ORDINANCE NO. 2019-O-18

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF 2014
(Zoning Code Amendments – PCD-1 Zoning District)

WHEREAS, the Village President and Board of Trustees (hereinafter collectively referred to as the "Village Board") of the Village of Wilmette, Cook County, Illinois (hereinafter the "Village"), find that the Village is a home rule municipal corporation as provided in Article VII, Section 6 of the 1970 Constitution of the State of Illinois and, pursuant to said constitutional authority, may exercise any power and perform any function pertaining to its government and affairs; and,

WHEREAS, on January 28, 2014, the Village Board passed ordinance 2014-O-5 which adopted the Zoning Ordinance of 2014;

WHEREAS, the Village Board adopted ordinance 2018-O-67 on September 25, 2018 and said ordinance placed certain conditions upon the a significant portion of the PCD-1 zoning district; and

WHEREAS, the Village Board believes the public health, safety, morals and welfare, of the Village are best served if the regulations for the entire PCD-1 zoning district are consistent; and

WHEREAS, to further protect the public interest, the Village desires to ensure that the PCD-1 zoning district continues to remain a retail goods establishment based district to best serve the people of Wilmette and nearby communities and that the related traffic and parking requirements remain accessible and convenient to the public at large; and

WHEREAS, the Land Use Committee sitting as a Special Zoning Committee, after giving due and proper notice as required by law, held public hearings on February 26, 2019 and April 16, 2019 to discuss amendments to uses and regulations of the PCD-1 zoning district and thereafter filed with the President and Board of Trustees of the Village a report accompanied by findings of fact specifying the reasons for amending the Zoning Ordinance of 2014 to make the amendments; and

WHEREAS, the owner and operator of Eden's Plaza attended the Special Zoning Committee on April 16, 2019 and was able to comment upon and ultimately agreed with the proposed changes made at the Special Zoning Committee and provided in this Ordinance; and

WHEREAS, the Village Board finds that the below amendments to the Zoning Ordinance of 2014 improve the effectiveness of the Ordinance, are in keeping with the spirit of the Ordinance, meet the standards for amendments and promote the public health, safety, morals and welfare, and are otherwise in the public interest;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES of the Village of Wilmette, Cook County, Illinois, in the exercise of its home rule power as follows:

SECTION 1: The foregoing findings and recitals, and each of them, are hereby adopted as Section 1 of this Ordinance and are incorporated by reference as if set forth verbatim herein.

SECTION 2: The Wilmette Village Code, 1993, as amended, is further amended in Chapter 20, Zoning, in Article 2, Section 2.4, DEFINITIONS, by adding the following definition, to be placed in alphabetical order, in the manner and form shown below, by inserting the new text shown in underlined, bold type below, so that Section 2.4 shall hereafter provide for this additional definition as follows:

2.4 DEFINITIONS

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Retail Goods Establishment – PCD-1. A building, property, or activity that provides physical goods, products or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser; or delivered to or caused to be delivered to the purchaser when the point of sale is at the same premises where the physical goods, products or merchandise was ordered; except for those Retail Goods Establishments that:

1. **generate less than 50% of its gross receipts from the sales of goods;**

2. **generate more than 50% of its gross receipts from the sales of goods at a price of $5 or less; or**
3. **is a resale shop, pawn shop, consignment shop, or other similar establishment**

shall not be considered Retail Good Establishments – PCD-1.

SECTION 3: The Wilmette Village Code, 1993, as amended, is further amended in Chapter 20, Zoning, in Article 11, Section 11.2 – Table 11-1 Planned Commercial Development District Permitted and Special Uses, by deleting the text shown in strikethrough and inserting the new text shown in underlined, bold type below, so that Table 11-1 Planned Commercial Development District Permitted and Special Uses shall hereafter provide as follows:

11.2 PERMITTED AND SPECIAL USES

Table 11-1: Planned Commercial Development District Permitted and Special Uses lists permitted and special uses for the planned commercial development district. A "P" indicates a permitted use within that district. An "S" indicates a special use in that district and must obtain a special use permit as required in Section 5.3 (Special Use). No letter (i.e., a blank space), or the absence of the use from the table, indicates that use is not permitted within that district.

VILLAGE OF WILMETTE, ILLINOIS
TABLE 11-1: PLANNED COMMERCIAL DEVELOPMENT DISTRICT PERMITTED & SPECIAL USES

P = Permitted Use // S = Special Use

USE	DISTRICT				USE STANDARDS
	PCD-1	PCD-2		PCD-3	
	Edens Plaza	Plaza del Lago		West Lake Plaza	
		All Other	Arcade Only		
RESIDENTIAL USES					
Dwelling, Above The Ground Floor		S			Sec. 12.3.G
INSTITUTIONAL USES					
Cultural Facility	S	S	S	S	Sec. 12.3.C
Recreation Center		S	S	S	
COMMERCIAL USES					
Art Gallery	P	P	P	P	
Art Studio	~~P~~	P	P	P	
Art Studio, Above Ground Floor	**P**				
Art Studio, Ground Floor, (1)	**S**				
Convenience Mart		S	S		

VILLAGE OF WILMETTE, ILLINOIS TABLE 11-1: PLANNED COMMERCIAL DEVELOPMENT DISTRICT PERMITTED & SPECIAL USES P = Permitted Use // S = Special Use					
USE	**DISTRICT**				**USE STANDARDS**
	PCD-1	**PCD-2**		**PCD-3**	
Drive-Through Facility	S	S	S		Sec. 12.3.F
Financial Institution	S	S	P	S	
Health Club	S	S	S	S	
Hotel	S				
Indoor Amusement Facility	P	P	P	P	
Live Performance Venue	S	S	S		
Medical/Dental Clinic, Small,	~~S~~	P	S	S	
Medical/Dental Clinic, Small, Above the Ground Floor	P	P	P	P	
Medical/Dental Clinic, Small, Ground Floor, (1)	**S**				
Medical/Dental Clinic, Large	S	S	P	S	
Medical/Dental Clinic, Large, Above the Ground Floor	~~P~~**S**	P	P	P	
Office, Above The Ground Floor		P	P		
Office	S	S	P	S	
Outdoor Dining	P	P	P		Sec. 12.3.S
Personal Service Establishment	~~P~~	P	P	P	
Personal Service Establishment, Above the Ground Floor	**P**				
Personal Service Establishment, Ground Floor, (1)	**S**				
Restaurant, Carry-Out/Delivery	S	S	P	S	Sec. 12.3.W
Restaurant, Full Service	P	P	P	S	
Restaurant, Limited Service	S	S	S	S	
Restaurant, Specialty	P	P	P	S	
Retail Goods Establishment	~~P~~**S**	P	P	P	
Retail Goods Establishment – PCD-1	**P**				
OTHER					
Car-Sharing Spaces (Accessory Use)		P			Sec. 12.3.B
Planned Unit Development	S	S	S	S	Article 6
Utility	S	S	S	S	Sec. 12.3.Z
Wind Turbines	S	S	S	S	Sec. 13.4.Y
Wireless Telecommunications Equipment	S				Sec. 12.3.AA

Notes

(1) Up to 47,000 square feet of the total ground floor commercial tenant space of the PCD-1 District may be used by non-retail/non-restaurant uses as a Permitted Use. Any non-retail/non-restraurant use shall be considered a Special Use if the PCD-1 District's total ground floor occupancy consists of greater than 47,000 square feet of non-retail/non-restaurant uses.

SECTION 4: Codifier's Authority. The Village's codifier is authorized and hereby directed, to adjust section and paragraph numbering as may be necessary to render this ordinance consistent with the numbering of the Village Code.

SECTION 5: This Ordinance shall be in full force and effect from its passage, approval and publication as provided by law. This Ordinance shall be published in pamphlet form.

PASSED by the President and Board of Trustees of the Village of Wilmette, Illinois, on the **14th** day of **May 2019**, according to the following roll call vote:

AYES: **Trustees Sullivan, Kennedy, Dodd, Kurzman, Barrow, Plunkett and President Bielinski.**

NAYS: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

Clerk of the Village of Wilmette, IL

APPROVED by the President of the Village of Wilmette, Illinois, this **14th** day of **May 2019, 2019.**

President of the Village of Wilmette, IL

ATTEST:

Clerk of the Village of Wilmette, IL

Published in pamphlet form May 15, 2019.