

ORDINANCE NO. 2013-13-3343

AN ORDINANCE AMENDING CHAPTER 9  
OF THE GLENCOE VILLAGE CODE TO  
REGULATE STEEP SLOPE AREAS

ADOPTED BY THE  
BOARD OF TRUSTEES  
OF THE  
VILLAGE OF GLENCOE  
THIS 18<sup>TH</sup> DAY OF APRIL 2013

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of Glencoe, Cook County, Illinois this 18<sup>th</sup> day of April 2013.

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**VILLAGE OF GLENCOE**

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**AN ORDINANCE AMENDING CHAPTER 9  
OF THE GLENCOE VILLAGE CODE TO  
REGULATE STEEP SLOPE AREAS**

**WHEREAS**, the Village of Glencoe enjoys an abundance of bluff and ravine areas that contribute to the character of the Village and play important functions in the overall drainage system serving the Village and its residents; and

**WHEREAS**, bluffs and ravines are critical parts of the overall ecology of the Village and are susceptible to degradation and movement that could threaten nearby properties and their improvements, as well as the functionality of the bluffs and ravines for drainage purposes; and

**WHEREAS**, in order to protect bluff and ravine areas in the Village, the Village staff has developed certain procedures and other measures in connection with developments affecting or likely to affect bluffs and ravines; and

**WHEREAS**, in order to protect the bluffs and ravines within the Village, the Plan Commission has recommended that measures be formalized by ordinance; and

**WHEREAS**, to that end, the Plan Commission has undertaken an extensive review of various regulatory approaches that would protect both the bluff and ravine areas and individual property rights; and

**WHEREAS**, the President and Board of Trustees of the Village, having considered the recommendations of the Plan Commission and otherwise being fully advised in the premises, have determined that it is in the best interests of the Village and its residents to amend Chapter 9 of the Village Code as hereinafter set forth;

**NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLENCOE, COUNTY OF COOK, STATE OF ILLINOIS**, as follows:

**SECTION 1: Recitals.** The foregoing recitals are hereby incorporated into and made a part of this Ordinance as if fully set forth.

**SECTION 2: Amendment.** Chapter 9, entitled "Building and Construction," of the Glencoe Village Code is hereby amended by adding a new Article XV to such Chapter 9, which new Article XV shall hereafter be and read as follows:

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Article XV  
Steep Slope Regulations

Sec. 9-110. Introduction.

The topography of the Village of Glencoe is characterized by an abundance of ravines and bluffs. These are valuable land resources that should be protected. Bluffs and ravines play a central role in the management of storm water throughout the Village; they are also ecologically fragile and inherently unstable. Their proper care and maintenance are important to avoid degradation that could adversely affect the entire community.

Steep slope areas may contain sediment, rock, and soils (a) that are natural features subject to erosion, surface and subsurface movement of water, and other destabilizing forces, and (b) whose stability is affected by the quality and root structure of natural ground cover. Regulating proposed development according to the natural characteristics of steep slope terrain, such as degree of sloping, significant vegetation, soil stability, and existing drainage patterns will allow for development on top of steep slope areas, including bluffs and ravines, while minimizing the physical impact of such development. The public interest will be served by protecting people and property from the potentially hazardous geological and hydrological conditions characteristic of ravine and bluff areas.

Sec. 9-111. Statement of Purpose; Applicability.

A. The purpose of this Article is to regulate development along or near steep slope areas to protect slope stability and overall drainage and water management in the Village. The purpose of this Article is not to regulate for aesthetic or habitat preservation purposes; rather, the purpose is to prevent erosion of ravines and bluffs by regulating and managing Steep Slopes for purposes of protecting the public health, safety, and welfare. This Article protects people and property from the potentially hazardous geological and hydrological conditions characteristic of ravine and bluff areas and further recognizes that maintenance of stable ecological relationships minimizes environmental degradation of the land and Lake Michigan. Due to improper and unnecessary development within these sensitive areas, conditions are created that jeopardize life, property, and the natural ecosystem. It is the intent of this Article to establish appropriate controls. All land use and development on, within, and adjacent to the Steep Slope is controlled by this Article.

While this Article provides for the reasonable use of steep slope areas and related lands, it does so while protecting the public health, safety, and welfare by:

- (1) Discouraging development that threatens the stability of steeply sloped terrain.
- (2) Encouraging appropriate engineering technology to result in stable slopes during and subsequent to development;

- (3) Encouraging building techniques that increase slope stability;
- (4) Reducing uncontrolled storm water runoff, soil erosion, and mud slides by minimizing grading, encouraging the preservation of trees and other vegetation, and, where necessary, requiring revegetation;
- (5) Permitting development that is compatible with the natural characteristics of steep slope terrain, such as degree of sloping, soil suitability, and existing natural and man-made drainage patterns;
- (6) Preserving the ravine and bluff environment through the retention of dominant steep slopes and ridges in their natural state; and
- (7) Reducing the physical impact on steep slopes by encouraging innovative site and architectural design, minimizing grading, and requiring restoration of graded areas.

B. Applicability: This Article only applies to properties that include or are adjacent to a bluff along Lake Michigan or a ravine.

#### Sec. 9-112. Definitions.

When used in this Article, the following terms shall have the meanings herein ascribed to them, unless the context clearly requires otherwise:

*Bluff*: An elevated segment of the Lake Michigan shoreline above the beach which normally has a precipitous front inclining steeply on the lakeward side.

*Cantilever*: Any portion of a principal structure that extends laterally beyond the foundation that supports it.

*Director of Public Works or Director*: The Village of Glencoe's Director of Public Works or his/her appointed designee.

*Development*: Any man-made change (other than maintenance of existing structures, paved areas, or utilities) to improved or unimproved real estate, including without limitation the construction or installation of new, or enlargement or demolition of existing, structures, paved areas, or utilities; dredging, filling, drilling, mining, grading, paving, or excavation operations; and open storage of equipment or materials.

*Ravine*: A deep gully or gorge worn by the flow of water to Lake Michigan.

*Slope Impact Area*: For a lot that includes or is adjacent to a bluff or ravine, that portion of the lot lying between:

- (a) The toe line of such bluff or ravine, and

(b) The line representing the intersection of the Table Land (or if no such intersection, the Table Land extended) of such lot with a 22 degree slope (2.5H:1V ratio) extending upward from the toe of bluff or ravine. For any lot that lacks Table Land, for the purpose identifying the Slope Impact Area, the Director shall utilize the horizontal projection of the street line of the lot as the Table Land.

In addition, the slope impact area also includes the area of the lot where the slope of the lot is steeper than 5.7 degrees (10H:1V ratio).

*Steep Slope Line:* A line representing the intersection of the Table Land (or if no such intersection exists, the Table Land extended) with a 27 degree slope (2H:1V) extended upward from the toe of a bluff or ravine. For any lot that lacks Table Land, for the purpose identifying the steep slope line, the Director shall utilize the horizontal projection of the street line of the lot as the Table Land.

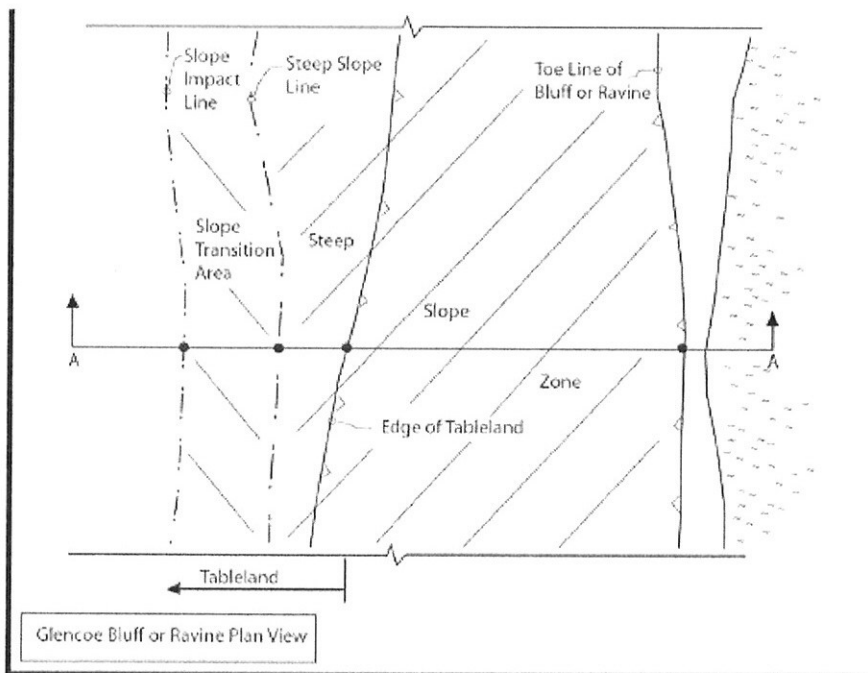
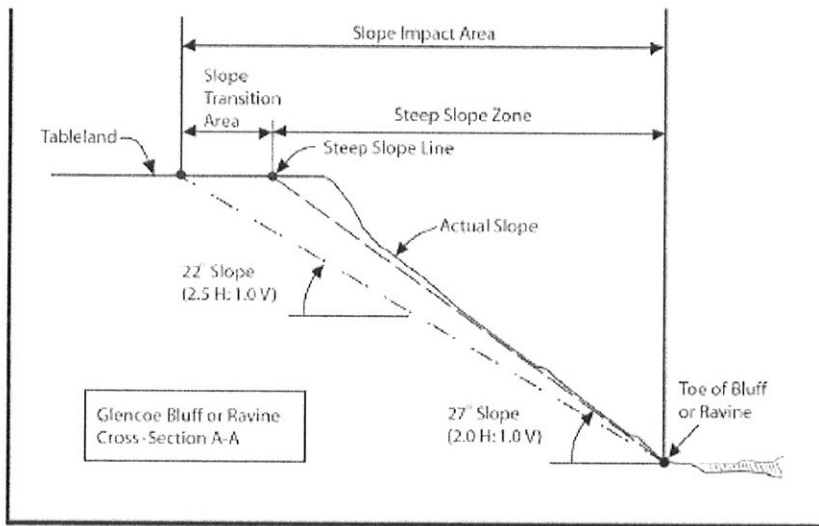
*Steep Slope Zone:* That portion of the Slope Impact Area of a lot that lies between the steep slope line and the toe line.

*Slope Transition Area:* That portion of the Slope Impact Area of a lot lying outside the Steep Slope Zone.

*Street line:* the street line as defined in the zoning code.

*Table Land:* Land at the top of a bluff or ravine where the slope is less than a 5.7 degree slope (10H:1V ratio)

*Toe or Toe Line of Bluff and Ravine:* The toe of the ravine or bluff slope is that point in the ravine or bluff where the slope is less than a 5.7 degree slope (10H:1V) or where the slope reverses direction. On compound slopes where there may be more than one possible toe location, the controlling point shall be whichever toe that provides the greatest slope impact area. In plan view, the toe of bluff or ravine is depicted as continuous line, and is referred to as the toe line.



Sec. 9-113. Development in Slope Transition Area.

Any development that is otherwise authorized under the codes, ordinances, and regulations of the village may occur in the Slope Transition Area, but only upon the Director's review and approval of an application therefor pursuant to this Article. In addition, any structure or addition that meets all applicable zoning requirements may be built in the Slope Transition Area upon obtaining the necessary permits pursuant to Section 9-116 and provided that the structure and construction techniques adhere to the Development Standards in Section 9-115.

In addition, retaining walls and other structures which are necessary for slope stabilization may be constructed in the Slope Transition Area in the manner approved by the Director of Public Works and in accordance with the following additional standards:

- (a) Retaining walls shall not be used to increase table land.
- (b) Retaining walls shall not be used to create a shelf or other table area within the Slope Transition Area.
- (c) Backfilling of a retaining wall is allowed only as necessary for slope stabilization.

Sec. 9-114. Development in the Steep Slope Zone.

Any development that is otherwise authorized under the codes, ordinances, and regulations of the village may occur in the Steep Slope Zone, but only upon the Director's review and approval of an application therefor pursuant to this Article; provided, however, that within the Steep Slope Zone, only the following structures may be constructed:

- (a) Retaining walls and other structures that are necessary for slope stabilization may be constructed in the Steep Slope Zone in the manner approved by the Director and in accordance with the following additional standards:
  - (1) Retaining walls shall not be used to increase table land.
  - (2) Retaining walls shall not be used to create a shelf or other table area within the Steep Slope Zone.
  - (3) Backfilling of a retaining wall is allowed only as necessary for slope stabilization.
- (b) Structures on the exact foundation of a previously existing structure may be rebuilt, provided that the rebuilt or remodeled structure (i) does not extend beyond the previous foundation within the Steep Slope Zone, and (ii) is undertaken pursuant to sealed plans of an architect or structural



engineer certifying that the existing foundation (with appropriate engineering modifications, if any) will support the rebuilt or remodeled structure without material adverse impact on the Steep Slope Zone.

- (c) Cantilevering of structures over the Steep Slope Zone. Cantilevering accessory building elements (such as second floor balconies) not exceeding 4' horizontal over a Steep Slope Zone is permitted unless otherwise limited by code. In addition, such cantilevering cannot block natural sunlight or alter natural stormwater drainage in such a way to jeopardize slope stability.
- (d) Mechanical or electrical lifts, bridges, decks, walkways, steps, and/or fences which do not obstruct the flow of light and water, and utility service lines, provided that:
  - (1) Such structures conform to the provisions of this Article; and
  - (2) Stairs constructed in the Steep Slope Zone shall be no greater than five feet in width. Stair landings constructed in the Steep Slope Zone shall be no larger than 50 square feet. Stair landings for the purpose of this article are defined as an intermediate platform on a flight of stairs, greater than 10 square feet, constructed for the purpose of allowing a change in stair direction down the Steep Slope Zone and/or to break up 10 or more stair steps.
- (e) Decks can be no larger than 50 square feet unless applicant provides exceptional engineering, including stormwater management and vegetation, so that such deck will not jeopardize slope stability.
- (f) Fences, provided that all fences must comply with all applicable Village codes, ordinances, and regulations, including without limitation Chapter 9, Article 11 of the Village Code.
- (g) Boat houses, provided that the Director has determined that the boat house structure as proposed will not adversely impact the stability of the property or adjacent property.

#### Sec. 9-115. Development Standards.

- (a) Any application for development in the Slope Impact Area shall be reviewed by the Director, who will consider such application in light of the standards of this Section relating to landscape planning, soil mechanics engineering, hydrology, geology, environmental design, and architecture. It is recognized, however, that each Slope Impact Area has unique characteristics and encounters different dynamics affecting its stability and preservation. As a result, the Director may determine for any application that certain of the following standards may not apply in whole or in part to such application so long as the Director determines that the application for development in its

totality satisfies the purposes of this Article to a substantial degree without creating an economic hardship as provided in Section 9-119 of this Article.

(b) The standards applicable to development in a Slope Impact Area are as follows:

(1) Safety Control of Steep Slopes

- (A) The development will not jeopardize slope stability on the subject site or neighboring properties.
- (B) Except as necessary for an approved development, no filling, grading, and earth moving shall be occur in a Slope Impact Area.
- (C) Whenever there is construction upon any property that includes or is adjacent to a Steep Slope Zone, a fence will be erected temporarily along the top edge of the Steep Slope Zone, during any construction and/or demolition activity upon such property.

(2) Construction Techniques

All proposed structures shall have foundations designed in a manner consistent with sound engineering and geological principles. In addition, the following techniques shall be employed to enhance stabilization of the ravine or bluff:

- (A) Planning the development to recognize and fit the natural topography, soils, geology, hydrology, and other existing conditions on the proposed sites;
- (B) Orienting development so that filling, grading, and earth moving, landscaping and other site preparation is kept to an absolute minimum;
- (C) Preserving and enhancing the landscape through minimized disruption of natural terrain and existing vegetation;
- (D) Minimizing disruption or alteration of natural drainage ways;
- (E) Minimizing the time during which areas are bare and exposed;
- (F) Designing and properly locating structures so that structure's weight does not negatively impact slope stability; and
- (G) Considering the effect of undercutting at the base of a Slope Impact Area caused by wave action, storm water flow, erosion, and/or channel changes.

(3) Hydrological Controls.

- (A) Natural Channels. Natural drainage ways shall be preserved to the maximum extent possible.
- (B) Controlled Runoff. Concentrated runoff from impervious surfaces shall be collected and transported in a pipe or other approved manner to a municipal storm sewer system, if available.
- (C) Water Discharge into Steep Slope. Whenever stormwater is transported across a property for discharge into a Steep Slope Zone, the conveyance pipes shall be of non-segmented (continuous sections of minimum 100 ft.) pipe material, which shall be installed below ground by directional boring where possible.
- (D) Trenching. No pipe shall be installed within a Steep Slope Zone by excavating a trench unless such trench is approved by the Director of Public Works.
- (E) Pipe Materials. Flexible corrugated pipes shall not be used within a Slope Impact Area unless directional boring is found to be infeasible in the sole determination of the Director.
- (F) Interceptor Ditches. When required by the Director pursuant to sound professional engineering principles, interceptor ditches shall be established above steep slopes in order that soil shall not become saturated and the intercepted water shall be conveyed in a pipe or other approved manner to a municipal storm sewer system, if available, or to the bottom of ravine or bluff slopes in a manner designed to prevent erosion.
- (G) Discharge Point Stabilization. Natural drainage ways shall be stabilized by landscape integration and rip-rap or other means consistent with sound professional engineering practice, to a distance below drainage and culvert discharge points sufficient to convey the discharge without channel erosion and in such a manner as to dissipate the energy of the discharge as approved by the Director of Public Works.
- (H) Energy Dissipater. All outflow from a stormwater conveyance pipe must discharge into an energy dissipater.
- (I) Early Completion. The overall drainage system shall be completed and made operational at the earliest possible time during construction, the schedule of which shall be approved by the Director of Public Works.

(J) Impact on Adjacent Property. The natural or usual flow of surface or subsurface water shall not be altered or obstructed in any way by grade changes that may adversely affect the property of another by contributing either to pooling or collection of waters or to the concentration or intensification of surface water discharge. However, development which might otherwise be prohibited hereinabove may be allowed if such waters are properly drained by a pipe or other approved manner to a municipal storm sewer system, if available, or to the bottom of ravine or bluff slopes. All grade changes shall comply with Chapter 9, Article XIII of the Village Code.

(4) Vegetation and Revegetation.

(A) Natural Vegetation. Every effort shall be made to maintain natural vegetation in the Slope Impact Area.

(B) Smallest Area. At all times, the smallest practical area of raw soil shall be exposed for as short a duration of time as practical. When required by the Director pursuant to sound professional engineering principles, temporary vegetation or other acceptable cover shall be used to protect areas of raw soil exposed during development and to prevent airborne or waterborne transportation of soil.

(C) Revegetation. A mixed planting of perennial and woody species is recommended for use in the Slope Impact Areas disturbed by development.

(D) Erosion Control Mat. Temporary erosion control matting properly staked and trenched shall be provided over raw soil areas until new vegetation is established.

(5) Filling, Grading, and Earth Moving.

(A) Minimum Alterations. Filling, grading, and earth moving shall be limited to the minimum required for building foundations, driveways, drainage control structures, and immediate yard areas. With the exception of restoration efforts, substantial filling, grading, and earth moving shall not be permitted and is prohibited.

(B) Erosion Control. All filling, grading, and earth moving shall be accomplished in a manner that will create the lowest possible potential for airborne or waterborne transportation of soil.

(C) Soil Fill in Steep Slope Zone. All fill in Steep Slope Zone is prohibited, other than back-fill which is determined by the Director of Public Works to be necessary for slope stabilization.

- (D) Soil Fill on Table land. In conformance with generally accepted engineering standards, all fill on table land shall be stabilized to at least ninety (90) percent of maximum dry density as determined in ASTM procedure D-1557 or equivalent.
- (E) Prompt Completion. All filling, grading, and earth moving shall be accomplished in the shortest practical period of time, the schedule of which shall be approved by the Director of Public Works. All excavated material shall be removed from the Slope Impact Area and no temporary or permanent material storage shall be permitted within the Slope Impact Area. No existing natural vegetation shall be destroyed, removed or disturbed prior to the initiation of development activities.

Sec. 9-116. Required Plans and Permits.

- (a) Required Plans. Any development or other activity in the Slope Impact Area requiring a permit pursuant to the Village Code and applicable regulations shall be accompanied by the following plans and reports which must be submitted to and approved by the Director of Public Works prior to issuance of any permit or commencement of the proposed development.
  - (1) Means and Methods of Construction. Because work to be performed in the Slope Impact Area may have adverse impacts on steep slopes, all permit applications shall contain a written description of the proposed means and methods of accomplishing such work (including without limitation the sequencing and timing of work, the equipment to be used, interim protective measures, and activities to monitor potential adverse impacts on the Slope Impact Area), which means and methods shall be designed to minimize slope damage. Upon approval of the permit by the Director, such approved written description shall be the enforceable means and method of the authorized development activities.
  - (2) Professional Engineering. All structures within Slope Impact Areas shall be designed by a licensed structural engineer or geotechnical engineer and must bear the engineers license seal on submitted drawings and specifications satisfying good engineering practices and the standards of this Article, unless the Director otherwise waives in writing this requirement.
  - (3) Subsoil Investigation. Every application for a development permit in the Slope Impact Area shall be accompanied by a report, prepared by a licensed professional civil engineer or structural engineer trained and experienced in the practice of geotechnical engineering, which report shall include the following:

- (A) Soil Types and Subsurface Materials. A description (the result of a thorough subsurface investigation using techniques such as borings, test pits, site tests, laboratory tests, or other procedures performed to a depth sufficient to determine foundation conditions for the proposed construction) of the soil and subsurface materials found on the subject site (with particular emphasis on the area to be impacted by the proposed development) to a depth extending below any proposed excavation as well as the engineering properties of the subsurface soil materials.
  - (B) Observations. A description of existing observable slide areas, scarps, tension cracks, eroded areas, leaning trees, etc.
  - (C) History. A historical review of bluff or ravine stability considering owner photographs, previous reports and topographic surveys; air photos, Corps of Engineers' studies, Village of Glencoe information, etc.
  - (D) Drainage. A description of surface patterns of water flow and seeps as well as indication of the presence or absence of permeable zones in underlying soils.
  - (E) Stability. A geotechnical stability analysis of the slope and structure with factors of safety calculated for the existing and proposed conditions by a method that satisfies both force and moment equilibrium for long-term and short-term soil strength parameters.
  - (F) External Influences. A description of any existing or anticipated problems from undercutting at the base of a Slope Impact Area caused by wave action, ravine flows, erosion, or channel changes.
  - (G) Absence of Special Hazards. An opinion that the soil types, soil stability, subsurface hydrology, and external influences affecting the site will not cause any significant hazards for the proposed use; or if they may cause such hazards, an opinion that such hazards can be overcome, together with a reasonably detailed description of how it is proposed to overcome them.
- (4) Grading Plan. In addition to any other permit requirements, each application for a permit involving development under this Article shall be accompanied by a Grading Plan, which plan shall include the following:
- (A) A topographic survey, showing property contours at one foot intervals for tableland and five (5) foot intervals for steep slopes, including special notes and details of the existing terrain;

- (B) Proposed filling, grading, and earth moving details, including the dimensions, elevations, and contours of any proposed filling, grading, and earth moving;
  - (C) A schedule of when each stage of the project will be completed, including the estimated starting and completion dates; and
  - (D) A provision requiring the placement of a temporary fence on the table land at the top edge of Steep Slope Zone until construction is completed.
- (5) Hydrological Control Plan. Applications for any development permits shall include a plan for intercepting and containing drainage at the site and from the structure.
- (6) Vegetation Plan. A vegetation plan, subject to the Tree Removal provisions of this Code (and particularly Article III of Chapter 34), shall be submitted with each application for a development permit, which plan shall include the following:
- (A) A description of proposed revegetation of disturbed areas, specifying the materials to be used;
  - (B) A written description detailing methods of slope stabilization and revegetation, together with the rationale for selecting the plant materials and planting techniques proposed to be used; and
  - (C) A timetable and sequencing program for implementing the vegetative plan.
- (7) Additional Submittals; Waivers. The Director of Public Works may require additional plans as needed for review. The Director of Public Works may release an applicant from any element of the aforementioned plan submittals to the extent that the Director determines that such element(s) will not materially assist in the evaluation of the proposed action's impact on slope stability.
- (b) Permit Issuance; Terms. Each permit application for development shall be made in compliance with the Building Code, the Zoning Ordinance, other applicable codes, ordinances, or regulations, including this Article. The seal of an Illinois licensed Structural or Geotechnical Engineer shall appear on all plans and specifications included as part of a permit application. Upon the Director determining that an application satisfies the requirements of this Article, the Director shall cause a permit to be issued for development within the Slope Impact Area. The following provisions are to be imprinted upon each permit issued for any development activities authorized by the

administration of this Article and (whether so imprinted or not) shall be incorporated into and made a part of any such permit:

- (1) Limited Obligation. Compliance with the procedures of this Article and the issuance of any related permits shall not be construed to impose any legal or other obligation upon the Village of Glencoe or its elected or appointed officials, employees, agents, attorneys, or representatives. Any permit issued pursuant to this Article is for the benefit of the public and not for the benefit of any individual.
  - (2) Civil Claims. Compliance with the procedures of this Article and the issuance of related permits shall not relieve the permittee and the property owner from civil liability claims.
  - (3) Endorsement. Compliance with the procedures of this Article and the issuance of related permits do not imply approval of the need for, or the benefit or efficacy of, the proposed development; nor does it constitute any assertion that the proposed development will not result in damage to the property in question or to adjoining property.
  - (4) Closing Report. A licensed professional structural engineer or geotechnical engineer must inspect all work in the Steep Slope Zone while in progress and, upon completion of the work, deliver to the Director a written report bearing the engineer's license seal, stating that all development is in accordance with the approved plan and specifications for the project. Such a report must be delivered prior to the Village's final inspection, acceptance, and closing of the project.
- (c) Special Terms. In connection with the issuance of a permit pursuant to this Article, the Director may impose special conditions as deemed necessary to ensure the effectiveness of plans for development on a property, and to protect the long-term stability of a bluff or ravine, or otherwise to notify future owners of the bluff or ravine conditions of such property.

Sec. 9-117 Stability of the Steep Slopes.

- (a) General.
  - (1) In order to provide for long-term slope stability and to prevent failure of slope stability that may adversely impact neighboring properties, all property owners whose property includes or is adjacent to a Slope Impact Area are required to comply with the provisions of this Article.
  - (2) Any development within the Slope Impact Area must meet all plan submittal requirements in accordance with this Article.



- (3) Private Storm drainage lines conveying storm water runoff either to a public storm sewer or to the ravine channel or the toe of the bluff shall be maintained by the owner thereof. Private drainage lines which leak water onto the surface of a steep slope must be repaired within thirty (30) days of notification by the Village.
  - (4) Intentional depositing of lawn waste or other natural or man-made debris which may damage underlying vegetation or impede the free flow of water through channels within a Slope Impact Area shall be prohibited.
  - (5) Any tree removal within the Slope Impact Area shall be in accordance with the Article III of Chapter 34 (Tree Preservation) of this Code and the provisions of this Article.
  - (6) No swimming pool discharge (emptying) shall be directed toward or directly discharged into a Slope Impact Area.
- (b) Maintenance and Upkeep.
- (1) Any authorized structure in the Slope Impact Area may be repaired, maintained, or altered but only in compliance with the Village Code and Zoning Code.
  - (2) Landscape maintenance or routine arboreal activities may be undertaken in the Slope Impact Area.
- (c) Restoration. All governmental entities, private property owners, and all other private entities having authorized access to ravine or bluff steep slopes and engaged in the maintenance, repair, or construction of utilities or other structures within a Slope Impact Area, or engaged in any modifications to a steep slope, shall adhere to the applicable provisions of the Village Code, including this Article, utilizing best management practices.
- (d) Emergency Activities. Nothing in this article shall prevent the Village from permitting development activities on an emergency basis when deemed necessary by the Director to remediate an unstable or insecure slope that presents an immediate threat to health, safety, and welfare, or stability of an authorized building.
- (1) Emergency development activity (including installation or construction of structures) shall only be permitted provided that the remedial action involves the least possible disruption of the natural features of the site as possible and is in conformance with the standards and policies of this Article.
  - (2) Emergency development activity (including installation or construction of structures) shall only be permitted to provide

remedial action that is the most reasonable action to address the emergency situation under the circumstances.

Sec. 9-118. Trees Removal in the Slope Impact Area.

- (a) All trees removed in the Slope Impact Area shall comply with Chapter 34 of the Village Code.
- (b) There may be cases when removal of a tree or tree stump may jeopardize slope stability. The Village Arborist shall review each tree permit in the Slope Impact Area to determine whether the proposed removal of the tree will jeopardize slope stability and whether the proposed removal of the tree is consistent with good forestry practices.
- (c) Tree replacement requirements shall be as set forth in Section 34-26 of the Village Code.

Sec. 9-119. Appeals of Director's Decisions.

- (a) Any determination of the Director of Public Works under this Article may be appealed to the Village Manager by filing a request for review in writing within 35 days after the Director issues his or her determination. Any decision of the Village Manager may be further appealed to the Board of Trustees of the Village by filing a request for review in writing within 35 days after the Manager issues his or her decision. The decision of the Board of Trustees will be final.
- (b) In reviewing the determination of the Director, the Village Manager or the Board of Trustees (as the case may be) will consider only whether the determination of the Director in applying the regulations of this Article imposes an unreasonable and undue economic hardship that materially limits the property owner from making reasonable use of such owner's property or otherwise imposes requirements which are unreasonably burdensome to the property owner given the benefits thereof to the Village. After receiving written submittals from the property owner and the Director (and after a hearing if the Manager or Board of Trustees determines that such a hearing will be instructive), a decision on such appeal must be issued in writing no more than 60 days after the delivery of the final submittal by the owner or Director or after the close of the hearing, whichever is later.
- (c) In considering an appeal under this Section, the Village Manager or Board of Trustees may reverse, affirm, or modify the determination of the Director, or remand the determination back to the Director for further consideration, with or without instructions.
- (d) The Village Manager or Board of Trustees may issue further procedural rules governing appeals under this Section.

Sec. 9-120. Zoning Variations.

Nothing in this Article is intended to limit the ability of an owner from seeking a variation from the otherwise applicable zoning regulations affecting such owner's property. To the extent that the regulations of this Article materially restrict the ability of a property to be developed or materially increase the cost of such development, the Zoning Board of Appeals may determine that the effects of this Article can, in appropriate circumstances, constitute a practical difficulty or unreasonable hardship.

Sec. 9-121. Enforcement and Penalties.

- (a) For any property affected by the provisions of this Article, the property owner, any developer, and their agents, employees, contractors, subcontractors, licensees, and invitees are each jointly and severally responsible for compliance with the terms of this Article.
- (b) In the event any violation of any provision of this Article occurs, the property owner shall be responsible for the violation, its correction, and for otherwise bringing the property into compliance with the terms of this Article. Such compliance may require restoration of the site as closely as possible to its original undisturbed condition, topography, and/or vegetation in order to eliminate the violation.
- (c) Whoever violates any provision of this Article, or who shall interfere with the enforcement of the same, shall be fined in an amount of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) per each violation of any section of this Article. Every day that a violation continues shall be deemed a separate punishable violation.
- (d) The Village shall have the right to issue a stop work order for any work that is performed in the Slope Impact Area either (i) without all permits that are required to this Article or (ii) in violation of the permits so issued.

Sec. 9-122. Corrective Measures.

In addition to the monetary penalties provided for herein, the Village may apply to a court of competent jurisdiction for an order against the parties responsible to re-establish or restore the grade, slope, stability, vegetation, and/or drainage systems of a Slope Impact Area in order to eliminate and/or prevent an adverse impact upon any adjacent or subservient property, and for such other and further relief as may be appropriate in the circumstances.

Sec. 9-123. Administration; Fees; Conflicting Regulations.

- (a) Except as otherwise provided, the Director is hereby authorized and directed to prepare any necessary or desirable forms, practices, and procedures in order to implement the provisions of this Article.

- (b) As part of any application, and as a condition of any permit, an applicant shall be required to pay all fees and charges due under this Article. The Village Board may from time-to-time establish and publish application, permit, and inspection fees in furtherance of the administration of this Article. To the extent that the Village incurs third-party expenses in connection with the administration of this Article with respect to a particular application, such third-party expenses shall be additional fees chargeable to such application.
- (c) To the extent that there are conflicting regulations in the Village's building code or elsewhere in the Village Code, the provisions of this Article shall control.

Section 9-124. Effective Date.

Nothing in this Article shall be applied to prevent the completion, in accordance with previously issued permits or approvals, of any development that has received all required permits and approvals prior to April 18, 2013, provided that such development is completed in compliance with all such permits, approvals, and other requirements of law.

**SECTION 3: Amendment.** Chapter 9, entitled "Building and Construction," of the Glencoe Village Code is hereby amended by adding the following with respect to Sections 9-108 and 9-109 of such Chapter 9, which shall hereafter be and read as follows:

Sections 9-108 through 9-109. Reserved.

**SECTION 4: Effective Date.** This Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED THIS 18<sup>TH</sup> DAY OF APRIL, 2013.


AYES: Cowans, Keefe and Levin (3)

NAYS: Hayek (1)

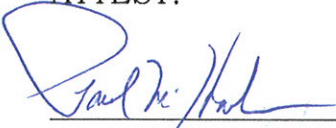
ABSTAIN: Solomon (1)

ABSENT: Bhote (1)

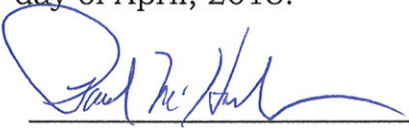
APPROVED THIS 18<sup>TH</sup> DAY OF APRIL, 2013.

  
\_\_\_\_\_  
Scott M. Feldman  
Village President


ATTEST:

  
\_\_\_\_\_  
Paul M. Harlow  
Village Clerk

Posted and Published in pamphlet form this 18<sup>th</sup> day of April, 2013.

  
\_\_\_\_\_  
Paul M. Harlow  
Village Clerk

Approved as to form.

  
\_\_\_\_\_  
Village Attorney