

ZONING, SUBDIVISION, AND DESIGN REVIEW STANDARDS

In reviewing the Current Amended Final Plan, the advisory bodies should focus on the changes between the July 2017 Final Plan and the Current Amended Final Plan, and determine if these changes would impact the advisory bodies' recommendation of the final plans for the One Winnetka development and the identified additional zoning and subdivision relief.

REZONING STANDARDS (Section 17.72.040)

In cases where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the commission, board or committee, as the case may be, shall make findings based upon evidence presented to it in each specific case with respect to the following matters:

1. Existing uses of property within the general area of the property in question and their relationship to one another;
2. The zoning classification of property within the general area of the property in question and their relationship to one another;
3. The suitability of the property in question for the uses permitted under the existing zoning classification;
4. The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was placed in its present zoning classification;
5. Where applicable, the length of time the property in question has been vacant as zoned;
6. That there are changed or changing conditions in the applicable area of the amendment, or in the Village generally, that make the proposed amendment reasonably necessary to the promotion of the public health, safety or general welfare.

SUBDIVISION STANDARDS (Section 16.12.010(A) through (E)) (Only those applicable sections are noted)

Subdivisions shall conform with the Comprehensive Plan and with the following minimum standards:

- A. Street System. Not applicable, as no new streets are being proposed.
- B. Street and Alley Widths. Not applicable as no new streets are being proposed.
- C. Blocks. Not applicable as no new blocks are being formed.
- D. Lots.
 1. All lots created by any plan for land subdivision shall comply with all standards of the Zoning Ordinance, except as provided in this chapter.
 2. All side lines of lots shall be approximately perpendicular to street lines, or radial to curved street lines unless, in the opinion of the Plan Commission, a variation of the requirement would enhance public safety or convenience.
 2. All lots created by any plan for land subdivision shall meet the lot area requirements of the Zoning Ordinance. All lot area calculations shall exclude all easements for ingress and egress, all public or private streets, all public or private alleys, and the access corridor, or "flagpole," of any flag lot.
 3. Where a lot is already improved with buildings or structures, the plan shall show whether the dimensions and locations of such improvements comply with the use, intensity of use of lot (including impermeable surface requirements), setback, side yard, rear yard and other bulk requirements of the Zoning Ordinance then in effect. If a prior legal nonconformity, or a previously granted variation, with respect to any such requirements exists, the Plan

Commission shall determine whether such nonconformity or previously granted variation, in the context of the proposed subdivision, would result in a material increased adverse impact upon the public health, safety or welfare. If such a determination is made, the Plan Commission may deny the plan for land subdivision. No plan for land subdivision which itself creates a departure from such requirements shall be approved by the Plan Commission until such time as a variation for such departure is granted by the Zoning Board of Appeals or the Village Council, as the case may be, in accordance with the Zoning Ordinance.

4. At intersections with major streets, acute angle intersections and other places where, in the opinion of the Plan Commission, safety or convenience of traffic movement would be enhanced, corners shall be cut back by joining the intersecting street lines through circular arcs having adequate radii.
5. No plan for any land subdivision shall be approved if it results in the creation of one or more lots having side lot lines abutting rear lot lines.
6. All lots created by any plan for land subdivision shall meet the lot depth requirements of the Zoning Ordinance. Notwithstanding the foregoing, the access corridor, or "flagpole," shall be excluded when measuring the lot depth of a flag lot.
7. All lots created by any plan for land subdivision shall meet the lot width requirements of the Zoning Ordinance. Notwithstanding the foregoing, all new flag lots shall meet the minimum lot width requirements of the Zoning Ordinance, both as measured by excluding the access corridor, or "flagpole," and as measured by including the access corridor or "flagpole."
8. All lots created by any plan for land subdivision shall meet all yard and setback requirements of the Zoning Ordinance. Notwithstanding the foregoing, for any flag lot that has a front street line that is less than fifty (50) feet long and that is at least seventy-five (75) feet wide at its widest point, all yards and setbacks shall be measured based both on using the actual front street line as the front lot line, and on using as the front lot line the lot line from which the Director determines the front setback shall be measured for development purposes.

E. Easements. The Public Works Director and Director of Water and Electric have secured what they have determined to be the necessary public utilities easements for the proposed subdivision.

SUBDIVISION VARIATION STANDARDS (Section 16.12.010 F)

F. Variations and Exceptions. Whenever the land to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of this section would result in real difficulties and substantial hardships or injustices, the Plan Commission may vary or modify such requirements so that the owner is allowed to develop the land in a reasonable manner; provided that, public health, safety, welfare and convenience are protected.

PLANNED DEVELOPMENT STANDARDS (Section 17.58.110 B, C & D)

- B. Zoning Board of Appeals. The Zoning Board of Appeals shall not recommend the approval of a planned development unless it enters the following findings:
- a. that the proposed planned development will not either endanger or be detrimental to the public health, safety, comfort, morals or general welfare, in that the proposed development will complement and supplement the community given the nature of the business;
 - b. that the planned development will not either substantially diminish or impair property values in the immediate vicinity, or be substantially injurious to the use and enjoyment of land in the immediate vicinity for uses permitted by right in that zoning district;

- c. that the planned development will not impede the normal and orderly development and improvement of other property in the immediate vicinity for uses permitted by right in the zoning district;
- d. that adequate measures have been or will be taken to provide ingress and egress in a manner which minimizes pedestrian and vehicular traffic congestion in the public and private ways;
- e. that adequate parking, utilities, access roads, drainage and other facilities necessary for the operation of the special use either exist or will be provided; and
- f. that the planned development in all other respects conforms to the applicable zoning regulations and other application of Village ordinances and codes.

C. Plan Commission. The Plan Commission shall not recommend the approval of a planned development unless it finds that the proposed development, as a whole, is consistent with the goals and objectives of the Comprehensive Plan, *Winnetka 2020*. In making its findings and recommendations, the Plan Commission shall consider such goals and objectives of the Comprehensive Plan as it may determine are affected by or otherwise pertain to the proposed planned development, provided that, in each instance, the Plan Commission shall consider whether the proposed planned development is consistent with the following goals and objectives of the Comprehensive Plan:

- 1. to ensure that commercial, institutional, and residential development is appropriate to the character of and minimizes the adverse impact on its surrounding neighborhood;
- 2. to limit commercial, institutional and residential development within the Village to minimize potentially adverse impacts on adjacent residential neighborhoods and to prevent the need for significant increases in such infrastructure as streets, parking, utilities and sewers, and in other community resources such as schools, parks and recreational facilities;
- 3. to ensure that development proposals minimize the potential adverse impact they might have on residential neighborhoods, including the impact on pedestrian character, on site parking, traffic patterns, congestion, open space, storm water management and Village infrastructure;
- 4. to provide for a wide range of office/service and retail commercial land uses and development within the existing business districts in the Corridor;
- 5. to promote a strong community identity and opportunities to interact while building a healthy commercial tax base;
- 6. to provide a broad range of goods and services so that Winnetka residents can satisfy most of their ordinary shopping requirements in the Village and so that non-residents will come to the Village for specialty goods and services;
- 7. to maintain the essential quality, viability and attractiveness of Winnetka's business districts while encouraging new economic development consistent with the character of the Village and the individual business districts;
- 8. to encourage the provision of on-site parking at the rear of buildings, with access via alleys or private driveways, to reduce demand for on-street parking; and
- 9. to ensure that new development does not decrease public parking supply, particularly on street parking that supports retail use.

D. Design Review Board. The Design Review Board shall provide comment and recommendations to the Village Council as to whether the building design, landscape plan and other proposed exterior aspects of the planned development are in conformity with the Design Guidelines.

SPECIAL USE STANDARDS (SECTION 17.56.120.A)

A. General Standards for the Granting of Special Use Permits. No special use permit shall be granted unless it is found:

1. That the establishment, maintenance and operation of the special use will not be detrimental to or endanger the public health, safety, comfort, morals or general welfare;
2. That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity;
3. That the establishment of the special use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern;
4. That adequate measures have been or will be taken to provide ingress and egress in a manner which minimizes pedestrian and vehicular traffic congestion in the public ways;
5. That adequate parking, utilities, access roads, drainage and other facilities necessary to the operation of the special use exist or are to be provided;
6. That the special use in all other respects conforms to the applicable regulations of this and other Village ordinances and codes. In the event that the application for special use permit involves a request for variation from the terms of this title, such request, subject to required notification procedures, may be considered at the same public hearing at which the proposed special use is reviewed by the Board of Appeals.

ZONING VARIATION STANDARDS (17.60.040 C)

The Zoning Board of Appeals shall require evidence on the following issues:

1. that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that district;
2. that the plight of the owner is due to unique circumstances;
3. that the variation, if granted, will not alter the essential character of the locality;
4. that an adequate supply of light and air to adjacent property will not be impaired;
5. that the hazard from fire and other damages to the property will not be increased;
6. that the taxable value of land and buildings throughout the Village will not diminish;
7. that the congestion in the public street will not increase; and
8. that the public health, safety, comfort, morals and welfare of the inhabitants of the Village will not be otherwise impaired.

CERTIFICATE OF APPROPRIATENESS DESIGN GUIDELINES (SECTION 15.40.010 F & I)

F. Scope of Hearing, Findings of Fact. At the hearing, the Board shall consider the application materials, including construction documents, and any additional evidence including, in the Board's discretion, testimony given under oath, regarding the following issues:

- (1) whether the proposed external architectural features and site improvements are appropriate to and compatible with the character of the immediate neighborhood;
- (2) whether the proposed external architectural features and site improvements are appropriate to and compatible with adopted Village plans for and improvements in the immediate neighborhood, and including both urban design and site arrangement considerations;
- (3) whether the proposed external architectural features and site improvements are consistent with applicable Village design guidelines and such standards and criteria as may be adopted by the Board; and

(4) the probable effect of the proposed external architectural features on the integrity of the immediate vicinity.

- I. Criteria. The Board or, where applicable, the Village Council, may deny a request for a certificate of appropriateness of design only upon findings that external architectural features of the proposal when completed will be:
 - a. so inconsistent with applicable Village design guidelines and such standards and criteria as may be adopted by the Board for the review of such external architectural features and site improvements as to be inappropriate and incompatible with the character of the immediate neighborhood; or
 - b. so inappropriate and incompatible with adopted Village plans or public improvements in the immediate neighborhood as to cause substantial depreciation in the effectiveness and value of such plans or improvements; or
 - c. so inappropriate and incompatible with the existing character of the immediate neighborhood as to cause substantial depreciation in property values in such neighborhood.