

ORDINANCE NO. 2019-O-59

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF 2014
(Zoning Code Amendments – Retail Goods Establishment -- Resale Shop)**

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; and

WHEREAS, the Zoning Ordinance provides the following stated purposes for the Neighborhood Retail district as follows:

Purpose of the NR Neighborhood Retail Business District. The NR District is established to promote the continuation of existing commercial centers that provide goods and services primarily for the convenience of the residents of the surrounding neighborhood. In addition, the district is designed to accommodate limited multi-family housing opportunities in a small-scale, mixed-use neighborhood environment. The development standards and range of allowable uses for the NR District are designed to maintain a relatively small-scale, pedestrian-oriented environment with the character of neighborhood commercial districts.

WHEREAS, the Zoning Ordinance provides the following stated purposes for the Neighborhood Retail 1 district as follows:

Purpose of the NR-1 Linden Square Neighborhood Business District. The NR-1 Linden Square District is centered at the intersection of Linden Avenue and 4th Street to promote commercial and multi-family housing primarily for the benefit of district residents and the surrounding neighborhood, in a small-scale, mixed-use neighborhood environment. The development standards and range of allowable uses are designed to maintain a relatively small-scale, pedestrian-

oriented environment that capitalizes on the synergies with the public transportation and tourist activities afforded by the Linden CTA Station, Baha'i House of Worship, and Wilmette Harbor.

WHEREAS, to further protect the public interest, the Village desires to ensure that NR and NR-1 districts fulfill their stated purposes of serving the neighborhood and that the related traffic and parking requirements remain accessible and convenient to the respective neighborhood and 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 August 19, 2019 to discuss amendments to uses and regulations of Village's commercial zoning districts 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 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, as amended, is further amended in Appendix A Zoning Ordinance, Article 9, Section 30-9.2 – Table 9-1 Commercial Zoning District Permitted and

Special Uses, by inserting the new text shown in underlined, bold type below, so that Table 9-1

Commercial Zoning District Permitted and Special Uses shall hereafter provide as follows:

Sec. 30-9.2 PERMITTED AND SPECIAL USES

Table 9-1: Commercial Zoning Districts Permitted and Special Uses lists permitted and special uses for the commercial districts. A "P" indicates that a use is permitted within that district. An "S" indicates that a use is a special use in that district and must obtain a special use permit as required in Section 30-5.3 (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 9-1: COMMERCIAL ZONING DISTRICTS PERMITTED & SPECIAL USES						
P = Permitted Use // S = Special Use						
USE	DISTRICT					USE STANDARDS
	NR	NR-1	GC-1	GC-2	OR	
RESIDENTIAL USES						
Dwelling, Above the Ground Floor	P	P	P			Sec. 12.3.H
Residential Care Facility	S					Sec. 12.3.W
INSTITUTIONAL USES						
Cultural Facility	S	S	S			Sec. 12.3.D
Day Care Center, Adult or Child	S	S	S		S	Sec. 12.3.E
Educational Facility, Vocational	S	S	S	S	S	Sec. 12.3.J
Government Facility	P	P	P	P	P	
Park/Playground	P	P	P	P	P	
Place of Worship	S	S	S			Sec. 12.3.V
Public Safety Facility	S	S	S	S	S	
Public Works Facility				S		
Recreation Center	S	S	S	S	S	
Social Club or Lodge	S	S	S			Sec. 12.3.Y
COMMERCIAL USES (1)	(1)	(1)				
Animal Hospital	S	S	P			
Art Gallery	P	P	P			
Art Studio	P	P	P			
Broadcasting Studio			S	S		
Brew Pub	S	S	S			
Car Wash				S		Sec. 12.3.C
Convenience Mart	S	S	S			
Craft Brewery/Distillery	S	S	S			
Drive-Through Facility	S		S			Sec. 12.3.G
Financial Institution	P	P	P		P	
Garden Center				S		
Gas Station			S	S		Sec. 12.3.K
Health Club	S	S	S			
Heavy Retail, Rental and Service				S		

VILLAGE OF WILMETTE, ILLINOIS
TABLE 9-1: COMMERCIAL ZONING DISTRICTS PERMITTED & SPECIAL USES
P = Permitted Use // S = Special Use

USE	DISTRICT					USE STANDARDS
	NR	NR-1	GC-1	GC-2	OR	
Hotel/Motel					S	
Indoor Amusement Facility	S	S	S			
Kennel				S		Sec. 12.3.N
Live Performance Venue	S	S	S			
Manufacturing, General				S		
Medical/Dental Clinic, Small	P	P	P		P	
Medical/Dental Clinic, Large	S	S	S		P	
Medical Cannabis Cultivation Center				S		
Medical Cannabis Dispensing Organization			S			
Motor Vehicle Dealership			S	S		Sec. 12.3.O
Motor Vehicle Operations Facility				S		
Motor Vehicle Rental Establishment			S	S		Sec. 12.3.O
Motor Vehicle Service and Repair, Minor	S	S	S	S		Sec. 12.3.Q
Motor Vehicle Service and Repair, Major				S		Sec. 12.3.Q
Office, Above the Ground Floor	P	P	P		P	
Office, Less than ten percent (10%) linear street frontage of the district (1) (2)	P	P	P		P	
Office, ten percent (10%) or greater of linear street frontage of the district (2) (3)	S	S	P		P	
Outdoor Dining	P	P	P			Sec. 12.3.T
Outdoor Storage				S		Sec. 12.3.U
Pawn Shop	S	S	S	S		
Personal Services Establishment	P	P	P			
Pet Day Care Facility	S	S	S			Sec. 12.3.N
Printing and Photocopying Establishment	S	S	S			
Research and Development Facility				S	S	
Restaurant, Carry-Out/Delivery	S	S	S			Sec. 12.3.X
Restaurant, Full Service	P	P	P			
Restaurant, Limited Service	S	S	S			
Restaurant, Specialty	P	P	P			
Retail Goods Establishment	P	P	P			
Twenty-Four Hour Business Use	S	S	S	S	S	Sec. 12.3.Z
Warehouse/Distribution				S		
OTHER						
Car-Sharing Spaces (Accessory Use)	P	P	P	P	P	Sec. 12.3.B
Parking Lot (Principal Use)	S	S	S			Sec. 12.3.S.2
Parking Structure (Principal Use)	S	S	S			Sec. 12.3.S.1
Planned Unit Development	S	S	S	S	S	Article 6
Small Wireless Facilities	P	P	P	P	P	Sec.12.3.CC
Utility	S	S	S	S	S	Sec. 12.3.AA
Wind Turbines	S	S	S	S	S	Sec. 13.4.Y
Wireless Telecommunications Equipment	S	S	S	S	S	Sec. 12.3.BB

NOTES

(1) All Permitted Commercial Uses in the NR and NR-1 Districts in excess of 5,000 square feet of gross floor area shall be a Special Use

- ~~(1)~~**(2)** Offices located at grade or up to eight (8) feet above or below grade, which occupy less than ten percent (10%) of frontage in the district where it is located.
- ~~(2)~~**(3)** Offices located at grade or up to eight (8) feet above or below grade, which occupy ten percent (10%) or more of frontage in the district where it is located.

SECTION 3: The Wilmette Village Code, as amended, is further amended in Appendix A Zoning Ordinance, Article 14, Section 30-14.3 Computation, by inserting the new text shown in underlined, bold type below, so that Section 30-14.3 Computation shall hereafter provide as follows:

Sec. 30-14.3. - Computation.

The total number of required parking and loading spaces is based upon the requirements for the principal use of the lot. However, when more than one (1) use occupies the same lot, the number of required spaces is the sum of the separate requirements for each use. All off-street parking facilities must be completed before occupancy of the structure. In computing the number of off-street parking or loading spaces required by this Article, the following standards for computation apply:

- (a) Space allocated to any off-street loading space does not satisfy the requirement for any off-street parking space or access aisle, or portion thereof. Conversely, the area allocated to any off-street parking space cannot be used to satisfy the replacement for any off-street loading space or portion thereof.
- (b) A fraction of less than one-half (1/2) may be disregarded, and a fraction of one-half (1/2) or more is counted as one (1) parking or loading space.
- (c) In places of assembly in which patrons or spectators occupy benches, pews or similar seating facilities, each twenty-four (24) inches of such seating facility is counted as one (1) seat for the purpose of determining the requirement for off-street parking facilities. Floor area of a prayer hall is counted as one (1) seat per marked prayer mat space or one (1) seat for every five (5) square feet in the prayer hall if prayer mat spaces are not marked.
- (d) Except as otherwise specified, parking or loading spaces required on an employee basis is based on the maximum number of employees normally present on the premises at any one (1) time. When the determination of the number of parking spaces is based on the number of employees, the owner and/or manager is counted as an employee(s).
- (e) For the purpose of determining off-street parking and loading requirements, floor area shall mean the sum of the gross horizontal floor area (GFA) of the several floors of a building measured from the interior faces of the exterior walls, excluding areas used for the storage of merchandise or materials, mechanical equipment rooms, rest rooms, and areas used for off-street parking and loading and related aisles, ramps, and maneuvering space.

- (f) In the VC District, each non-residential use containing a total gross floor area (GFA) of two thousand five hundred (2,500) square feet or less is exempt from all off-street parking requirements. Non-residential uses in excess of two thousand five hundred (2,500) square feet floor area and all residential uses shall provide parking according to the requirements of Article 30-14 (Off-Street Parking and Loading).
- (g) Any off-street parking space occupied by a vehicle for sale or lease or occupied by a fleet vehicle kept on a non-residential property by the owner or occupant of the property, shall not be counted toward the number of parking spaces required under this Article. **Any off-street parking space(s) dedicated to product drop-off shall not be counted towards the number of parking spaces required under this Article.**
- (h) Up to two (2) off-street parking spaces designated for the parking of car-sharing vehicles may be counted toward the number of parking spaces required under this Article.

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.

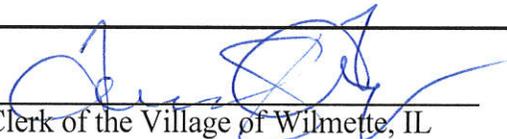
PASSED by the President and Board of Trustees of the Village of Wilmette, Illinois, on the **10th** day of **September, 2019**, according to the following roll call vote:

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

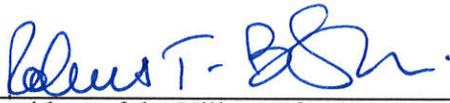
NAYS: None.

ABSTAIN: None.

ABSENT: None.


Clerk of the Village of Wilmette, IL

APPROVED by the President of the Village of Wilmette, Illinois, this **10th** day of **September**,
2019.



President of the Village of Wilmette, IL

ATTEST: 

Clerk of the Village of Wilmette, IL

Published in pamphlet form September 11, 2019.