



MEMORANDUM

TO: Village of Long Grove Planning Commission & Zoning Board of Appeals
FROM: JAMES M. HOGUE, Village Planner
DATE: February 27, 2014
RE: Public Hearing – Downtown Land Uses

At the February Meeting the PCZBA began considering both permitted and special uses within the downtown (B-1) Historic District.

At that meeting, Bridget Lane, BDI Consultants, gave a presentation which included an analysis of current conditions, community aspirations and marketplace opportunities for downtown Long Grove. Downtown Long Grove has been a “destination” downtown for a long time. Uses have been tailored to accommodate this trend with emphasis on unique and “artisan” retail shops & businesses. Three scenarios for the downtown were presented by Ms. Lane and included the “Specialty Destination Cluster” which is pretty much status quo, The “Historic Suburban Model” and “Unique Combination Approach”.

Of the three the “Unique Combination Approach” was suggested as a viable model for consideration for the future of downtown Long Grove. This model strives to retain the “destination” status of Long Grove while also incorporating uses which would be beneficial to village residents and meet more of their day to day shopping and service needs.

The Commission should first determine if the “Unique Combination Approach” is the alternative most suitable for the future of downtown. If so, creating a balance of uses which appeal to both “destination” shoppers and meet the daily shopping and service needs of village residents becomes the “goal” in devising land uses for the downtown.

If not, some other “goal” for the market place opportunities of the downtown should be established before considering land uses.

Ms. Lane also compiled a list of uses from other “comparable” downtowns which included Lake Bluff, Geneva and Winnetka. This is a good starting point for the discussion of future land uses in the downtown. Also, Mr. Ron Roberti, a realtor who has been retained by the Village in the sale of the Archer Lots has submitted his recommendations (highlighted from the Bridget Lane list) of his suggestions for downtown uses. No similar list has yet been received from the LGBCP.

Additionally, an excerpt of the zoning code containing the current B-1 District regulations is attached for the consideration of the Commission. This lists the permitted and special uses in the B-1 District as well as the "Use Limitation" in the B-1 District. Of particular note is the non-retail use restriction. This provision of the code limits non-retail use for both floor area and store frontages in the B-1 District.

The Commission needs to consider these provisions, particularly if the "Unique Combination Approach" for uses in the downtown is contemplated. It is anticipated that service uses (i.e. non-retail uses) may expand particularly in meeting the needs of village residents. This has the potential to conflict with the "non-retail" provisions of the code.

Additionally, the Commission should consider modifying the provisions Section 5-11-13 (E) (also attached) of the code to reflect the use of NAICS code as opposed to the SIC code. NAICS was developed under the auspices of the Office of Management and Budget (OMB), and adopted in 1997 to replace the Standard Industrial Classification (SIC) system. This is suggested to bring the zoning code up to date with regard to interpretations of uses.

I have included an excerpt from the NAICS regarding "apothecaries" as it would relate to our village code and the interpretation thereof for illustrative purposes. In this example those uses listed as NAICS 446110 would qualify as an "apothecary" under the interpretation provisions of the Section 5-11-13 (E) and those are Apothecaries, Drug Stores, Institutional Pharmacies, on-site and Pharmacies. In using the cross references of the code Health Food Stores, Vitamin Shops and other uses listed under NAICS 446191 would not be permitted as a "apothecary" nor as permitted use in the B-1 District as currently written. While the uses identified under NAICS 446191 may be desirable under the "Unique Combination Approach" to downtown uses, such a use is not permitted. The interpretation provisions of Section 5-11-13 (E) provide no discretion in consideration of such a use in the B-1 District as currently written. The only other option would be to have this considered as a "special use" and be subject to the zoning procedures for obtaining a special use permit.

Should you have any questions or concerns feel free to contact me at (847) 634-9440.

B-1 District Uses

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.

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. Antique shops.
2. Apothecary.
3. Art and school supply stores and studios.
4. Bicycle shop.
5. Bookstore.
6. Butcher shop.
7. Camera shop.
8. Candy and ice cream stores.
9. Cookware shop and cooking school.
10. Deli and carryout.
11. Dry goods stores.
12. Gift shops.
13. Haberdashery.
14. 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.
15. Music shops, music instruments, and music classes.
16. Professional offices.
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.
- 19. Unisex health and beauty salon or spa.
- 20. Wearing apparel shops.
- 21. Winetasting and deli cheese shop.
- 22. Open space.

5-4-3 ACCESSORY STRUCTURES AND USES

Accessory structures and uses are permitted in the business districts subject to the provisions of section 5-9-1 of this code.

5-4-4 TEMPORARY USES

Temporary uses are permitted in the business districts subject to the provisions of section 5-9-3 of this code.

5-4-5 SPECIAL USES

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

(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 paragraph 5-4-10(H)8 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&B's, subject to the provisions of section 5-9-11 of this code.
 5. Off site sales of manufactured or produced retail goods in excess of five percent (5%) of annual gross receipts, as described in paragraph 5-4-9(B)3 of this code.

6. Building exceeding 5,000 square feet in floor area: Notwithstanding the limitations contained in paragraph 5-4-10(H)8 of this code, a special use may be granted to permit a building, including any addition if applicable, to exceed 5,000 square feet in floor area, as measured in paragraph 5-4-10(H)8 of this code. 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 (i) meet the special use standards contained in section 5-11-17 of this code, and (ii) meet or exceed a minimum of 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 multi-level 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 criterion, 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 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 40 point minimum required by this paragraph 5-4-5(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. Nonretail Uses. Notwithstanding the limitations contained in section 5-4-9(B) of this code, a special use may be granted for a particular business in the B1 district to exceed the non-retail 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 months; provided, however, that in no event shall non-retail uses exceed 20 percent of the gross floor area of the ground floor space in the B1 district.

(D) All Districts. The following shall be permitted as a special use permit in all business districts:

- 1. Personal wireless services antennae, but only subject to the special procedures and standards contained in paragraph 5-9-1(D)9.
- 2. Planned unit developments, but only subject to the special procedures and standards set forth in section 5-11-18 of this code.

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 subject to a special use permit pursuant to paragraph 5-4-5(A)3 or as a temporary use pursuant to section 5-9-2.
 - (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(B)9 of this code:
 - (a) The aggregate floor area devoted to nonretail uses in the B1 district shall be limited to fifteen percent (15%) 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%) 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 code 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 midnight (12:00) A.M., 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 code.

5-11-13

(E) Standards For Use Interpretations: The following standards shall govern the building superintendent, and the zoning board of appeals on appeals from the building superintendent, in issuing use interpretations:

1. No use interpretation shall be given with respect to the residential districts.
2. Any use defined in section 5-12-13 of this title shall be interpreted as therein defined.
3. No use interpretation shall permit a use listed as a permitted use or a special permit use in any district to be established in any district in which such use is not so listed.

4. No use interpretation shall permit any use in any district unless evidence shall be presented that demonstrates that it will comply with each use limitation established for that particular district.
5. No use interpretation shall permit any use in a particular district unless such use is substantially similar to other uses permitted in such district and is more similar to such other uses than to uses permitted or specially permitted in a more restrictive district.
6. If the proposed use is most similar to a use permitted only as a special use in the district in which it is proposed to be located, then any use interpretation permitting such use shall be conditioned on the issuance of a special use permit for such use pursuant to section 5-11-17 of this chapter.
7. No use interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of the district in question.
8. Subject to the foregoing conditions and limitations, in rendering use interpretations the building superintendent shall be guided by the "Standard Industrial Classification Manual 1987" (SIC), office of management and budget. Many uses listed as permitted or special uses in the use districts established by this title are preceded by a numerical reference to the SIC numerals in parentheses indicating that the listed use includes one or more particular types of establishments in the subject SIC category to the exclusion of others, and the building superintendent shall determine whether the proposed use is most similar to the listed use or uses rather than to any of the excluded uses in rendering any use interpretation relative to such uses.

North American Industry Classification System

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2012 NAICS Definition

T = Canadian, Mexican, and United States industries are comparable.

446110 Pharmacies and Drug Stores

This industry comprises establishments known as pharmacies and drug stores engaged in retailing prescription or nonprescription drugs and medicines.

Cross-References. Establishments primarily engaged in--

- Retailing food supplement products, such as vitamins, nutrition supplements, and body enhancing supplements--are classified in U.S. Industry [446191](#), Food (Health) Supplement Stores; and
- Retailing prescription and nonprescription drugs via electronic home shopping, mail-order, or direct sale--are classified in Subsector [454](#), Nonstore Retailers.

2002 NAICS	2007 NAICS	2012 NAICS	Corresponding Index Entries
446110	446110	446110	Apothecaries
446110	446110	446110	Drug stores
446110	446110	446110	Institutional pharmacies, on-site
446110	446110	446110	Pharmacies

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2012 NAICS Definition

T = Canadian, Mexican, and United States industries are comparable.

446191 Food (Health) Supplement Stores

This U.S. industry comprises establishments primarily engaged in retailing food supplement products, such as vitamins, nutrition supplements, and body enhancing supplements.

Cross-References. Establishments primarily engaged in--

- Retailing food supplement products via electronic home shopping, mail-order, or direct sale--are classified in Subsector [454](#), Nonstore Retailers;
- Retailing prescription and nonprescription drugs and medicines--are classified in Industry [446110](#), Pharmacies and Drug Stores; and
- Retailing naturally organic foods, such as fruits and vegetables, dairy products, and cereals and grains--are classified in Subsector [445](#), Food and Beverage Stores.

2002 NAICS	2007 NAICS	2012 NAICS	Corresponding Index Entries
446191	446191	446191	Food (i.e., health) supplement stores
446191	446191	446191	Herbal supplement stores
446191	446191	446191	Nutrition (i.e., food supplement) stores
446191	446191	446191	Vitamin stores

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