

CITY OF HIGHLAND PARK

ORDINANCE NO. O27-2021

AN ORDINANCE AMENDING ARTICLE XVIII OF THE "CITY OF HIGHLAND PARK ZONING ORDINANCE OF 1997," AS AMENDED, REGARDING STORMWATER MANAGEMENT, WETLANDS PROTECTION, AND FLOOD PLAIN REGULATION

WHEREAS, in 1992, the County of Lake, pursuant to the powers granted to it by 55 ILCS 5/5-1062, adopted the Lake County Watershed Development Ordinance, establishing rules and regulations for floodplain and stormwater management throughout the County of Lake and superseding any less restrictive municipal rules and regulations therein ("**WDO**"); and

WHEREAS, in 1997, the City Council adopted the WDO, with modifications, as Article XVIII of the "City of Highland Park Zoning Ordinance of 1997," as amended ("**Zoning Code**"); and

WHEREAS, since the adoption of the WDO by the City in 1997, the County of Lake has amended the WDO on multiple occasions, most recently on October 13, 2020; and

WHEREAS, the City desires to amend Article XVIII of the Zoning Code to reflect the October 13, 2020 amendments to the WDO; and

WHEREAS, the City Council has determined that adoption of the amendments set forth in this Ordinance will serve and be in the best interests of the City and its residents;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HIGHLAND PARK, LAKE COUNTY, ILLINOIS, as follows:

SECTION ONE: **RECITALS.** The foregoing recitals are incorporated into, and made a part of, this Ordinance as the findings of the City Council.

SECTION TWO: **ADOPTION OF WDO.** Section 150.1801, titled "Lake County Watershed Development Ordinance Adopted by Reference," of Article XVIII, titled "Stormwater Management, Wetlands Protection, and Flood Plain Regulation," of the Zoning Code is hereby amended further to read as follows:

"Sec. 150.1801 Lake County Watershed Development Ordinance Adopted by Reference.

For the purpose of establishing rules and regulations for

Additions are bold and double-underlined; ~~deletions are struck through.~~

stormwater management, wetlands protection, and flood regulation, the Lake County Watershed Development Ordinance ("WDO"), as most recently amended by the County of Lake on ~~October 13, 2015~~ **October 13, 2020**, is hereby adopted, and by this reference, incorporated as if fully set forth herein, with the exception of such portions as are expressly deleted or amended pursuant to Section 150.1805 of this Chapter."

SECTION THREE: LOCAL AMENDMENTS TO WDO. Section 150.1805, titled "Amendments to the Watershed Development Ordinance," of Article XVIII, titled "Stormwater Management, Wetlands Protection, and Flood Plain Regulation," of the Zoning Code is hereby amended further to read as follows:

"Sec. 150.1805 Amendments to the Watershed Development Ordinance.

The following amendments to the WDO shall control whenever a conflict arises between the amendments set forth in this Section and the provisions of the WDO, as most recently amended by the County of Lake on ~~October 13, 2015~~ **October 13, 2020**:

(A) Section 300.06.C of the WDO shall be amended to read as follows:

300.06Includes the total land area of an ownership parcel that results in:

* * *

C. An impervious surface area ratio of 50 percent or greater, unless the total impervious surface area is less than 16,000 square feet."

* * *

(B) Section 508.06 of the WDO shall be deleted in its entirety.

(C) Sections 700.02.A and 700.02.B of the WDO shall be amended to read as follows:

700.02The BFE shall be delineated by the 100-year flood profiles, as indicated on the floodplain studies noted below:

A. City Regulatory Floodplain profiles, approved by the City for regulatory use, are established by:

1. The Skokie River 100-year Flood Elevation, as established by Epstein Engineering Inc. and adopted by Ordinance 57-90 on December 10, 1990; and

2. The Middle Fork North Branch Chicago River 100-year Floodplain Report from Hydrocomp International, titled "Simulation of Discharge and Stage Frequency for Floodplain Mapping in the North Branch of the Chicago River," dated February 1971 and approved by P. Dittmar on December 7, 1973.

B. Should no City-approved Regulatory Floodplain profile exist for the site, SMC Regulatory Floodplain profiles, approved by the SMC for regulatory use after a 60-day public review and comment period and accepted by IDNR/OWR and FEMA for SMC regulatory use, as listed on the SMC website.

(D) Section 706 of the WDO shall be amended to add the following Subparagraph 706.07:

706.07 No structure other than a fence shall be built within 125 feet of the center line of the channel of the East Fork (Skokie River) and/or the Middle Fork of the North Branch of the Chicago River, or the Regulatory Floodway, whichever is greater. No such fence shall not be located in the floodway nor be constructed to restrict the passage of water.

(E) Section 1400.01 of the WDO shall be amended to read as follows:

1400.01 Any permit applicant aggrieved by the denial or conditions of a Watershed Development Permit, Earth Change Approval, Conditional Approval, or Variance by a Certified Community's Enforcement Officer may request review thereof by the City Council within 30 days after the disputed act or actions; provided, however, that in the event

that (a) the request for a variance is limited to a reduction of the FPE to a lesser elevation, and (b) the requested variance satisfies the conditions set forth in Section 1300.04 of the WDO, then, upon recommendation of the Enforcement Officer, the City Manager may grant such variance without a hearing being held before the City Council.

(F) Section 602 of the WDO shall be amended to read as follows:

The Enforcement Officer may set turbidity or total suspended solids limits for development sites that discharge to Waters of the United States, Isolated Waters of Lake County or their buffers or that are in close proximity to the above, as determined by the Enforcement Officer. These standards shall apply to development site construction up to the point of permanent site stabilization as determined by the Enforcement Officer.

(G) Section 509.04 of the WDO shall be deleted in its entirety."

SECTION FOUR: PUBLICATION. The City Clerk is hereby directed to publish this Ordinance in pamphlet form pursuant to the Statutes of the State of Illinois.

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

[SIGNATURE PAGE FOLLOWS]

AYES: Mayor Rotering, Councilman Stolberg, Councilwoman Stone, Councilmen Kaufman, Blumberg, Knobel, Holleman

NAYS: None

PASSED: March 15, 2021

ADOPTED: March 15, 2021

PUBLISHED IN PAMPHLET FORM: March 16, 2021

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Nancy R. Rotering, Mayor

ATTEST:

Ghida S. Neukirch, City Clerk