

ORDINANCE NO. MC-2-2019

AN ORDINANCE AMENDING TITLES 3 AND 17 OF THE WINNETKA VILLAGE CODE TO CREATE A PLANNED DEVELOPMENT COMMISSION AND AMEND THE PLANNED DEVELOPMENT STANDARDS AND PROCEDURES

WHEREAS, the Village of Winnetka is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970 and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, pursuant to Titles 3 and 17 of the Winnetka Village Code, as amended ("***Village Code***"), the Village Plan Commission and the Zoning Board of Appeals have jurisdiction to conduct public hearings and make recommendations to the Village Council on planned development applications; and

WHEREAS, the procedures and standards for planned developments are contained in Chapter 17.56 of the Winnetka Zoning Ordinance ("***Zoning Ordinance***"); and

WHEREAS, the Village Council, the Plan Commission, and the Zoning Board of Appeals have studied various ways to make the procedures and standards for planned development approvals more efficient and consistent with the policy objectives of the Village; and

WHEREAS, the Village desires to make the planned development process more efficient by creating a Planned Development Commission comprised of members of the Plan Commission and Zoning Board of Appeals to consider applications for planned developments and make recommendations to the Village Council ("***Proposed Village Code Amendment***"); and

WHEREAS, the Village desires to amend the Chapters 17.56 and 17.58 of the Zoning Ordinance to update the procedures and standards for consideration of planned development applications ("***Proposed Zoning Amendment***") (the Proposed Village Code Amendment and Proposed Zoning Amendment are, collectively, the "***Proposed Amendments***"); and

WHEREAS, pursuant to Section 17.72.040 of the Zoning Code, on April 4, 2019, after due notice thereof, the Village Council held a public hearing to consider the Proposed Amendments; and

WHEREAS, the Village Board has determined that adoption of the Proposed Amendments, as set forth in this Ordinance, will serve and be in the best interest of the Village;

NOW, THEREFORE, the Council of the Village of Winnetka does ordain as follows:

SECTION 1: RECITALS. The foregoing recitals are hereby incorporated into this Section as the findings of the Village Council, as if fully set forth herein.

SECTION 2: PLAN COMMISSION. Section 3.08.060, titled, “Powers and Duties,” of Chapter 3.08, titled, “Plan Commission,” of Title 3, titled, “Board and Commissions,” is hereby amended as follows:

“Section 3.08.060 Powers and Duties

- A. The Plan Commission shall have the following powers and duties:
1. To prepare and recommend to the Council a Comprehensive Plan for the present and future development or redevelopment of the Village;
 2. To assist the officials of the Village charged with the direction of projects for improvements embraced within the official plan, to further the making of such improvements, and generally to promote the realization of the official plan;
 3. To conduct an annual review of Appendix 6 of the Comprehensive Plan and to submit proposals to the Council and to the Board of Local Improvements for specific improvements enumerated therein;
 4. To prepare and recommend to the Council changes in the official Comprehensive Plan from time to time;
 5. To consider and make recommendations to the Council on applications for land subdivisions as provided in Title 16 of this Code;
 6. To consider and make recommendations to the Council on applications for special use permits and wireless telecommunications facilities ~~and planned developments~~, as provided in Title 17 of this Code;
 7. To adopt rules of procedure not inconsistent with this section;
 8. To report to the Village Council from time to time on the work of the Commissions, including but not limited to (i) presenting a report to the Village Council in an open session of the Village Council at least once each calendar year, and (ii) submitting such other and additional reports as the Village Council, in the exercise of its discretion and authority, may direct from time to time; and
 9. To perform such other duties and responsibilities as directed by the Village Council or as otherwise required by ordinance or statute.”

SECTION 3: PLANNED DEVELOPMENT COMMISSION. Title 3, titled, “Board and Commissions,” is hereby amended to add a new Chapter 3.22 as set forth in **Exhibit A**.

SECTION 4: ZONING BOARD OF APPEALS. Section 3.44.050, titled, “Powers and Duties,” of Chapter 3.44, titled, “Zoning Board of Appeals,” of Title 3, titled, “Board and Commissions,” is hereby amended as follows:

“Section 3.44.050 Powers and Duties

- A. Rules of procedure. The Board shall adopt and publish its own rules of procedure for all matters under its jurisdiction; Such rules of procedure shall be consistent with the provisions of this chapter, Title 17 of this code and state statutes.
- B. Powers and duties. In addition to the foregoing duty, the Board shall have the following powers and duties:
 - 1. To conduct hearings, enter findings and render decisions on applications for zoning variations and special uses ~~and planned developments~~, as provided in Title 17 of this code;
 - 2. To hear and decide certain appeals as provided in Chapter 17.72 of this code;
 - 3. To perform such other duties and functions in the administration of the Winnetka Zoning Ordinance, as provided in Title 17 of this code;
 - 4. To hear and consider appeals from certain orders, requirements, decisions or determinations of any Building Officer as provided in Chapter 15.72 of this code, for which purposes the Board shall be known as the Building and Zoning Board of Appeals;
 - 5. To make recommendations to the Village Council from time to time regarding the administration of and possible amendment to this Code; and
 - 6. To perform such other duties as the Village Council may direct from time to time.”

SECTION 5: SPECIAL USE APPLICATION. Section 17.56.030, titled, “Application,” of Chapter 17.56, titled, “Special Uses,” of Title 17, titled, “Zoning,” is hereby amended as follows:

“Section 17.56.030 Applications

* * *

- C. Upon receipt of a completed application for a special use permit, the Director of Community Development shall place the application on the agenda for public hearing at the first regularly scheduled meeting of the Board of Appeals, ~~and the Plan Commission,~~ and the Planned

Development Commission, in accordance with their respective jurisdictions pursuant to Sections 17.56.060, ~~and 17.56.065,~~ and 17.56.067 of this Zoning Ordinance, subject to the issuance of notice as required by Section 17.56.040.”

SECTION 6: ZONING BOARD OF APPEALS PROCEEDINGS. Section 17.56.060, titled, “Zoning Board of Appeals Proceedings,” of Chapter 17.56, titled, “Special Uses,” of Title 17, titled, “Zoning,” is hereby amended as follows:

“Section 17.56.060 Zoning Board of Appeals Proceedings

- A. Jurisdiction. Except as provided in Sections 17.56.065.A, 17.56.067, 17.58.080, and 17.58.100 of this Zoning Ordinance, the Zoning Board of Appeals shall conduct public hearings regarding all special use applications received by the Village.

* * *

SECTION 7: PLAN COMMISSION PROCEEDINGS. Section 17.56.065, titled, “Plan Commission Proceedings,” of Chapter 17.56, titled, “Special Uses,” of Title 17, titled, “Zoning,” is hereby amended as follows:

“Section 17.56.065 Plan Commission Proceedings

- A. Jurisdiction. Except as provided in Sections 17.56.067, 17.58.080, and 17.58.100, ~~t~~The Plan Commission shall conduct public hearings regarding all special use applications received by the Village and shall have exclusive jurisdiction to conduct public hearings regarding special use applications received by the Village for properties located within the C-2 Retail Overlay District. No board or commission of the Village other than the Plan Commission shall, before the Village Council's review and decision in accordance with Section 17.56.070 of this Zoning Ordinance, conduct a public hearing, hold a meeting, or otherwise review special use applications for properties located within the C-2 Retail Overlay District; provided, however, that the Planned Development Commission ~~both the Zoning Board of Appeals and the Plan Commission~~ shall, in accordance with Section 17.56.067 and Chapter 17.58 of this title, conduct public hearings regarding all applications for a planned development and applications for special uses that are filed concurrently with an application for a planned development, whether or not the proposed planned development is located within the C-2 Retail Overlay District.”

* * *

SECTION 8: CONCURRENT APPLICATIONS FOR PLANNED DEVELOPMENT APPROVAL. Chapter 17.56, titled, “Special Uses,” of Title 17, titled, “Zoning,” is hereby amended to add a new Section 17.56.067 as follows:

“Section 17.56.067 Concurrent Application for a Special Use and Planned Development Approval

- A. Jurisdiction.** The Planned Development Commission shall conduct public hearings regarding all special use applications received by the Village concurrently with an application for approval of a planned development or an amendment to a planned development, and shall have exclusive jurisdiction to conduct public hearings regarding such special use applications.
- B. Public Hearing.** The Planned Development Commission shall receive evidence and sworn testimony on behalf of the applicant and any other interested persons, in the manner provided by rules of the Planned Development Commission. For purposes of this subsection, interested persons shall include any person who is entitled to receive mail notice pursuant to subsection C of Section 17.56.040 and any person entitled to submit a written protest pursuant to Section 17.56.050. The Planned Development Commission shall have the authority to require that the applicant submit such additional plans and data as the Planned Development Commission may determine are necessary to establish that the application meets and complies with all applicable provisions of this Zoning Ordinance.
- C. Findings and Recommendation.** The Planned Development Commission shall forward a written copy of its findings of fact, minutes, and recommendation to the Village Council for consideration by the second regular meeting of the Village Council following the close of the public hearing. The recommendation shall be consistent with the purpose and intent of this title and shall specify, in a conclusion or statement, any stipulations, restrictions or conditions, including but not limited to the operation of the special use, which Planned Development Commission deems necessary to assure compliance with this title and the protection of the public health, safety, comfort, morals or welfare. The Planned Development Commission shall not recommend that a special use be approved unless the Planned Development Commission finds that the proposed special use conforms to the standards for the approval of special uses set forth in Section 17.56.120 or in Section 17.44.020.B.2.b for approval of special uses within the C-2 Retail Overlay District, if applicable.

SECTION 9: PLANNED DEVELOPMENTS. Chapter 17.58, titled, “Planned Developments,” of Title 17, titled, “Zoning,” is hereby amended as set forth in **Exhibit B**.

SECTION 10: **EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

PASSED this ____ of _____, 2019, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____, 2019.

Signed:

Village President

Countersigned:

Village Clerk

Published by authority of the
President and Board of Trustees
of the Village of Winnetka,
Illinois, this ____ day of _____,
2019.

Introduced: _____, 2019

Passed and Approved: _____, 2019

EXHIBIT A

Chapter 3.22 PLANNED DEVELOPMENT COMMISSION

Section 3.22.010 Powers and Duties

There is hereby created a commission to be known as the Planned Development Commission of the Village of Winnetka ("Planned Development Commission").

Section 3.22.020 Jurisdiction and Purpose

The intent and purpose of the Planned Development Commission is to assist the Village Council in making decisions and establishing policies regarding planned developments within the Village. The Planned Development Commission shall have the following specific powers and duties:

- A. To conduct public hearings and make recommendations to the Village Council on applications for planned developments and amendments or alterations to approved planned developments.
- B. To consult and cooperate with the Village Council and other Village commissions, boards, and departments on matters related to planned developments within the Village.
- C. To periodically review and to make recommendations as the Planned Development Commission may deem necessary regarding amendments to the provisions of this chapter and the provisions of the Zoning Ordinance related to planned developments.
- D. To consider and make recommendations on other matters related to planned developments as may be referred from time to time by the Village Council to the Planned Development Commission.

Section 3.22.030 Composition of the Planned Development Commission

- A. General Appointment And Membership Criteria: The Planned Development Commission shall consist of nine members. Each member on the Planned Development Commission shall be selected from the then current members of the Winnetka Plan Commission and the Winnetka Zoning Board of Appeals. The chairperson of the Zoning Board of Appeals shall be one of the Zoning Board of Appeals members on the Planned Development Commission. The chairperson of the Plan Commission shall be one of the Plan Commission members on the Planned Development Commission. Each member shall be appointed by the Village President, with the advice and consent of the Village Council. Each member of the Planned Development Commission shall serve without compensation.
- B. Composition Of Commission; Chairperson; Terms:

1. Chairperson; Vice Chairperson: The chairperson of the Planned Development Commission shall always be the individual then serving as the chairperson of the body that holds four seats on the Planned Development Commission. The vice chairperson of the Planned Development Commission shall always be the individual then serving as the chairperson of the body that holds five seats on the Planned Development Commission.
 2. Initial Composition: The initial composition of the Planned Development Commission shall consist of five Plan Commission members and four Zoning Board of Appeals members.
 3. Term: The term of each member of the Planned Development Commission shall be two years, commencing on May 1 and ending on April 30 of the second year, or until such times as a successor has been duly appointed, confirmed, and qualified. There shall be no restriction on the reappointment of a member to one or more successive terms, subject to the advice and consent of the Village Council for each reappointment. In making appointments to the Planned Development Commission after the initial and subsequent two year terms, the Village President shall attempt to reduce the amount of turnover on the Planned Development Commission in order to ensure that the Planned Development Commission is able to continue to function without loss of expertise and experience and without interruption or delay on matters that may be before it.
 4. Rotating Majorities, Chairpersons, And Vice Chairpersons: The body from which the majority of Planned Development Commission members are drawn, and the body from which the chairperson and vice chairperson are selected, shall alternate every two years. Accordingly, during the first two year terms (in which the Plan Commission has five members and the Zoning Board of Appeals has four members), the chairperson of the Planned Development Commission shall be the chairperson of the Zoning Board of Appeals and the vice chairperson shall be the chairperson of the Plan Commission. Following the initial two year terms, one appointment from the Plan Commission will be eliminated and one appointment from the Zoning Board of Appeals will be added, so that for the second two year term the composition of the Planned Development Commission shall consist of five Zoning Board of Appeals members and four Plan Commission members, with the chairperson of the Plan Commission serving as chairperson of the Planned Development Commission and the chairperson of the Zoning Board of Appeals serving as vice chairperson. This rotation between a Zoning Board of Appeals majority and a Plan Commission majority, and the corresponding rotation of the chairperson and vice chairperson, shall take place every two years.
- C. Removal and Vacancy: Any member of the Planned Development Commission that ceases to be a member of either the Plan Commission or the Zoning Board of Appeals shall automatically cease to be a member of the Planned Development Commission without any action required by the Village President or the Village Council. The Village Council shall have the power to remove any Planned Development Commission member for cause. Any vacancy that may occur shall be filled for the balance of the unexpired term by

appointment by the Village President with the advice and consent of the Village Council. The replacement appointment shall be made from the ranks of the Zoning Board of Appeals or the Plan Commission, as the case may be, necessary to maintain the then current Planned Development Commission makeup between the Zoning Board of Appeals and the Plan Commission.

- D. **Planned Development Commission Secretary:** The Village Manager shall designate a Village staff member or other authorized representative of the Village to serve as secretary to the Planned Development Commission. The Planned Development Commission secretary shall attend and keep minutes of all Planned Development Commission meetings and hearings, and shall maintain the permanent records of all Planned Development Commission meetings, hearings, and proceedings and all correspondence of, and submittals to, the Planned Development Commission.

Section 3.22.040 Meetings and Procedures

- A. **Meetings:** All meetings of the Planned Development Commission shall be held in compliance with the Illinois Open Meetings Act. Except as modified by any bylaws or other rules approved by the Planned Development Commission, "Robert's Rules Of Order", revised, shall govern the proceedings of all the meetings of the Planned Development Commission.
- B. **Chairperson Presides:** The chairperson shall preside at all meetings and hearings of the Planned Development Commission. In the absence of the chairperson, the vice chairperson shall assume the duties and responsibilities of the chairperson. In the absence of the chairperson and vice chairperson, a temporary chairperson shall be selected by the Planned Development Commission by motion and simple majority vote and shall assume the duties and responsibilities of the chairperson.
- C. **Bylaws Or Rules Of Procedures:** The Planned Development Commission may adopt bylaws or rules of procedures to govern and regulate its business and procedures, as it deems necessary; provided, however, that any such bylaws or rules shall, at a minimum: 1) be consistent with the applicable provisions of the this Code and all applicable law, 2) require a majority vote of all voting members of the Planned Development Commission for adoption and amendment of the bylaws or rules of procedure, and 3) be subject to review and approval by the Village Attorney.
- D. **Quorum And Necessary Vote:** The Planned Development Commission shall conduct no business except at a properly called and held meeting at which a quorum is present. A quorum of the commission shall consist of seven members. The concurring majority vote of Planned Development Commission members present at any meeting shall be necessary for the Planned Development Commission to act on any matter before the Planned Development Commission; provided, however, that the affirmative vote of five Planned Development Commission members shall be required to make a recommendation to the Village Council on applications for planned developments and amendments or alterations to approved planned developments.

- E. Meeting Schedule: Planned Development Commission meetings shall be held at regularly scheduled dates, times, and locations to be established and published by the Planned Development Commission pursuant to the Illinois Open Meetings Act. Special meetings may be called only by: 1) the chairperson, 2) any four members of the Planned Development Commission, or 3) the Village Council.
- F. Records: The Planned Development Commission's records shall be available and open for public inspection pursuant to, and except as otherwise provided by, the Illinois Freedom of Information Act or other applicable law.
- G. Sworn Testimony: All testimony at any public hearing of the Planned Development Commission shall be given under oath or affirmation.
- H. Disqualification From Voting: No member of the Planned Development Commission shall vote or participate in the consideration or debate on: 1) any matter directly involving any property in which the Planned Development Commission member has a legal or beneficial ownership interest; or 2) any matter where the Planned Development Commission member's interest would violate section 3.1-55-10 of the Illinois Municipal Code, 65 Illinois Compiled Statutes 5/3.1-55-10, or any other applicable law.

EXHIBIT B

Chapter 17.58 PLANNED DEVELOPMENTS

Section 17.58.010 Applicability

The provisions of this chapter apply to the development or redevelopment of any parcel of land, or group of contiguous parcels of land, that have a combined area of at least 10,000 square feet and that are located in the B-1 Multi-family Residential, B-2 Multi-family Residential, C-1 Neighborhood Commercial and C-2 General Retail Commercial zoning districts, provided the development or redevelopment consists of the construction of one or more new buildings, or of any addition to or expansion of one or more existing buildings that increase the gross floor area on the subject property by at least 50%.

Section 17.58.020 Purpose and intent

- A. Purpose. The purpose of this Chapter is to make available a special use procedure that departs from the strict application of the specific zoning requirements of the district in which the development is located, in an effort to promote progressive development and redevelopment of land in the multi-family and commercial zoning districts by encouraging more creative and imaginative design for land developments than is possible under the zoning regulations that generally apply in those zoning districts.
- B. Intent. This Chapter is intended to assure that the following land use and development objectives are accomplished, in addition to the general land use and development objectives set forth in Chapter 17.04 of this Title:
 - 1. To permit a creative approach to the development and redevelopment of lands devoted to multi-family and commercial uses.
 - 2. To achieve a more desirable physical environment by allowing greater flexibility in building design and site plan layout than would be possible through the strict application of the generally applicable zoning and subdivision regulations.
 - 3. To allow more efficient use of the land resulting in more economic networks of utilities, streets and other facilities.
 - 4. To facilitate a development pattern that is in harmony both with the objectives of the Comprehensive Plan and with the district purposes as defined in this Title.
 - 5. To allow the relaxation of certain otherwise applicable substantive requirements based upon procedural protections that provide for the detailed review of individual proposals for more significant multi-family and commercial developments.

Section 17.58.030 General requirements

All planned developments shall ~~be subject to the~~ satisfy the requirements and limitations of this section paragraphs A through H of this Section.

- A. Approval required. All planned developments shall be ~~subject to approval~~ approved by the Village Council, in accordance with the procedures and standards set forth in this Chapter and with other applicable provisions of this Code.
- B. Permitted ~~Locations~~. Planned developments are authorized only in the B-1 Multi-family, B-2 Multi-family, C-1 Neighborhood Commercial, and C-2 General Retail Commercial zoning districts.
- ~~C. Comprehensive Plan. All planned developments shall be consistent with the Village of Winnetka Comprehensive Plan, Winnetka 2020.~~
- CD. Minimum area of development. No planned development shall be permitted on any site that has an area of less than 10,000 square feet.
- DE. Planned development required. ~~All~~ Any new development or redevelopment on any site in the B-1 Multi-family, B-2 Multi-family, C-1 Neighborhood Commercial, and C-2 General Retail Commercial zoning districts that has with an area of 10,000 square feet or more consisting of (i) the construction of one or more new buildings, or (ii) any addition to or expansion of one or more existing buildings that increase the gross floor area on the subject property by at least 50% shall ~~be in accordance with the~~ require planned development requirements established in this Chapter approval.
- EF. Ownership and control of land. The site for a planned development may be either in a single lot of record or a combination of contiguous lots ~~that are under unified ownership and~~ or control.
- EG. Compliance with Village Code required. Construction and improvements ~~with~~ in any planned development shall comply with all applicable Village ordinances except as may specifically excepted pursuant to Section 17.58.120 of this Chapter. ~~Any proposed deviation from Village standards or requirements must be clearly listed on the preliminary plan submittal and fully justified as being both necessary to the proper development of the property and consistent with the objectives set forth in the applicable section of the Village Code.~~
- ~~H. Design requirements. The planned development as a whole, as well as the individual buildings and site improvements constructed as part of the planned development, shall be in conformity with the Village of Winnetka Design Guidelines.~~
- ~~I. Compatibility of uses and design. The uses permitted in the planned development shall be compatible with each other and with existing land uses in the surrounding area. Uses shall be deemed compatible if all of the following criteria are met:~~

G1. Individual special uses. The individual uses in ~~the~~ a planned development must be permitted uses or permitted special uses in the underlying zoning district, unless an exception is granted pursuant to Section 17.58.120 of this chapter. Any individual use that is ~~permitted~~ allowed only as a special use in the underlying zoning district must individually meet the standards for the granting of special use permits, ~~as established~~ set forth in Chapter 17.56 of this Code, and if the property is located within the C-2 Retail Overlay District, the standards for special use permits set forth in Chapter 17.44 of this Code.

~~2. The uses must be designed and located in conformity with the Village of Winnetka Design Guidelines.~~

~~3. The uses, buildings and site layout of the planned development, considered as a whole, must meet the standards for the granting of special use permits, as established in Chapter 17.56 of this Code.~~

~~4. The planned development will be responsive to a demonstrated need within the Village.~~

H. Number of units. The maximum number of residential units in a planned development located within the B-1 Multi-family or B-2 Multi-family zoning districts shall not exceed the maximum number allowed in the underlying zoning district, except as may be necessary to achieve the goals of the Village of Winnetka Affordable Housing Plan.

Section 17.58.040 Development standards

~~A. Number of units. The maximum number of residential units in a planned development shall not exceed the maximum number allowed in the underlying zoning district, except as may be necessary to achieve the goals of the Village of Winnetka Affordable Housing Plan.~~

~~B. Yards and setbacks. The required yards and setbacks along the periphery of the planned development site shall be the same as those in the underlying zoning district. Notwithstanding the foregoing, the size of the required yards and setbacks may be modified by taking into consideration other existing buildings in the vicinity, consistency with goals in the Comprehensive Plan, accommodating parking and open space requirements and compatibility with adjoining properties.~~

~~C. Building height. The maximum building height permitted in the planned development shall not exceed 45 feet. Notwithstanding the foregoing, the height limitation may be modified by taking into consideration other buildings in the vicinity, consistency with goals in the Comprehensive Plan, accommodation of parking and open space requirements and compatibility with adjoining properties.~~

~~D. Parking. Each individual use in a planned development shall comply with the parking requirements established in this Title for such use in the underlying zoning district.~~

~~Notwithstanding the foregoing, parking requirements may be modified based upon the specific uses proposed and their compatibility with the adjoining neighborhood.~~

- ~~E. Intensity of use of lot. The intensity of use of lot for the planned development site shall not exceed the maximum allowable permitted in the underlying zoning district, except as may be necessary to achieve the goals of the Village of Winnetka Affordable Housing Plan.~~
- ~~F. Traffic plan. The planned development shall include a traffic plan that identifies points of ingress and egress, streets, alleys and interior circulation routes. The traffic plan shall be designed to minimize traffic congestion in the public streets adjoining the planned development and to facilitate the free flow of both vehicular and pedestrian traffic, within the planned development. The streets, alleys and other traffic thoroughfares, public or private, approved in planned development shall comply with the minimum requirements of the Village of Winnetka.~~
- ~~G. Exceptions and modifications. The Plan Commission may recommend, and the Village Council may authorize, any exceptions and modifications to the applicable bulk regulations of this section, provided the recommendation or grant is supported by the following findings, which shall be based on evidence in the procedural record:~~
 - ~~1. that the exception or modification meets the standards for modification defined in the relevant provision of this section;~~
 - ~~2. that the exception or modification is solely for the purpose of promoting a unified site plan and of meeting the objectives of both this Title and the Comprehensive Plan; and~~
 - ~~3. that the exception or modification is necessary to achieve the stated objectives and goals of this Chapter.~~

Section ~~17.58.050~~ 17.58.040 Procedural requirements

- ~~A. General requirements. All applications for planned developments shall be subject to the standards and procedures established in this Chapter 17.58 and in Chapter 17.56 of this Code.~~
- ~~B. Cumulative requirements. Unless specifically provided in this Chapter to the contrary, the standards of Chapter 17.56 shall be in addition to the standards of this Chapter. Unless specifically provided in this Chapter to the contrary, any procedure of Chapter 17.56 that is not also stated in this Chapter shall be considered an additional procedure, provided it does not conflict with the procedures established in this Chapter. In the event the procedures of Chapter 17.56 conflict with the procedures established by this Chapter, the procedures of this Chapter shall prevail.~~
- C. The Planned Development Commission may not recommend approval of a preliminary planned development unless it has considered the application at no fewer than two public meetings.**

Section 17.58.060 17.58.050 Pre-application conference with Zoning Administrator

Prior to filing an application for a planned development, the developer applicant must meet may request an informal conference with the Zoning Administrator to discuss the proposed planned development. The purpose of the conference is to help the applicant understand the Comprehensive Plan, the Zoning Ordinance, the Design Guidelines, the site development exceptions, the standards by which the application will be evaluated, and the application requirements. The pre-application conference is not mandatory and does not require either the payment of an application fee or the filing of an application.

Section 17.58.060 Village Council review of planned development concept plan

- A. Concept Plan Review.** Prior to, but in no event more than a year before, submitting an application to the Village for preliminary planned development approval, an applicant must appear at a public meeting of the Village Council to present the basic scope, character and nature of the entire proposed planned development to permit public consideration of the proposal at the earliest possible stage.
- B. Application for Concept Plan Review.** To initiate a review of the planned development concept plan, an applicant must submit to the Zoning Administrator a description of the following basic information regarding the proposed development:
- 1. A sketch site plan showing the general layout of proposed land uses within the property and the general location of vehicular and pedestrian circulation systems;**
 - 2. A narrative describing the proposed categories of land uses for property and a summary of the overall maximum density of residential uses and intensity of nonresidential uses;**
 - 3. A general visual description or images of the architectural style of the proposed development;**
 - 4. The general location and extent of compensating benefits as required by Section 17.58.120 B;**
 - 5. The nature, scope and extent of public dedications, improvements or contributions to be provided by the applicant; and**
 - 6. The owner's name and address and the owner's signed consent to the filing of the application.**
 - 7. The applicant's name and address, if different than the owner, the applicant's interest in the subject property, and the applicant's qualifications to carry out the proposed development.**
 - 8. The address, parcel identification number(s), size, and dimensions of the subject property; and**

9. Any other information the applicant desires the Village Council to review.

C. Action by Village Council. The Village Council shall, after the concept plan application is complete, hold its review of the concept plan application.

The purpose of such review shall be to broadly acquaint the Village Council with the applicant's proposal and provide the applicant with any preliminary views or concerns that members of the Village Council may have at a time in the process when positions are still flexible, adjustment is still possible, and prior to the time when the applicant is required to expend the funds necessary to prepare the complete documentation required for a preliminary plan application.

At the meeting at which the concept plan application is considered, any member of the Village Council may make any comments, suggestions or recommendations regarding the concept plan application deemed necessary or appropriate by that member; provided, however, that no final or binding action shall be taken with respect to any concept plan application. Any views expressed in the course of the Village Council's review of any concept plan application shall be deemed to be only preliminary and advisory and only the individual views of the member expressing them. Nothing said or done in the course of such review shall be deemed to create, or to prejudice, any rights of the applicant or to obligate the Village Council, or any member of it, to approve or deny any preliminary plan application following full consideration thereof as required by this Code.

Section 17.58.070 Application submittal requirements for preliminary plan approval

A. ~~Form of application.~~

- ~~1. The form of the original application, associated plans and supporting documentation shall be determined by the Zoning Administrator.~~
- ~~2. The application, associated plans and supporting documentation shall be submitted both in full, original size and in 8½" x 11" format.~~
- ~~3. The full, original size of plats and plans shall be 24" x 36".~~

B. ~~Contents of application. The application shall include the preliminary planned development plan described in subsection C of this section and shall be accompanied by the additional plan documentation described in subsection D of this section.~~

C. ~~Preliminary planned development plan. The preliminary planned development plan shall contain the following:~~

- ~~1. Statement of objectives. The preliminary plan shall include a statement of the planning objectives to be achieved by the particular design approach proposed by the applicant, which shall include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.~~

2. ~~Statement of ownership. The preliminary plan shall include a statement and documentation verifying that the applicant has, or will have ownership and control over all land included in the proposed planned development. If the subject property is held in trust, the statement of ownership shall also disclose the names of the trustee and the beneficiaries of the trust.~~
3. ~~A statement of proposed use. The preliminary plan shall include a statement of the applicant's intention with regard to the future selling or leasing of all or portions of the land areas or structures and the proposed use thereof is required.~~
4. ~~Detailed planned development plan. The preliminary plan shall include a detailed drawing of the proposed planned development, drawn at a scale of not less than one inch to one hundred feet. The detailed planned development plan may consist of one or more sheets and drawings and shall accurately depict:~~
 - a. ~~Boundary lines, bearings and distances;~~
 - b. ~~The location, width and purpose of all easements~~
 - c. ~~All streets on and adjacent to the subject property, including street name, right of way width, sidewalks, and the like;~~
 - d. ~~Utilities on and adjacent to the site, including the location, size and invert elevations of all sewers, the location and size of water mains and hydrants, and the location of gas, electric, telephone and cable lines;~~
 - e. ~~The topography of the subject property, which shall be shown in one-foot contours for land with a slope of one-half percent or less, and in two-foot contours for land with a slope of more than one-half percent;~~
 - f. ~~Conditions on adjacent land, including adjacent grades, the character and location of buildings, and the type and location of utilities;~~
 - g. ~~The zoning classification of the subject property and all adjacent properties;~~
 - h. ~~All parcels of land intended to be dedicated for public use or reserved for the use of all property owners, with the purpose indicated;~~
 - i. ~~The location and purpose of each proposed building, and the height of each building in feet and stories;~~
 - j. ~~Landscaping and tree preservation plan;~~
 - k. ~~At least two cross-sections through the entire site, to illustrate the bulk and heights of all proposed structures in relation to the topography, vegetation and surrounding structures;~~

- l. ~~The name of the development, the north point and scale, the date of preparation and the acreage of the site; and~~
 - m. ~~Such additional information as may be required by the Plan Commission.~~
5. ~~Quantitative Summary. The preliminary plan shall include a quantitative summary, which shall be broken down into phase components if the development is to be implemented in phases, and which shall include, but not be limited to the following:~~
- a. ~~Acreage and square footage of the subject parcel;~~
 - b. ~~Residential density;~~
 - c. ~~Total and footprint square footage of principal and accessory buildings;~~
 - d. ~~Number of parking spaces;~~
 - e. ~~Square footage of commonly owned and/or maintained open space; and~~
 - f. ~~Maximum residential density that would be achievable through conventional development of the site.~~
- D. ~~Supporting documentation. In addition to the preliminary planned development plan, every application for a planned development shall be accompanied by the following supporting documentation:~~
- 1. ~~A preliminary plat of subdivision that meets the requirements of Title 16 of this Code.~~
 - 2. ~~Schematic architectural drawings, including but not limited to floor plans, exterior building elevations, which clearly define all buildings proposed for the planned development.~~
 - 3. ~~A statement setting forth the specific zoning modifications and exceptions being sought from the underlying zoning requirements as part of the planned development.~~
 - 4. ~~A statement describing why the area for usable common open space was chosen, the unique advantages it offers, and how it is envisioned that residents will utilize the space.~~
 - 5. ~~A traffic and parking study prepared by a qualified expert setting forth and analyzing the effect of the proposed development on traffic and parking in and around the subject property. The traffic and parking study shall not be limited to the effect on adjacent streets but shall extend to all surrounding areas affected by the proposed development and shall indicate the anticipated points of origin,~~

~~direction, amount and density of traffic flow to and from the proposed planned development.~~

- ~~6. A statement describing the specific public benefits that are proposed to be contained in or associated with the planned development.~~
- ~~7. A development schedule setting forth the approximate dates for beginning and completion of each stage of the development.~~
- ~~8. A construction employee traffic and parking mitigation plan that shall establish specific actions by the owner to limit peak period vehicular traffic and parking generated by construction of the planned development.~~
- ~~9. Such other documentation as the Director of Community Development may determine is necessary to demonstrate that the proposed planned development complies with all applicable development regulations, including compliance with Village of Winnetka Design Guidelines.~~

Applications for a planned development must be filed with the Zoning Administrator in such form as required by the Village. Every application for preliminary plan approval must contain the following submittals, information and related data, unless a waiver is granted pursuant to paragraph K of this section:

A. Form of application and fee.

- 1. Application. The form of the original application, associated plans and supporting documentation shall be determined by the Zoning Administrator.**
- 2. Fee and Escrow. A fee and escrow as established by the Village for the application and to defray the costs of providing notice and contracting with independent professionals to review applications as required. The professional costs may include, but are not limited to, engineering, legal fees, traffic analyses, environmental impact studies or analysis, land use design, or other similarly related professional studies. Additional materials may be required during the review of a proposed planned development if determined necessary by the Planned Development Commission or Village Council.**

B. Statement of Planned Development Objectives, Standards and Exceptions.

- 1. Statement of Objectives and Proposed Use. The preliminary plan shall include a statement of the planning objectives to be achieved by the particular design approach proposed by the applicant, which shall include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant. The plan shall also include a statement of the applicant's intention with regard to the future selling, leasing, and uses of all or portions of the land areas or structures.**
- 2. Planned Development Standards and Exception Standards. A statement**

setting forth the specific zoning and subdivision exceptions being sought from the underlying zoning and subdivision requirements and the reasons demonstrating that the proposed development meets the standards set forth in this Chapter. This includes a statement regarding public benefits proposed to be provided.

C. Owner and applicant information.

- 1. Contact information.** The names, addresses and phone numbers of the owner(s) of the subject property, or if a trust, the names, addresses, of the beneficiaries, the applicant and all persons known to have a proprietary interest in the subject property and proposed development.
- 2. Title Policy and Affidavit of Ownership.** A current property title policy and an affidavit of ownership is required as proof of ownership. If the applicant is not the owner of the property, the applicant must provide documentation evidencing its interest in the property.
- 3. Owner Statement.** A statement from the owner, if the owner is not the applicant, approving the filing of the application by the particular applicant.
- 4. Professional Qualifications.** A statement of the professional qualifications and related development experience of the applicant and/or applicant's development team.
- 5. Financing.** A statement of proposed financing and evidence of the applicant's ability to complete the proposed development. At the direction of the Village Council, an economic proforma may be required.

D. Property Information.

- 1. Property Restrictions.** The substance of covenants, easements, and other restrictions existing and any to be imposed on the use of land, including common open space, and structures.
- 2. Dedications.** All parcels of land intended to be dedicated for public use or reserved for the use of all property owners, with the purpose indicated.
- 3. Plat of Survey.** A plat of survey, prepared by a licensed surveyor, with legal description and street address of the subject parcel(s), prepared within the last year or a plat of survey showing current conditions that may be older than one year, prepared by a licensed surveyor.

E. Reports and Studies.

- 1. Environmental Assessment.** Copies of all environmental assessments or

impact studies as required by law, or a letter from the EPA stating that the site is considered clean by EPA standards, if applicable.

2. Village Services Report. A report on the anticipated demand on all Village and community-wide services including, but not limited to, police, fire, public works, park district, and schools. This report must include a tax impact study indicating all projected tax revenues to be generated by the proposed development.
3. Market Feasibility Report. A market feasibility report, prepared by a professional real estate consultant or other qualified professional, for all types of proposed land uses within the boundaries of the subject property, which report must include information on unit prices and absorption.

F. Traffic and Parking Study.

1. A traffic impact study, prepared by a professional engineer qualified in traffic analysis, showing the proposed traffic circulation pattern, including counts, within and in the vicinity of the area of the development which includes any pending development projects, and an analysis which does not include any pending development projects. The location and description of any public and traffic-related public improvements to be installed, including any streets and access easements must also be provided.
2. A parking impact study, prepared by a professional engineer qualified in parking analysis, showing the estimated parking demand based on proposed uses in relation to existing conditions, including any pending development projects for the surrounding area including off-site parking spaces.

G. Development Plans.

1. Site Plan. A scaled site plan, a minimum scale of one inch equals 40 feet, showing the name of the development, the location, setback, bulk, lot area coverage and heights of all buildings and structures, pedestrian circulation areas and common space(s), vehicular circulation and parking spaces, loading areas, garbage pick-up routes, natural topographic features and contours, zoning district classification, adjacent public rights-of-ways, streets, and sidewalks, and other relevant site elements. The site plan must also show the zoning district classification, building footprint and use, and proximity of structures on adjacent properties. The site plan must also depict location, style, and appearance of any street furniture, such as bicycle racks and/or bicycle storage facilities, light poles, benches, and trash receptacles.
2. Landscape and Tree Preservation Plan. A landscaping and tree preservation plan, prepared by a registered landscape architect or licensed arborist, prepared in the same scale as the site plan, showing the location, size,

character, species, and composition of vegetation and other material. The plan must also include a list of the quantity, species (including common and botanical name), and the size of all proposed plantings.

3. Preliminary Engineering Plan. A preliminary engineering plan, prepared by a licensed professional engineer, including at a minimum, a site demolition plan, a site geometry plan, a site utility plan, and a site grading, drainage, and paving plan. In addition the engineering plan must show any off-site roadway and utility improvements required to service the planned development and explanation for how those improvements will be paid.
4. Preliminary Plat. A preliminary plat of subdivision, if required, that meets the requirements of Title 16 of this Code.
5. Exterior Lighting Plan. An exterior lighting plan of the same scale as the site plan showing the location of all exterior lighting proposed for the site. The proposed photometrics (level of illumination) as well as the specific design details of all exterior light sources must be provided including proposed lamping of fixtures, light color temperature, height of light fixtures, and illustration of the design. Screening of the light sources should be addressed in the written summary for the project.
6. Construction Logistics Plan. Construction traffic and parking schedule indicating the location for the parking of construction vehicles and the anticipated route of construction vehicles, including a communication plan and point of contact posted at the site.
7. Project Schedule. Schedule of development showing the approximate date for beginning and completion of each stage of construction of development.

H. Building Elevation and Floor Plans.

1. Floor Plans. Floor plans of all proposed buildings and structures. The drawings must also include a schedule showing the number, type, and floor area of all uses or combination of uses, and the floor area of the entire development. For residential floor plans, a summary table of units, sizes, and room types must be included.
2. Building Elevations. Building elevation drawings illustrating the design and character of the building(s), types of construction, and specified building materials for all sides of the building(s).
3. Building Cross-sections. At least two cross-sections through the entire site, to illustrate the bulk and heights of all proposed structures in relation to the topography, vegetation and surrounding structures.

4. Shadow Study. If requesting a building height or setback variation, a shadow study, at a minimum, depicting mid-morning and mid-afternoon shadows cast on the following dates; March 20, June 21, September 22, and December 21, corresponding to the first day of each season, for any proposed structure(s) which exceed the underlying zoning district height or setback restrictions.
 5. Streetscape Elevations. Streetscape building elevation(s) of the proposed building including all street-facing buildings within the same block or, if a corner lot, those located adjacently across the street or alley.
 6. Sign Elevations. Detailed sign elevations of the sign face(s) at a scale of not less than one inch equals two feet, and must designate sign design, dimensions, materials, colors, lighting (level of illumination), and written/graphic message.
 7. Three Dimensional Model or Rendering. Either a to-scale physical three-dimensional model of the proposed development or a three-dimensional rendering developed in an acceptable format approved by the Zoning Administrator.
- I. Quantitative Summary. A quantitative summary, which shall be broken down into phase components if the development is to be implemented in phases, and which shall include, but not be limited to the following:
1. Acreage and square footage of the subject parcel;
 2. Residential density;
 3. Total and footprint square footage of principal and accessory buildings;
 4. Number of parking spaces;
 5. Square footage of commonly owned and/or maintained open space; and
 6. Maximum residential density that would be achievable through conventional development of the site.
- J. Other Information. Such other documentation as the Zoning Administrator may determine is necessary to demonstrate that the proposed planned development complies with application development regulations, including compliance with the Village of Winnetka Design Guidelines.
- K. Waiver. Upon written request by the applicant, the Zoning Administrator may waive any of the above application requirements in the event that the Zoning Administrator determines that such submittal is not necessary. Notwithstanding a decision to grant a waiver from a submittal requirement, the Planned Development Commission and the Village Council are not precluded from

requiring an applicant to submit to the Village the information that was waived by the Zoning Administrator and any additional information the Planned Development Commission or Village Council deems applicable for its review of the planned development application.

Section 17.58.080 Procedures for preliminary plan approval

- A. Application review. Upon receipt of a properly completed application for a preliminary planned development, the Zoning Administrator shall review the application for compliance with all applicable requirements. Completed applications will be then be forwarded to the ~~Plan Commission, Zoning Board of Appeals~~ **Planned Development Commission** and Design Review Board for their respective reviews and recommendations.
- B. Hearings. The ~~Plan Commission and Zoning Board of Appeals~~ **Planned Development Commission** shall hold ~~separate a~~ public hearings in accordance with Chapter 17.56 of this Code. Notices of the public hearings shall be issued in the manner provided in Section 17.56.040 of Chapter 17.56. ~~The hearing of the Zoning Board of Appeals shall be held as provided in Section 17.56.060 of Chapter 17.56.~~
- C. Written protest.
1. Filing of protest. Any owner of property located within ~~two hundred fifty (250)~~ feet of the subject property may file a written protest objecting to the planned development. The written protest shall be directed to the Village Council and shall be submitted on forms provided by the Village and shall be signed and acknowledged, in accordance with the definitions provided in Sections 17.04.030(A)(3.5) and 17.04.030(S)(4.5) of this title. The written protest shall be submitted no later than 5:00 p.m. on the date of the first meeting of the Village Council at which the preliminary approval of the planned development application is on the agenda for consideration; provided, that the ~~filing~~ of a written protest after the close of the ~~Board of Appeals~~ **Planned Development Commission** hearing on the planned development application shall not create a right either to reopen the evidentiary record or to remand the application to the ~~Board~~ **Planned Development Commission** for further evidentiary proceedings.
 2. Effect of written protest. In the event ~~twenty (20)~~ percent of the owners of property located within ~~two hundred fifty (250)~~ feet of the subject property have submitted a written protest as provided in Section 17.56.050(A), the preliminary approval of a planned development by the Village Council shall require the favorable vote of four ~~(4)~~ Trustees.
- D. Design Review Board. The Design Review Board shall consider the application for preliminary planned development at a public meeting.
- E. Findings and recommendations. Within 30 days following the date of the completion of the ~~respective public hearings of the Plan Commission and Zoning Board of Appeals~~ **Planned Development Commission**, and within thirty (30) days following the completion

of the Design Review Board meeting on the application for preliminary approval, each body shall forward a written copy of its findings of fact, and/or its recommendation to the Village Council. The findings and recommendations of each body shall be consistent with the purpose and intent of this Title and shall specify, in a separate conclusion or statement, such stipulations, restrictions or conditions, including but not limited to the operation of the planned development, that the ~~Plan Commission, Zoning Board of Appeals~~ **Planned Development Commission** or Design Review Board deems necessary to assure the protection of the public health, safety, comfort, morals or welfare. No planned development shall be recommended for approval by the ~~Plan Commission, Zoning Board of Appeals~~ **Planned Development Commission** or Design Review Board unless such commission or board shall find that the proposed planned development is in conformity with the standards set forth in Section 17.58.110 of this chapter and with any other applicable regulations of the zoning district in which the subject property is located.

F. Village Council.

1. Village Council deliberations. Within ~~thirty~~ (30) days after the Village Council receives all of the findings of fact and/or the recommendations of the ~~Plan Commission, Zoning Board of Appeals~~ **Planned Development Commission** and Design Review Board on the application, the application for the planned development shall be placed on the Village Council's agenda for consideration.
2. Village Council decision; vote required. By a majority of the Village Council, the Village Council, in the exercise of its discretion, may grant, deny or modify the planned development application, or may return the matter to the ~~Plan Commission, Zoning Board of Appeals~~ **Planned Development Commission** or Design Review Board for further consideration and findings. Notwithstanding the foregoing, if the requisite number of protests have been submitted in accordance with Section 17.56.050 of Chapter 17.56, the favorable vote of four (4) Trustees shall be required to grant the planned development by the Village Council.
- 3. As part of its approval of a planned development application, the Village Council may impose conditions on the applicant or require the applicant to make public improvements if such conditions or public improvements would be necessary for the planned development application to satisfy the standards set forth in Section 17.58.110 of this chapter. Such public improvements may include, without limitation, bicycle infrastructure, transit stops, and public utility, public streetscape, roadway, intersection, signalizations, parking, and pedestrian safety improvements.**

Section 17.58.090 Application for final plan approval

A. Form of application.

1. Substantial conformity with preliminary plan. The final plan for the planned development shall conform substantially to the approved preliminary plan. No final plat for a planned development will be presented for final approval if it

contains a substantial change from the approved preliminary plan. For purposes of this section, a substantial change is a change that alters: (i) alters the concept or intent of the planned development; (ii) changes the plan's density; (iii) changes the height of any building; (iv) changes proposed the plan's open space; or (v) makes material changes in the architectural design in a material fashion; ~~makes a material change to the development schedule, or changes the governing agreements, provisions, or covenants for the development.~~

2. Engineering approval. The final plat will not be processed until detailed engineering site plans have been reviewed and approved by the Village Engineer.
 3. The final development plan, and subdivision ~~plan~~ plat if necessary, shall contain in final form all the information required in the preliminary development plan, along with such other documents as may be necessary to implement the plan or to comply with all applicable requirements of this chapter.
- B. Time of filing application for final approval. Within ~~eighteen (18)~~ months following the Village Council approval of the preliminary planned development plan, the applicant shall initiate the final approval process by filing the final development plan and supporting documentation with the ~~Plan Commission~~ Zoning Administrator for the Village Council's consideration. The Village Council, in the exercise of its discretion, may extend the time for filing the application for final approval.
- C. Contents of application. The final planned development plan shall contain all the materials included in the approved preliminary planned development plan, but in final detailed form and include the following:
1. ~~Boundary lines, bearings and distances;~~
 2. ~~Location, width and purpose of all easements;~~
 3. ~~Streets on and adjacent to the site, including street name, right of way width, sidewalks, and the like;~~
 4. ~~Utilities on and adjacent to the site, including location, size and invert elevations of all sewers, location and size of water mains and hydrants, location of gas lines, electric, telephone and cable lines;~~
 5. ~~Other conditions on adjacent land including adjacent grades, character and location of buildings and utilities;~~
 6. ~~Zoning on and adjacent to the site;~~
 7. ~~All parcels of land intended to be dedicated for public use or reserved for the use of all property owners with the purpose indicated;~~
 8. ~~Location, purpose and height, in feet and stories, of each building;~~

9. ~~Landscaping and tree preservation plan;~~
10. ~~Name of development, north point and scale, date of preparation and acreage of site;~~
11. ~~Such additional information as may be required by the Village Council.~~
12. ~~Final schematic architectural drawings;~~
13. ~~Final quantitative summary;~~
14. ~~Original mylar plat of the planned development, a subdivision plat, plat of dedication and/or plat of vacation; and~~
15. ~~A restrictive covenant in a form acceptable to the Village Attorney limiting development of and construction upon the tract as a whole to such development and construction as shall comply with the final development plan granted by the Village Council.~~

1. Form of application and fee.

- a. Application. The form of the original application, associated plans and supporting documentation shall be determined by the Zoning Administrator.**
 - b. Fee and Escrow. A fee and escrow as established by the Village for the application and to defray the costs of providing notice and contracting with independent professionals to review applications as required. The professional costs may include, but are not limited to, engineering, legal fees, traffic analyses, environmental impact studies or analysis, land use design, or other similarly related professional studies. Additional materials may be required during the review of a proposed planned development if determined necessary by the Planned Development Commission or Village Council.**
- 2. A statement summarizing all changes that have been made, or have occurred, in any document, plan, data, or information previously submitted, together with a revised copy of any such document, plan, or data; and the statement shall explain how the final plan remains in substantial conformance with the approved preliminary plan;**
 - 3. A final plat of subdivision, if required, that meets the requirements of Title 16 of this Code;**
 - 4. Final engineering plans in compliance with engineering guidelines adopted by the Village;**
 - 5. A plat of dedication and or plat of vacation, if required;**

6. When the proposed planned development includes provision for public common open space, a statement describing the provision for dedication or care and maintenance of such open space. If it is proposed that such open space be owned or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted. When the property is to be dedicated, a draft of the instrument of dedication shall be submitted;

7. A restrictive covenant in a form acceptable to the Village Attorney limiting development of and construction upon the tract as a whole to such development and construction as shall comply with the final development plan granted by the Village Council; and

8. Such additional information as may be required by the Village Council.

D. Development phases. If desired by the developer applicant, the final plat may be submitted in stages, with each stage reflecting a portion of the approved preliminary plat that is proposed to be recorded and developed; provided, however, that each such portion shall be in conformity with all requirements and regulations of this Chapter.

Section 17.58.100 Procedures for final plan approval

A. Application review. Upon receipt of a properly completed application for a final planned development plan, the Zoning Administrator shall review the application for compliance with all applicable requirements. Completed applications will be forwarded to the ~~Plan Commission, Zoning Board of Appeals and Design Review Board~~ Village Council for ~~their respective~~ its reviews and recommendations.

B. Hearings. The ~~Plan Commission and Zoning Board of Appeals~~ Village Council shall hold ~~separate a~~ public hearings in accordance with Chapter 17.56 of this Code. Notices of the public hearings shall be issued in the manner provided in Section 17.56.040 of Chapter 17.56. ~~The hearing of the Zoning Board of Appeals shall be held as provided in Section 17.56.060 of Chapter 17.56.~~

C. Written protest.

1. Filing of protest. Any owner of property located within ~~two hundred fifty (250)~~ feet of the subject property may file a written protest objecting to the planned development. The written protest shall be directed to the Village Council and shall be submitted on forms provided by the Village and shall be signed and acknowledged, in accordance with the definitions provided in Sections 17.04.030(A)(3.5) and 17.04.030(S)(4.5) of this title. The written protest shall be submitted no later than 5:00 p.m. on the date of the first meeting of the Village Council at which the final approval of the planned development application is on the agenda for consideration; ~~provided, that the filing of a written protest after the close of the Board of Appeals hearing on the planned development shall not create a right either to reopen the evidentiary record or to remand the application to the Board for further evidentiary proceedings.~~

2. Effect of written protest. In the event ~~twenty percent (20%)~~ of the owners of property located within ~~two hundred fifty (250)~~ feet of the subject property have submitted a written protest as provided in the foregoing paragraph 1. the final approval of a planned development by the Village Council shall require the favorable vote of four Trustees.

~~D. Design Review Board. The Design Review Board shall consider the application for final planned development at a public meeting.~~

~~E. Findings and recommendations. Within 30 days following the date of the completion of the respective public hearings of the Plan Commission and Zoning Board of Appeals, and within 30 days following the completion of the Design Review Board meeting on the application for preliminary approval, each body shall forward its written findings of fact and recommendations to the Village Council. The findings and recommendations of each body shall be consistent with the purpose and intent of this Title and shall specify, in a separate conclusion or statement, such stipulations, restrictions or conditions, including but not limited to the operation of the planned development, that the Plan Commission, Zoning Board of Appeals or Design Review Board deems necessary to assure the protection of the public health, safety, comfort, morals or welfare. No planned development shall be recommended for final approval by the Plan Commission, Zoning Board of Appeals or Design Review Board unless such commission or board shall find that the proposed planned development is in substantial conformity with the approved preliminary plan and is also in conformity with the standards set forth in Section 17.58.110 of this chapter and with any other applicable regulations of the zoning district in which the subject property is located.~~

F. Village Council.

1. ~~Village Council deliberations. Within thirty (30) days after the Village Council receives all of the findings of fact and/or the recommendations of the Plan Commission, Zoning Board of Appeals and Design Review Board on the final application, the application for the planned development shall be placed on the Village Council's agenda for consideration.~~
2. Village Council decision; vote required. By a majority of the Village Council, the Village Council, in the exercise of its discretion, ~~may~~ **shall** grant **approval of the application if the final plan for the planned development conforms substantially to the approved preliminary plan,** deny or modify the application for final planned development approval, or ~~may return the matter to the Plan Commission, Zoning Board of Appeals or Design Review Board for further consideration and findings.~~ Notwithstanding the foregoing, if the requisite number of protests have been submitted in accordance with Section 17.56.050 or Chapter 17.56, the favorable vote of four (4) Trustees shall be required for final approval of the planned development by the Village Council.

2. In the event that the Village Council determines that the final plan for the planned development does not conform substantially to the approved preliminary plan:

- a. The applicant may modify its application for approval of the final plan for the planned development so that it substantially conforms to the approved preliminary plan;**
- b. The Village Council may deny the application; or**
- c. The Village Council may return the matter to the Planned Development Commission and/or the Design Review Board for further consideration, findings, and consideration of a recommendation to the Village Council that the application for approval of the final plan for the planned development is in conformity with the standards set forth in Section 17.58.110 of this chapter and with any other applicable regulations of the zoning district in which the subject property is located, after which, the application shall be returned to the Village Council for a re-hearing in accordance with this Section 17.58.100 and a finding by the Village Council that the application for approval of the final plan for the planned development is in conformity with the standards set forth in Section 17.58.110.**

- G. Approval by ordinance. Final approval of any planned development shall be by an ordinance of the Village Council. The Village Council, in the exercise of its discretion, may accept, reject or modify any conditions or restrictions that the ~~Plan Commission, Zoning Board of Appeals and/~~ **Planned Development Commission** or Design Review Board may recommend. Such conditions shall be expressly set forth in the ordinance approving the planned development.
- H. Recording of final plan required. The ~~Ordinance~~ authorizing the planned development shall be effective only upon recording of the ~~final plat and supporting data~~ **ordinance and final plat of subdivision, if applicable,** and with the Office of the Recorder of Deeds for Cook County. No building permits will be issued nor shall any other development shall take place until the required recording of the final plat **such recordings are made.** All recording costs shall be paid by the applicant.

Section 17.58.110 Findings on standards for planned development approval

A. Findings required.

- 1. Findings in support of recommendations. The ~~Zoning Board of Appeals, the Plan Commission~~ **Planned Development Commission** and the Design Review Board shall each enter written findings on the standards for planned development approval as set forth in this Section 17.58.110. The findings of each body shall be based on the particular facts and circumstances of the proposed development, as established through the application materials, record made in the proceedings before that body, and matters of public record.

2. Village Council findings. The Village Council's decision to grant or deny an application shall be based on the particular facts and circumstances of the proposed development, as established through the application materials, the record made in all proceedings on the application, matters of public record, and such matters of public policy as the Council deems relevant to its consideration of the application.

~~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.~~
- E. ~~Village Council. The Village Council shall not grant a request for approval of a planned development unless it finds:~~
1. ~~that the proposed development meets the special use standards for planned development, as set forth in subsection B of this Section;~~
 2. ~~that the proposed development, as a whole, is consistent with the Comprehensive Plan, Winnetka 2020;~~
 3. ~~that a certificate of appropriateness of design should issue for the buildings, landscaping and other exterior elements of the proposed development; and~~

4. ~~that the proposed development is otherwise consistent with the intent and objectives of this Chapter.~~

B. Planned Development Standards. No special use permit for a planned development shall be recommended by the Planned Development Commission or approved by the Village Council unless it is found that:

- 1. That the proposed development and the use or combination of uses furthers the goals and objectives of the Comprehensive Plan.**
- 2. That the establishment, maintenance and operation of the planned development will not be detrimental to or endanger the public health, safety, health, comfort, morals or general welfare, or have a negative environmental impact on the neighborhood or Village;**
- 3. That the planned development will not unreasonably impede the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor unreasonably diminish or impair property values in the immediate vicinity;**
- 4. That the establishment of the planned development will not unreasonably 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;**
- 5. 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;**
- 6. That adequate parking, utilities, access roads, drainage and other facilities necessary to the operation of the planned development exist or are to be provided; and**
- 7. That the planned development in all other respects conforms to the applicable regulations of this and other applicable Village ordinances and codes.**

C. Design Review. No approval for a planned development shall be recommended by the Design Review Board or approved by the Village Council unless the planned development as a whole, as well as its individual buildings and site improvements constructed as part of the planned development, is in conformity with the Village of Winnetka Design Guidelines, as may be amended from time to time.

Section 17.58.120 Exceptions

A. Exceptions to Subdivision and District Regulations. All planned developments are subject to the underlying district regulations unless an exception is specifically granted. The Planned Development Commission may recommend, and the Village Council may grant, exceptions to the otherwise applicable subdivision regulations

and underlying zoning district use, lot, space, bulk, yard, and parking regulations. In addition to the standards in Section 17.58.110 of this Chapter, the following standards shall be considered in reviewing any request for exceptions to the subdivision or underlying zoning district use, lot, space, bulk, yard, and parking regulations, as each standard may be applicable:

1. The proposed exception will enhance the overall quality of the development, the design of the structures, and the site plan to further the goals and objectives of the Comprehensive Plan and the Design Guidelines;
2. The proposed exception will enable the development to offer environmental and pedestrian amenities available to all residents of the Village;
3. The proposed exception will not cause an adverse impact on neighboring properties that outweigh the public benefits of the development;
4. The proposed exception will contain a proposed design and use, or combination of uses, that will complement the character of the surrounding neighborhood; and
5. The proposed exception will provide a public benefit to the Village, as described in Section 17.58.120.B of this Code.

B. Compensating Benefits. Applicants for planned development approval are required to provide the Village with compensating benefits in return for the Village granting exceptions in accordance with this Section 17.58.120. The purpose of compensating benefits is to advance the Village's physical, cultural, environmental, and social objectives in accordance with the Comprehensive Plan and other plans and policies. Redevelopment often brings with it the need to provide exceptions from the regulations but to also make sure that the Village is receiving public benefit in return for providing those exceptions by requiring additional compensating benefits to the residents in that area or to the community as a whole. Prior to proposing a compensating benefit, the applicant is required to consult with Village staff and other public entities, as deemed necessary by the Village. The following is a non-exclusive list of examples of design elements and amenities that may be considered compensating benefits:

1. The provision of community amenities for public use, such as plazas, malls, formal gardens, places to congregate, outdoor seating, and pedestrian facilities;
2. The preservation of existing historic features;
3. The dedication and provision of public open space and public recreational amenities, such as recreational open space, including accessory buildings, jogging trails, playgrounds, and similar recreational facilities;
4. The adaptive reuse of existing buildings;

- 5. The provision of public car and/or bike share facilities;**
- 6. The provision of off-street public parking spaces;**
- 7. The provision of affordable housing units;**
- 8. The incorporation of building and site elements that enhance the environment and increase sustainability; and**
- 9. The provision of uses, spaces, or infrastructure that provide a benefit to the public and which there is a demonstrated public need.**

Section ~~17.58.120~~ 17.58.130 Amendments to planned developments

- A. Recorded approved plans control development. The planned development shall be developed only according to the approved and recorded final plans. The recorded final plan, together with all recorded amendments, shall be binding on the applicants, their successors, grantees and assigns and shall limit and control the use of premises, including the internal use of buildings and structures, and the location of structures in the planned development as set forth therein.
- B. Major changes.
 1. Major changes defined. Changes that alter the concept or intent of the planned development; including changes in density, changes in the height of buildings, changes in use, changes of proposed open space, material changes to architectural design, material changes in the development schedule, changes in road standards, and changes in the final governing agreements, provisions, or covenants shall all be considered major changes to the approved plan.
 2. Procedure for major changes. An applicant seeking a major change shall seek an amendment to the final plan by submitting a new preliminary plan and supporting data and following the procedures for preliminary approval, as established in Section 17.58.070 of this chapter. Major changes to an approved final plan may be granted only by the Village Council pursuant to an ordinance approving the amended plan.
- C. Minor Changes.
 1. Minor changes defined. Minor changes are defined as any change to an approved plan that is not defined as a major change and that does not change the concept or intent of the development.
 2. Procedure for minor changes. A proposed minor change to an approved planned development may be presented directly to the Village Council for consideration. The Village Council may approve minor changes in the planned development without further proceedings, provided it finds that the proposed change does not change the concept or intent of the development.