of this Title, but shall be subject to flood plain and flood way regulations and are permitted to perform normal maintenance and incidental repair, reconstruction and restorations but may not increase the existing garage floor area.

Section 6-2-2: Definitions

SHORT-TERM RENTAL The accessory use of a single-family dwelling under a written or oral agreement providing for occupancy of all or part of the dwelling by any person other than the owner thereof in exchange for consideration therefor.

**LODGING HOUSE
(INCLUDING BOARDING
ROOM HOUSE)** **DELETE THIS DEFINITION**

**LODGING ROOM
(ROOMING UNIT)** **DELETE THIS DEFINITION**

New Sections 6-5A-1(H) & 6-5B-2(G): Permitted Uses for R1, R2A and R3

Short-Term Rental as an accessory use to single-family detached dwellings - as regulated in Section 6-3-5.