<u>Item #5</u>:
Ord Approving Amendments To Zoning Code Re: Permitted & Special Uses In Downtown B-1

06/19/14

VILLAGE OF LONG GROVE

ORDINANCE NO. 2014-O-___

AN ORDINANCE AMENDING THE LONG GROVE ZONING CODE REGARDING ALLOWABLE USES IN THE B-1 HISTORIC BUSINESS DISTRICT

Adopted by the
President and Board of Trustees
of
the Village of Long Grove
this __th day of _____, 2014

Published in pamphlet form by direction
and authority of the Village of Long Grove,
Lake County, Illinois
this __th day of _____, 2014

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VILLAGE OF LONG GROVE

ORDINANCE NO. 2014-O-__

AN ORDINANCE AMENDING THE LONG GROVE ZONING CODE REGARDING ALLOWABLE USES IN THE B-1 HISTORIC BUSINESS DISTRICT

WHEREAS, the Village has determined that certain modifications should be made to the Long Grove Zoning Code ("***Zoning Code***") concerning the permitted and special uses allowable within the B-1 Historic Business District; and

WHEREAS, pursuant to notice duly published, the Plan Commission and Zoning Board of Appeals (the "***PCZBA***") conducted a public hearing that commenced on February 4, 2014 and concluded on May 6, 2014 to consider proposed amendments to the Zoning Code concerning allowable uses in the B-1 Historic Business District; and

WHEREAS, at the conclusion of the public hearing, the PCZBA recommended that the Zoning Code be amended to clarify and expand the list of permitted and special uses allowed in the B-1 Historic Business District as set forth in PCZBA's recommendation to the President and Board of Trustees; and

WHEREAS, the President and Board of Trustees have considered the PCZBA's recommendation and determined that amendments to the B-1 Historic Business District regulations concerning the allowable uses in the B-1 District as set forth in this Ordinance are necessary, desirable, and appropriate;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Long Grove, County of Lake, State of Illinois, as follows:

SECTION ONE. Recitals. The foregoing recitals are incorporated into this Ordinance as findings of the President and Board of Trustees.

SECTION TWO. Amendment to Section 5-4-1. Section 5-4-1 of Chapter 4, titled "Business Districts" of Title 5, titled "Zoning Regulations" of the Long Grove Village Code ("***Village Code***") is hereby amended as follows:

5-4-1: PURPOSES

Four (4) zoning districts are provided for business and commercial uses. The purpose of the business districts (B1, B2, HR, and HR-1 districts) is to provide an area for high quality, retail and commercial development that is compatible with the essential character and scale of development of the village. Land uses including small specialty shops, services, and restaurants (along with incidental nonretail uses) are emphasized, although major food or other store "anchors" are permitted to allow for the development of shopping areas that meet a full range of shopping needs for the citizens of Long Grove as well as neighboring communities. Bulk regulations, use limitations, and landscaping requirements are designed to allow commercial development to exist and operate without detracting from the overall community character of the village. Indeed, a properly planned and designed commercial development can do much to enhance that character.

The B1 historic business district is located in the center of the village. It is intended to be a contiguous area serving the community with a wide variety of retail and service uses. **In this district, North American Industry Classification System ("NAICS") codes have been used to represent a range of specific permitted and special uses. Where an NAICS Code is not identified, then use is limited exclusively to the specific use(s) listed.**

The B2 suburban business district is located in two (2) areas in the village. The purpose of this district is to accommodate specific commercial properties annexed in 1986 and 1988 in the vicinity of Routes 83 and 45. At the time of annexation these properties were not within the then in effect 1979 village comprehensive plan. The intent of the B2 district regulations is to control uses and appearances within the area to effect an aesthetic and orderly transition to the rural character of the village.

The HR highway retail district is located in the Route 53/Lake Cook Road subarea, as identified and described in the village's comprehensive plan. Because of its proximity to major thoroughfares and regional commercial uses, the area is not likely to be developed or redeveloped under the village's other business districts. The intent of the HR district regulations is to control uses and appearances within the area that are consistent with the adjacent thoroughfares, nearby commercial uses, and the village's comprehensive plan for the Route 53/Lake Cook Road subarea, and to effect an aesthetic and orderly transition to the rural character of the village.

The HR-1 highway retail district is primarily located in part of site 4 of the B-1A subarea, as identified and described in the village's comprehensive plan. The intent of the HR-1 district regulations is to control land uses and appearances within the area that are

consistent with adjacent thoroughfares and nearby areas likely to be developed or redeveloped for commercial purposes, while minimizing impacts on nearby residential areas and creating and maintaining an aesthetic and orderly transition to the rural character of the village.

SECTION THREE. Amendment to Section 5-4-2. Subsection (A), titled "B1 District," of Section 5-4-2, titled "Permitted Uses," of Chapter 4, titled "Business Districts" of Title 5, titled "Zoning Regulations" of the Village Code is hereby amended as follows:

5-4-2: PERMITTED USES

The following uses and no others are permitted as of right in the applicable business district:

(A) B1 district:

1. **Advertising, Public Relations, Media, and market Research Services (NAICS 541810, 541820, 541830, 541840, 541850, 541860, 541870, 541890, 541910) when located above or below the ground floor**

2. Administrative & Support Services, Mailing Reproduction & Stenographic Services (NAICS 561110, 561311, 561312, 561330, 561410, 561431, 561439, 561450, 561492, 561499, 561510, 561520, 561591, 561599, 561621, 561622, 561710, 561720, 561740, 561790, 561910, 561920, 561990), but not including call centers, when located above or below the ground floor

3. Antique shops**, but excluding (a) Appliance stores, household-type, used," (b) "Flea markets, used merchandise, permanent," and (c) "Thrift shops, used merchandise."**

~~2. Apothecary.~~

~~3. Art and school supply stores and studios.~~

4. **Clothing, Apparel and Clothing Accessory Stores (NAICS 448110, 448120, 448130, 448140, 448150, 448190, 448210), excluding adult novelty**

5. Art Galleries, Studios, Fine Arts Schools & Classes (NAICS 453920, 541430, 611610)

6. Baked Goods Stores (NAICS 445291), with ancillary wholesale services permissible

7. Bicycle shop

8. Barber Shops & Beauty Salons (NAICS 812111 & 812112)

~~5.~~**9.** Bookstore**s (NAICS 451211) including retailing of used and rare books; but excluding "adult bookstores"**

~~6. Butcher shop.~~

~~7. Camera shop.~~

~~8.~~**10.** Candy and ice cream stores.

11. Coin, Stamp & Collectors Items Shops

12. Computer & Data Processing Services (NAICS 518210), when located above or below the ground floor

13. Computer Training (NAICS 611420)

14. Cosmetic, Beauty Supplies, and Perfume Stores (NAICS 446120)

~~10.~~**15.** Deli and carryout **Food stores.**

16. Depository Institutions without Drive-thru (NAICS 522110, 522120, 522130, 522190)

17. Drinking Places; Alcoholic Beverages (NAICS 722410)

~~11. Dry goods stores.~~

~~12. Gift shops.~~

~~13. Haberdashery.~~

18. Drug Stores & Pharmacies (NAICS 446110), except for uses subject to special use permits

19. Exam Preparation and Tutoring (NAICS 611691)

20. Florists (NAICS 453110)

21. Food & Food Supplement Stores (NAICS 445110, 445120, 445220, 445230, 445292, 445299, 446191)

22. Footwear & Leather Goods Repair (NAICS 811430)

23. Formal Wear and Costume Rental (NAICS 532220)

24. Furniture, Floor Covering, and Window Treatment Stores (NAICS 442110, 442210, 442291)

25. Gift, Novelty & Souvenir Stores (NAICS 453220), excluding adult novelty and toy stores

26. Hardware and Building Material Stores (NAICS 444130, 444190)

27. Health and Personal Care Stores & Home Health Equipment Rental (NAICS 446199, 532291)

28. Hobby, Toy & Game Shops (NAICS 451120)

29. Home Furnishings and Housewares, including China & Glassware (NAICS 442299)

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30. Household Appliance & Electronic Stores (NAICS 443141, 443142) including Camera and Photography Supply Stores

31. Jewelry Stores & Clock Shops (NAICS 448310)

32. Landscaping Services (NAICS 561730), when located above or below the ground floor, provided that storage of motorized equipment of any kind shall be prohibited

33. Liquor Stores (NAICS 446120)

34. Luggage & Leather Goods Stores (NAICS 448320), excluding adult novelty stores

~~14.~~ **35.** Manufacture and sale of readily edible foodstuffs as a principal use for on site and off site consumption including candy, bakery goods, taffy apples, ice cream, cheese products, sausage, gourmet foods, and similar food items.

36. Meat Markets (NAICS 445210)

37. Miscellaneous Retail Stores (NAICS 453998), excluding fireworks shops

38. Museums (NAICS 712110)

39. Musical Instrument and Supply Stores (NAICS 451140)

~~15. Music shops, music instruments, and music classes.~~

40. Nail Salons (NAICS 812113)

41. Non-Academic Schools, Classes & Instruction (Note: NAICS Omitted), including Handicrafts, Arts & Crafts; Metalworks/Woodworks/Glassworks; Gymnastics; Karate, Judo, Tae Kwon Do, Martial Arts; Yoga, Pilates, Fitness, Exercise; Cooking, Baking & Culinary Arts; Sewing, Crafting, Needlework, Scrapbooking

~~16. Professional offices.~~

42. Offices, Professional (NAICS 522310, 523110, 523120, 523140, 523920, 523930, 523991, 524113, 524126, 524210, 531312, 541110, 541120, 541191, 541199, 541211, 541213, 541214, 541219, 541310, 541320, 541330, 541340, 541350, 541360, 541370, 541380, 541410, 541420, 541430, 541490, 541511, 541512, 541413, 541519, 541611, 541612, 541613, 541614, 541618, 541620, 541690, 541921, 541922, 541930, 541990), but only when located above or below the ground floor, and excluding Research and Development Uses and Veterinary Services

43. Offices of other Health Practitioners (NAICS 621111, 621112, 621210, 621310, 621320, 621330, 621340, 621391, 621399, 621999)

44. Open Space

45. Optical Goods Stores (NAICS 446130)

46. Paint & Wall Paper Stores (NAICS 444120)

47. Personal Care Services, limited to Color Consulting Services, Day Spas, Depilatory, Ear Piercing Services, Electrolysis, Hair Removal, Hair Replacement Services, Make-Up Salons, Tanning Salons (bed and spray).

48. Personal Household Goods Repair and Maintenance (NAICS 811490)

49. Pet and Pet Supplies Stores (NAICS 453910)

50. Photographic Studios (NAICS 541921)

51. Picture Framing Shops

52. Real Estate Agents & Brokers (NAICS 531210)

53. Residential Uses & ~~17.~~Dwelling units, subject to the following limitations:

(a) Dwelling units shall be allowed on any floor level except the ground floor and in basement areas where a minimum of fifty percent (50%) of the exposed exterior walls are above grade.

(b) There shall be not more than one dwelling unit per business structure and it shall have an area of not less than seven hundred fifty (750) square feet nor more than one thousand two hundred (1,200) square feet.

(c) In the event that a dwelling unit is utilized, an additional two (2) parking spaces, in addition to the required spaces for the business use, shall be required.

~~18. Restaurants and tearooms.~~

54. Restaurants; Limited & Full Service (NAICS 722511, 722513) including tearooms

55. Retail Nurseries & Garden Stores (NAICS 444220), provided that storage of motorized equipment of any kind shall be prohibited

56. Sewing, Needlework & Piece Goods (NAICS 451130)

57. Small Animal Grooming, including Animal Grooming Services, Guide Dog Training Services, Obedience Training Services, Pet Grooming Services, Pet Sitting Services, Pet Training Services, and Pet Sitting Services, but excluding shelters and overnight boarding

58. Snack & Nonalcoholic Beverage Bars (NAICS 722515)

59. Sporting Goods Stores (NAICS 451110), except for gun shops or uses subject to special use permits

60. Stationery Stores (NAICS 453210)

61. Theater Companies and Dinner Theaters (NAICS 711110) except Burlesque

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62. Tobacco Shop (NAICS 453991), but only for consumption off-premises

63. Used Merchandise Stores (NAICS 453310) except (a) shops receiving materials donated for charity, (b) scrap gold stores, (c) pawnshops, (d) "Appliance stores, household-type, used," (e) "Flea markets, used merchandise, permanent," and (f) "Thrift shops, used merchandise."

~~19. Unisex health and beauty salon or spa.~~

64. Veterinary Services (NAICS 541940) but excluding: "disease testing services, veterinary," "laboratory testing services, veterinary," "livestock inspecting and testing services, veterinary," "testing laboratories, veterinary," "testing services for veterinarians," and "veterinary testing laboratories"

~~20. Wearing apparel shops.~~

~~21.~~**65.** Winetasting and deli cheese shop.

~~22. Open space.~~

* * *

SECTION FOUR. Amendment to Section 5-4-5. Subsection (A), titled "B1 District" of Section 5-4-5, titled "Special Uses," of Chapter 4, titled "Business Districts" of Title 5, titled "Zoning Regulations" of the Village Code is hereby amended as follows:

5-4-5: SPECIAL USES

The uses listed in the following subsections may be permitted in the applicable business districts subject to the issuance of a special use permit as provided in section 5-11-17of this title:

(A) B1 District:

1. Business uses other than those permitted under section 5-4-2 of this chapter.

2. Electric and telephone substations.

3. Outdoor dining use that is ancillary to a primary restaurant use and that is conducted within or on a permanent structure that is located higher than grade level, subject to compliance with the license requirements of section 3-7-1 of this code and the following:

(a) The outdoor dining use must be an integral part of the principal use.

(b) The outdoor dining area may only be in use during the hours that the primary restaurant use is in operation, but in no event shall the outdoor dining area be in use between

the hours of eleven o'clock (11:00) P.M. and eight o'clock (8:00) A.M', unless otherwise approved by the village board.

(c) Unless otherwise provided in the special use permit upon good cause shown, the operation of the outdoor dining use shall not eliminate any required open space, green areas, or parking spaces, and the use of the outdoor dining area shall comply with the off street parking requirements of section 5-9-4 of this title. The outdoor dining area shall be considered as part of the principal use when determining the maximum floor area permitted in footnote 8 of the table in section 5-4-10 of this chapter.

(d) The principal use must have adequate restrooms for the additional capacity. If the village determines that the additional capacity of the outdoor dining use necessitates additional public restrooms, such additional restrooms shall be provided. In addition, any such additional capacity shall be subject to the approval of the fire marshal.

(e) No music or amplified sounds shall be permitted in the outdoor dining area, unless otherwise approved by the village board.

(f) Any outdoor dining area illumination system shall be subject to the review and approval of the architectural board.

(g) Foodstuffs and beverages sold or delivered in the outdoor dining area must be consumed on site.

(h) If the special use would be in proximity to a residential use, mitigating strategies may be required, dependent upon distance to the residential use, intervening structures, the proposed hours of operation, and other pertinent factors.

4. B&Bs, subject to the provisions of section 5-9-11 of this title.

5. Off site sales of manufactured or produced retail goods in excess of five percent (5%) of annual gross receipts, as described in subsection 5-4-9(B)3 of this chapter.

6. Building exceeding five thousand (5,000) square feet in floor area. Notwithstanding the limitations contained in footnote 8 of the table in section 5-4-10 of this chapter, a special use may be granted to permit a building, including any addition if applicable, to exceed five thousand (5,000) square feet in floor area, as measured in footnote 8 of the table in section 5-4-10 of this chapter. No application for a special use shall be recommended by the plan commission, nor granted by the village board, unless the application is found to: a) meet the special use standards contained in section 5-11-17 of this title,

and b) meet or exceed a minimum of forty (40) criteria points, as allocated in the specific criteria listed below:

(a) The proposed building, including any addition if applicable, maintains and enhances the historic and architectural character of the village, through the use of harmonious architectural styles, materials, colors, and an overall quality of design. (Maximum potential 12 points.)

(b) The proposed building, including any addition if applicable, incorporates a pitched roof design with cedar shake being the preferred roofing material. Additional points may be allocated if the proposed building, including any addition if applicable, uses a stepped or multilevel roof to minimize impact of the building, including any addition if applicable, from neighboring properties. (Maximum potential 12 points.)

(c) The proposed development, including any addition if applicable, will improve landscape buffering within the vicinity of such building, which landscaping shall be depicted on a detailed landscape plan submitted at the time of application for the special use permit. Plantings that soften and buffer hard improvements from the neighboring properties are strongly recommended and will warrant the allocation of more points under this criterion. (Maximum potential 12 points.)

(d) The owner provides or installs off site improvements that provide some beneficial amenities to the village, including, without limitation, decorative lighting, additional landscaping, and paver brick sidewalks or pathways. Any proposed amenity must be reviewed and approved by the village. (Maximum potential 8 points.)

(e) The proposed development, including any addition if applicable, will improve pedestrian or vehicular movement, either through the use of shared parking facilities, improved vehicular circulation, or improved pedestrian amenity or access. (Maximum potential 6 points.)

(f) The proposed development, including any addition if applicable, provides some other beneficial amenities to the village, in the form of, but not limited to: plazas, parks, fountains, public open space, or public artwork. (Maximum potential 6 points.)

(g) The existing or proposed business use is consistent with the permitted uses listed in the B-1A subarea plan of the village's comprehensive plan, even if the lot is not located within the B-1A subarea. The permitted business uses listed for the historic district are the most appropriate uses. (Maximum potential 4 points.)

The plan commission shall evaluate the special use application and make a determination as to the points that will be allocated for each of the above listed criteria, which determination shall be forwarded to the village board for final action on the special use application. The plan commission shall not make a favorable recommendation to the village board, and the village board shall not grant a special use permit, unless such body determines that the application meets or exceeds the forty (40) point minimum. Maximum points for each criterion shall only be allocated if the application demonstrates that every aspect of that particular criterion has been met. If an application partially meets a specific criterion, the plan commission or village board, as the case may be, shall determine the number of points that shall be allocated for that particular criterion based on the materials submitted in the application. No points shall be allocated for any application that fails to meet any of the criteria. The forty (40) point minimum required by this subsection (A)6 shall be a minimum threshold and shall not guarantee that an application meeting the minimum threshold will be granted a special use.

7. Massage Therapy

8. Tattoo Parlors

9. Baths (steam or Turkish), Saunas

10. Scalp Treating Services

~~7.~~**11.** Nonretail uses. Notwithstanding the limitations contained in subsection 5-4-9(B) of this chapter, a special use may be granted for a particular business in the B1 district to exceed the nonretail use limitations, upon the demonstration of satisfactory evidence that a vacancy has existed in the ground floor space of that business for a period of at least twelve (12) months; provided, however, that in no event shall nonretail uses exceed twenty percent (20%) of the gross floor area of the ground floor space in the B1 district.

* * *

SECTION FIVE. **Amendment to Section 5-4-9**. Subsection (A), titled "Use Limitations Generally Applicable In All Business Districts" and Subsection (B), titled "Special B1 District Use Limitations," of Section 5-4-9, titled "Use Limitations," of Chapter 4, titled "Business Districts" of Title 5, titled "Zoning Regulations" of the Village Code are hereby amended as follows:

5-4-9: USE LIMITATIONS

(A) Use Limitations Generally Applicable In All Business Districts:

1. One Principal Use Per Lot: Unless otherwise permitted expressly pursuant to a special use permit or planned unit development approval, each principal use shall be located entirely on a single zoning lot.

2. Operations Within Buildings: All business, service, storage, merchandise display, and, where permitted, repair and processing shall be conducted wholly within an enclosed building, and are not allowed on porches, decks, stairs, open doors, doorways, or roofs, except for the following:

(a) Outdoor dining subordinate and ancillary to a restaurant use **or other permitted use that is** subject to a special use permit pursuant to subsection 5-4-5(A)3 of this chapter or as a temporary use pursuant to section 5-9-3 of this title.

(b) Off street automobile parking and off street loading.

(c) Where otherwise expressly permitted in this title.

3. Noxious Or Offensive Impact Prohibited: No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter or water carried waste, odor, smoke, cinders, gas, fumes, noise, vibration, or glare.

(B) Special B1 District Use Limitations:

1. Nonretail Uses: Notwithstanding the regulations contained in this title that are otherwise applicable, the following use limitations shall apply within the B1 district, unless otherwise approved ~~pursuant to a special use permit pursuant to subsection 5-4-5(A)7 of this chapter~~ **by an ordinance of the Village Board, which ordinance shall not require public notice or hearing prior to its adoption**:

(a) The aggregate floor area devoted to nonretail uses in the B1 district shall be limited to ~~fifteen percent (15%)~~**twenty percent (20%)** of ground floor space in the B1 district; and

(b) The number of all ground floor storefronts within the B1 district devoted to nonretail uses shall be limited to ~~fifteen percent (15%)~~**twenty percent (20%)** of all ground floor storefronts within the B1 district.

2. Multiple Buildings: More than one structure may be erected and maintained on a single lot, provided that the lot complies with all requirements of this title and all other village ordinances. Where more than one structure is erected and

maintained on a single lot, a twenty foot (20') separation must be maintained between structures; provided, however, that covered walkways may be constructed to connect structures if such walkways are not used as commercial areas.

3. Sale Of Manufactured Or Produced Goods: All goods or foodstuffs produced or manufactured on any premises situated in the B1 district shall be sold at retail only, not wholesale, and shall be sold only in premises situated within the B1 district; provided, however, that incidental off site sales of such goods or foodstuffs amounting to less than five percent (5%) of the gross annual receipts derived from the total sales of such items shall be permitted. Off site sales in excess of five percent (5%) of annual gross receipts may be permitted only by special use.

4. Hours Of Operation In B1 District: The hours of operation of businesses within the B1 district shall be confined to the hours of five o'clock (5:00) A.M. to twelve o'clock (12:00) midnight, except for: a) special events specifically approved by the village board and b) restaurants issued a liquor license that otherwise regulates the hours of operation.

5. Minimum Space: No business shall be operated from a space on a lot in the B1 district open to the public which is less than two hundred fifty (250) square feet.

6. Architectural Board Review: All architectural plans for buildings in the B1 district shall be reviewed and approved by the architectural board prior to issuance of any building permit, in accordance with section 5-11-19 of this title.

* * *

SECTION SIX. **Effective Date**. This Ordinance shall be in full force and effect after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED this ___ day of _____, 2014.

AYES: ( )

NAYS: ( )

ABSENT: ( )

APPROVED this ___ day of _____, 2014.

_____
Village President

ATTEST:

DRAFT

_____

Village Clerk

DRAFT