

**PLAN COMMISSION  
VILLAGE OF DEERFIELD  
Minutes**

The Plan Commission of the Village of Deerfield called to order a Remote Public Hearing and Workshop Meeting via Zoom at 7:30 P.M. on February 25, 2021.

Present were:           Larry Berg, Chairman  
                              Jennifer Goldstone  
                              Blake Schulman  
                              Bill Keefe  
                              Kenneth Stolman

Absent were:           Al Bromberg  
                              Elaine Jacoby

Also present:           Jeff Ryckaert, Principal Planner  
                              Andrew Lichterman, Assistant Village Manager/Director of Community  
                              Development

Chairman Berg reported that pursuant to amendments to the Illinois Open Meetings Act included in Public Act 101-0640, public bodies may hold virtual public meetings without a quorum physically present.

Chairman Berg stated that anyone wishing to share public comment on any matter concerning the Village may do so by submitting an email to [plancommissioncomment@deerfield.il.us](mailto:plancommissioncomment@deerfield.il.us) prior to the meeting. Emails received will be read aloud during Public Comment. Any emails received during the meeting will be read during the second public comment before the end of the meeting. Chairman Berg asked that emailed responses be limited to under 200 words to allow time for others to be heard and for the Plan Commission to progress through the public meeting agenda. In addition to written Public Comment, oral comments will also be permitted. Members of the public desiring to make an oral comment should click the “raise hand” button on Zoom or dial “\*9” if participating by phone to indicate you wish to speak.” Chairman Berg stated that the Plan Commission typically does not immediately respond to public comments or engage in open dialogue, but they actively listen to comments.

In accordance with the Open Meetings Act, at least one representative from the Village will be present at Village Hall and the virtual meeting will be simulcast at Village Hall for members of the public who do not wish to view the virtual meeting from another location. Pursuant to the Executive Order issued by the Governor, no more than 10 people may gather at Village Hall for the meeting. Accordingly, the opportunity to view the virtual meeting at Village Hall is available on a first come, first-served basis. The Plan Commission will comply with all other requirements including public comment and posting the meeting agenda, which can be found on the Village website at [www.deerfield.il.us/agendacenter](http://www.deerfield.il.us/agendacenter).

**Public Comment on a Non-Agenda Item**

Mr. Ryckaert reported that there were no emails received from the public on a non-agenda item. Mr. Lichterman reported that there was no one present at Village Hall for public comment and no one on Zoom indicating they wish to speak.

## **PUBLIC HEARING**

### **1) Public Hearing for a Resubdivision of the Property at 755 Kipling Place (The Petitioner has asked that this item be continued to the March 11, 2021 Plan Commission meeting)**

Chairman Berg stated that the Petitioners wish to continue this item to the March 11, 2021 meeting.

Commissioner Goldstone moved, seconded by Commissioner Stolman, to continue this matter to the March 11, 2021 Plan Commission meeting. The motion passed with the following vote.

Ayes: Goldstone, Keefe, Schulman, Stolman, Berg (5)

Nays: None (0)

Mr. Ryckaert reported that this matter will be continued on March 11, 2021.

## **WORKSHOP MEETING**

### **1) Text Amendment to Zoning Ordinance to Clarify Short Term Rental Prohibition**

Mr. Lichterman provided background information. The Board of Trustees directed staff to make a recommendation on short term rentals. As presented to the Board on February 2, 2021, the Village's opinion is that short term rentals, which are rentals of less than 30 consecutive days, are currently prohibited, as they are not a permitted use or an approved special use in the Code. Staff asked the Board if they would like to continue the prohibition, and if so they recommend defining this in the Code. Or if they do not wish to continue the prohibition, they could refer this topic to the Plan Commission for a full comprehensive study on short term rentals. The Board reviewed the definition offered that would prohibit short term rentals. This definition allows for three exemptions including hotels, corporate rentals that are in attached housing or multi-unit buildings for business purposes but are not single-family homes, and lastly lease back situations that are in conjunction with a real estate transaction. The Board agreed to continue the prohibition but wished to send this topic to the Plan Commission to review and further detail the definition before codifying it. Mr. Lichterman stated that the Plan Commission can also discuss possible regulations available for allowing short term rentals on some level as well as pros and cons. He added that the Village is aware of one short term rental in town, and despite the Village stating that it is and has been prohibited, staff does not actively enforce this. Clarifying language in the Code on a prohibition on short term rentals would help staff to be able to enforce this moving forward.

Chairman Berg clarified that his understanding is that the major purpose for bringing this to the Plan Commission is to better define the short term rental prohibition in the Zoning Ordinances the way that staff and the Village Board has already interpreted it for many years. So unless the Commission wants to go in a different direction and consider regulations, they are simply better defining this for the Code. Mr. Lichterman agreed and stated that a text amendment to the Zoning Ordinances with a Public Hearing to consider this would be the next steps.

Chairman Berg explained that Deerfield, like many other municipalities, has a process where if a use is not a permitted use or a special use, then it is therefore considered prohibited and they are now seeking to be more specific about this rather than connect the dots. Mr. Lichterman

stated that they are trying to remove the ambiguity and define this so that it is easy and clear to find out. Chairman Berg agreed that this should be clarified in the Zoning Ordinances as it has been in practice already. Commissioner Stolman added that the three exemptions need to be explicitly stated and clarified, as well.

Commissioner Stolman asked how often this question comes up and if anything else prompted the Board to take action on this. Mr. Lichterman replied that they get one to two inquiries a year. Additionally, there are special interest groups around the country have challenged municipalities around prohibitions when they are unclear or not specifically stated, which is where Deerfield sits. The Village Board's consensus was that they wish to continue prohibiting short term rentals and would like the Plan Commission to agree on the definition of this in the Code as it is currently silent on the matter. They wish to add this clarity to the Zoning Ordinances. However, they do not want to over regulate, and the Village knows that some hotels including Red Roof Inn allow for leases and short term rentals. Additionally some corporations headquartered in Deerfield own condominiums that allow for short term corporate rentals and the Village does not want to prohibit this. And lastly, a lease back in conjunction with a real estate transaction would also still be allowed. The Village does not want to incidentally overregulate these activities.

Commissioner Schulman commented that if he wanted to rent out his home for one month, he could do it if it was a lease of 30 days or more, but if wanted to lease it out for the month of February, he would not be able to because it is not 30 days. Commissioner Schulman suggested changing the language to be 30 days or one calendar month. Commissioner Schulman also asked how the short term prohibition would be enforced and what the penalty would be. Mr. Lichterman replied that there would be specific language recommended at the Public Hearing about the penalties, which would be fines. Mr. Lichterman stated that enforcement would most likely be complaint based.

Commissioner Schulman commented that the premise of this prohibition is to prevent people from listing properties for short term rental on VRBO and Airbnb and other places. However, he is wondering if the Village should consider allowing these types of rentals in certain zoning districts only or for just a maximum number of days per year. Mr. Lichterman replied that there are numerous options for regulating it if the Commission wants to consider how to allow it. The language for a straight prohibition is much simpler. Mr. Lichterman added that if short term rentals were to be allowed, there would be a registration or licensing process and they could add regulations such as requiring an on-site property manager or that an owner cannot be out of state. These are examples of the types of limitations possible.

Commissioner Goldstone commented on the language regarding allowing leasebacks in a real estate transaction. She wants to be sure that the regulation would allow for a lease with a purchase or a sale (as this can happen on either end). She also stated that it has been argued that staying in an Airbnb is a license to use the property and not a short term rental. Although she is not aware of any case law yet, she wants to be sure that they do not create a loophole by not including the word license in the regulation. Chairman Berg asked staff to be sure to check with Village counsel on this and close that loophole if needed.

Commissioner Stolman asked how a repeat offender would be handled and what action the Village could take if they needed to. Mr. Lichterman replied that a sliding scale of fines would be implemented so that each day is its own offense, and the fines increase with each offense. For example, the ceiling could be \$1,000 per day, which may be enough motivation to comply. The

Village could also put a lien on a property as they would with an unpaid water bill over time. The mechanism for collection would be the same as what is already in use by the Village.

Commissioner Schulman stated that he agrees that the Village should formally add this prohibition to the Zoning Code but also that the Village should not violate peoples' property rights. He stated that he would like to learn what other options are possible for allowing short term rentals on a limited basis, for example once a year per property. Chairman Berg stated that the Commission is trying to clarify what is already in existence as opposed to redefining it or coming up with a new ordinance. As the code reads it is prohibited now as it is not permitted and you cannot apply for a special use for it, it is therefore prohibited. They are seeking to take this a step to further clarify that it is prohibited. They are not seeking to redefine what is allowed and what is not. Mr. Lichterman agreed that the sentiment of the Village Board was to proceed with prohibiting short term rentals. Commissioner Keefe commented that it could get complicated to keep track of short term rentals if allowed and to enforce regulations.

Commissioner Stolman commented that he might also like to further discuss the concept of Airbnb as a business and allowing it on some level. He commented that he had neighbors who might like to rent their home out while they were on vacation or at a second home given COVID-19 and working from home. He added that the desire of homeowners to do this could increase. Mr. Lichterman stated that historically the Village has received one to two inquiries a year about this and he expects this volume to continue. Chairman Berg reiterated that it was the Village Board's recommendation to have the Plan Commission make the clarification of the prohibition that is already in practice and not to study the topic further. Mr. Lichterman agreed and added that the Village Board is asking for the text amendment as offered and asked the Plan Commission to also review this language. He added that the sentiment from the Board was not to complete a comprehensive study on this topic at this time. Chairman Berg stated that he agrees with the proposed language on short term rentals as provided. And he would also like staff to check with legal counsel regarding Commissioner Goldstone's comments about a possible loophole. The rest of the Commission agreed. Mr. Lichterman confirmed that he will consult with counsel and have a Village Attorney present at the Public Hearing, as well. Mr. Ryckaert reported that the Public Hearing on this matter will be April 8, 2021.

Commissioner Schulman reiterated that while he does not want a rush of short term rentals in Deerfield, he does think that homeowners should have a right to rent their property out once a year to provide for some flexibility. He is aware of some resident situations where this would have been beneficial. Commissioner Goldstone commented that she would be open to discussing an exception to the prohibition that would require approval. Commissioner Stolman agreed. Mr. Lichterman stated that there are many possible options if the Village wanted to permit short term rentals on some level and regulate it. Mr. Lichterman stated that the report to the Village Board can express some of these sentiments and mention a possible once a year exception to the prohibition for discussion or consideration.

## **Document Approval**

1. February 11, 2021 Plan Commission Meeting Minutes

Commissioner Keefe provided a correction to the minutes. Commissioner Keefe moved, seconded by Commissioner Goldstone, to approve the minutes with the correction provided. The motion passed with the following vote.

Ayes: Goldstone, Keefe, Schulman, Stolman, Berg (5)  
Nays: None (0)

### **Items from the Staff**

Mr. Ryckaert reported on upcoming Plan Commission agenda items. The next meeting will be March 11, 2021.

### **Public Comment**

Mr. Ryckaert reported that there was no public comment received via email during the meeting. Mr. Lichterman reported that there was no one requesting public comment on Zoom. Mr. Lichterman reported that there was no one present at Village Hall for public comment and no one indicating they wish to speak on Zoom.

### **Adjournment**

There being no further discussion, Commissioner Goldstone moved, seconded by Commissioner Keefe to adjourn the meeting at 8:07 P.M. The motion passed the following vote.

Ayes: Goldstone, Keefe, Schulman, Stolman, Berg (5)  
Nays: None (0)

Respectfully Submitted,  
Laura Boll