

ARTICLE XXII. LANDSCAPE PLANTING AND SCREENING

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Sec. 150.2201 Intent.

The Mayor and City Council recognize that the visual and environmental setting of the City has an effect upon the welfare of the citizens of Highland Park and that the promotion and control of landscaping can preserve and enhance the public health, safety and welfare of the City by: conserving natural resources; minimizing noise, air, water, wind, heat and visual pollution; preventing soil erosion; providing shade and pervious surface and other environmental benefits; promoting the pedestrian environment; improving the appearance of off-street parking and other vehicular use areas; minimizing the impact of dissimilar uses on adjacent or nearby properties; regulating the appearance of property abutting public right-of-ways; and protecting and preserving the appearance, character, and property values of the community. The standards set forth in this Article are not intended to inhibit or discourage innovative design proposals that may be beyond the scope of this Article. As the standards provide the minimal framework for landscape proposals, it is anticipated that they will foster and encourage creativity, innovation, and add to the natural beauty of Highland Park.

Sec. 150.2202 Scope.

The regulations of this Article shall govern the landscape planting and screening requirements for new construction, building expansions, vehicular use areas, perimeter landscape design, areas adjacent to waterways and Planned Unit Development detention and retention facilities, ground-mounted mechanical or utility equipment, refuse containers and ground signs, all in the manner as more specifically set forth in this Article. The regulations of this Article shall be in addition to the provisions of the City Code applicable to the exterior design of building sites and structures, including, without limitation, Article VIII of this Chapter and Chapters 93, 94, 173, and 176 of the City Code.

Sec. 150.2205 Approval Required.

(A) Exterior Building Construction and Expansions. All new construction, and all expansions of existing buildings or structures, that require Plan and Design Commission approval pursuant to Chapter 176 of the Code, shall also require approval of a Landscape Planting and Screening Plan in accordance with this Article, which Plan must, at a minimum, comply with the foundation landscaping requirements set forth in Section 150.2225 of this Article. (Ord. 59-15, passed 6/8/15)

(B) New or Expanded Off-Street Parking and Loading Facilities. All new and expanded off-street parking and loading facilities, except those facilities that serve lots improved exclusively with single-family residential structures, shall require approval of a Landscape Planting and Screening Plan in accordance with this Article, which Plan must, at a minimum, comply with the Vehicular Use Area landscaping requirements set forth in Section 150.2220 of this Article.

(C) Above-Ground Stormwater Detention And Retention Facilities; Waterways. Above-ground stormwater detention and retention facilities required pursuant to Article XVIII of this Chapter, and improvements to a lot that contains a waterway, shall require approval of a Landscape Planting and Screening Plan in accordance with this Article, which Plan must, at a minimum, comply with the buffering requirements set forth in Section 150.2235 of this Article.

(D) Ground Signs. The installation or relocation of a Ground Sign, as that term is defined in Article XX of this Chapter, shall require approval of a Landscape Planting and Screening Plan in accordance with this Article, which Plan must, at a minimum, comply with the landscape plantings requirements set forth in Section 150.2240 of this Article.

(E) Refuse Containers. The installation of refuse containers or enclosures, other than those permitted for use by single-family dwellings or placed and maintained for use of the general public to avoid littering, shall require approval of a Landscape Planting and Screening Plan in accordance with this Article, which Plan must, at a minimum, comply with the screening requirements set forth in Section 150.2245 of this Article.

(F) Ground-Mounted Mechanical or Utility Equipment. Installation of ground-mounted mechanical or utility equipment shall require approval of a Landscape Planting and Screening Plan in accordance with this Article, which Plan must, at a minimum, comply with the screening requirements set forth in Section 150.2250 of this Article.

Sec. 150.2210 Landscaping Planting and Screening Application.

(A) Application. An applicant for Landscape Planting and Screening Plan approval shall file an application therefor on a form provided by the City, which application shall include, without limitation, the following:

(1) A plat of survey or site plan, not smaller than 11" x 17"; and including, without limitation:

- (a) The location of existing and proposed buildings and structures;
- (b) All adjacent roadways, labeled with their commonly known names;
- (c) The location and type of all existing vegetation to be preserved;
- (d) The location of all trees to be removed; and
- (e) The location and materials of all site improvements, including, without limitation, berms (showing contours at one foot), walls, fences, screens, sculptures, fountains, outdoor furniture, lights, and paving areas and materials;

(2) A plant schedule, containing the botanical and common names, the quantity (required by this Article, and proposed by the applicant), and the size and time of planting of all proposed landscape materials; and

(3) Such other information as may be required by the Director of Community Development in his sole discretion.

(B) Landscape Planting and Screening Plan Specifications. All materials submitted pursuant to Section 150.2210(A) of this Article shall be dimensioned, drawn to scale, and shall include a north arrow.

Sec. 150.2215 Review of Application.

Within 30 days of receipt of a complete application for Landscape Planting and Screening Plan approval, in accordance with Section 150.2210 of this Article, the Director of Community Development shall either approve or reject the application, or shall refer it to the Plan and Design Commission, in accordance with this Section 150.2215. (Ord. 59-15, passed 6/8/15)

(A) Approval. Upon his determination that the application satisfies the standards and conditions set forth in this Article, the Director of Community Development shall issue a Certificate of Approval for the Landscape Planting and Screening Plan to the applicant.

(B) Referral for Variation. The Director of Community Development shall refer the application to the Plan and Design Commission in accordance with Section 150.2260(A)(1) of this Article upon his determination that: (Ord. 59-15, passed 6/8/15)

(1) The application fails to satisfy the standards and conditions set forth in this Article; and

(2) The Plan and Design Commission is authorized pursuant to Section 150.2260 of this Article to grant all variations necessary for approval of the submitted application. (Ord. 59-15, passed 6/8/15)

(C) Denial. The Director of Community Development shall deny an application for approval of a Landscape Planting and Screening Plan upon his determination that:

(1) The application contains any false, fraudulent or misleading material statement; or

(2) The application fails to satisfy the standards and conditions set forth in this Article in a manner for which the Plan and Design Commission is not authorized to grant a variation pursuant to Section 150.2260 of this Article. (Ord. 59-15, passed 6/8/15)

(D) The failure of the Director of Community Development to either approve or reject the Landscape Planting and Screening Plan, or to refer the Landscape Planting and Screening Plan to the Plan and Design Commission, within 30 days after his receipt of a complete application therefor, or such further time to which the applicant shall agree, shall be deemed to be a decision approving the Landscape Planting and Screening Plan. (Ord. 59-15, passed 6/8/15)

Sec. 150.2220 Vehicular Use Area Landscaping.

Vehicular Use Area landscape planting shall be required in accordance with the requirements set forth in this Section 150.2220.

(A) Vehicular Use Areas Adjacent to a Residential Zoning District. All lots that are improved with a Vehicular Use Area, of which any newly-constructed portion is located within 25 feet of a Residential District, shall be further improved with the following:

(1) A landscaped open space area abutting the perimeter of that newly-constructed portion of the Vehicular Use Area that is located within 25 feet of a Residential District, which landscaped open space area shall be not less than five feet in depth, exclusive of any vehicle overhang permitted pursuant to Section 150.2220(G) of this Article; and

(2) A solid fence or wall along those portions of all lot lines of the lot that are located within 25 feet of a Residential District and that abut a lot used for residential purposes, which fence or wall shall be constructed to the maximum height allowed pursuant to the provisions set forth in Chapter 173 of the Code.

(B) Vehicular Areas Adjacent to Streets.

(1) All lots that are improved with a Vehicular Use Area, of which any newly-constructed portion is located within 25 feet of a street, shall be further improved with a landscaped open space abutting the perimeter of that newly-constructed portion of the Vehicular Use Area that is located within 25 feet of a street, which landscaped open space area shall be of the following minimum depths:

(a) For lots located in the B3, HC, and I Zoning Districts, ten feet; and

(b) For lots located in all other Zoning Districts, five feet.

(2) Perimeter landscaped open space shall not be required along lot lines that are adjacent to alleys.

(C) Vehicular Use Area Interior Landscaping. The interior portions of all new Vehicular Use Areas that contain 12 or more parking spaces, and of all expansions of existing Vehicular Use Areas of 12 or more parking spaces, shall be improved with landscaping to be installed and maintained in accordance with the following provisions:

(1) Interior Landscaping Area.

(a) The following percentage of the interior portion of all Vehicular Use Areas shall be improved with landscaping:

Size of Vehicular Use Area	Percentage Required For Interior Landscaping
2,999 square feet or less	0%
3,000 to 4,999 square feet	5%
5,000-29,999 square feet	8%
30,000 square feet or greater	10%

(b) The required interior landscaping may include (i) areas dedicated to tree planting islands, and (ii) those portions of the lot that are not dedicated to perimeter landscaped open space and that are located no farther than five feet from the Vehicular Use Area.

(2) Tree Planting Islands. Tree planting islands shall be installed and maintained within all rows of 10 or more parking stalls, in accordance with the following provisions:

(a) No two tree planting islands shall be separated by more than 10 parking stalls.

(b) Tree planting islands shall be of a size not less than 180 square feet, and of a minimum width of eight and one-half feet, measured from front of curb to front of curb.

(c) One shade tree with a minimum trunk size of three caliper inches shall be installed in a tree planting island for each 180 square feet of the tree planting island. The remaining area of tree planting islands shall consist of grass or other living pervious ground cover.

(3) Design and Maintenance. All interior landscaping required pursuant to this Section 150.2220(C) shall be protected from vehicle encroachments

by curbs or wheel stops. All trees contained within the required interior landscaping shall be trimmed to assure that no tree limb or portion thereof extends below the level of six feet above grade.

(D) **Structured Parking.** Applications for Plan and Design Commission approval of a multi-level parking structure shall include a Landscape Planting and Screening plan with at least one landscape element integrated into the design of the structure, including but not limited to: perimeter planters, hanging baskets, flower boxes, planting trellises and/or rooftop gardens. At its discretion, the Plan and Design Commission may require: (i) the planting of vines at the base of the parking structure; (ii) the installation of perimeter planters on at least every other floor of a multi-level parking structure using natural ventilation; or (iii) the installation of perimeter planters on a rooftop used for parking. (Ord. 59-15, passed 6/8/15)

(E) **Location in Required Setbacks or Yards.** Plantings required pursuant to this Section 150.2220 shall be permitted in any required setback or yard.

(F) **Landscape Materials.**

(1) Except as otherwise provided in this Section 150.2220, all landscaping required pursuant to this Section 150.2220 shall be planted with a combination of shade and ornamental trees, evergreen trees, and shrubs.

(2) All areas that are required to be landscaped pursuant to this Section 150.2220 that are not planted with trees or shrubs shall be maintained with grass or other living pervious ground cover.

(G) **Vehicle Overhangs.**

(1) Any area in which vehicles are permitted to overhang pursuant to this Chapter shall be maintained as grass or other low ground cover.

(2) No vehicle overhang shall be permitted into any area required to be landscaped pursuant to this Section 150.2220.

(H) A working hose bib connected to an active water supply must be located within 100 feet of all perimeter landscaped open space areas required to be maintained pursuant to Sections 150.2220(A) and 150.2220(B) of this Article.

Sec. 150.2225 Foundation Landscaping.

(A) A minimum planting area of not less than five feet in depth shall be installed and maintained immediately adjacent to the foundation of all new, modified, and expanded buildings and structures that require Plan and Design Commission approval pursuant to Chapter 176 of the Code. (Ord. 59-15, passed 6/8/15)

(B) The foundation planting area required pursuant to Section 150.2225(A) of this Article may be interrupted, to the minimal extent possible, in the following circumstances:

(1) For building entryways, light wells, ground-mounted mechanical units, garage doors, loading docks, and drive aisles for drive-in facilities; and

(2) For the purpose of showcasing a unique architectural feature, upon approval of a variation thereof by the Plan and Design Commission pursuant to Section 150.2260 of this Article. (Ord. 59-15, passed 6/8/15)

(C) In circumstances in which a roof overhang prevents the adequate supply of water and sunlight to the required foundation planting area, the required planting shall be located within an area no farther than five feet from the outer edge of the roof overhang.

(D) Foundation planting areas shall be planted with a combination of shade and ornamental trees, evergreen trees, and shrubs.

(E) Notwithstanding any provision of this Section 150.225 to the contrary, foundation planting areas shall not be required if the required front, side, or rear yard of the lot is smaller than five feet in depth; except that as part of its review of the design of new construction or building modifications in these districts, the Plan and Design Commission may require the installation of one or more perimeter planters, hanging baskets, flower boxes, planting trellises, and/or rooftop gardens. (Ord. 59-15, passed 6/8/15)

Sec. 150.2230 Landscape Planting Quantities

(A) Shade trees, ornamental trees, evergreen trees and shrubs shall be planted throughout the required Vehicular Use Area and foundation landscaping area pursuant to Sections 150.2220 and 150.2225 of this Article in the following quantities:

Type of Tree/Shrub	Number of Trees/Shrubs Required	Size and Variety
Shade or Ornamental Trees	3 caliper inches for every 40 linear feet of the subject lot length or major fraction thereof (measured at the lot line).	Minimum of 3 caliper inches or 8' height at installation. No fewer than 3 types, no one type to exceed 50% of total.
Evergreen Trees	3 caliper inches for every 60 linear feet of the subject lot length or major fraction thereof (measured at the lot line), except for lot lines adjacent to streets.	Minimum of 3 caliper inches or 8' height at installation.
Shrubs	1 for every 5 linear feet of the subject lot length or major fraction thereof (measured at the lot line).	Minimum 24 inches in height at time of installation. No fewer than 3 types, no one type to exceed 50% of total.

(B) This Section 150.2230 shall not be deemed or interpreted as either imposing a minimum spacing requirement or prohibiting the clustering of plant material.

(C) The calculations required pursuant to Section 150.2230(A) of this Article shall be based upon total linear length of the subject lot, as measured along the relevant lot lines, and shall exclude (1) the width of any driveway providing access to the lot, and (2) the linear length of any lot line for which there is no required yard setback imposed pursuant to Article VII of this Chapter.

(D) All fractional numbers derived from the calculations for required trees and shrubs set forth in Section 150.2230(A) of this Article shall be rounded up to the nearest whole number.

(E) The minimum number of shade, ornamental, or evergreen trees required pursuant to this Section 150.2230 shall not include trees required pursuant to Section 94.310 of this Code for replacement purposes.

Sec. 150.2235 Natural Landscape Buffering

(A) A 10-foot Natural Landscape buffer shall be installed and maintained at all of the following locations:

(1) Around the perimeter of all stormwater detention and retention facilities; and

(2) Adjacent to all waterways, as measured from water's edge.

(B) The Natural Landscape buffer required pursuant to this Section 150.2235 shall be of a depth necessary to facilitate proper stormwater management and drainage, as determined by the Director of Public Works in his sole discretion, but in no event less than five feet in depth nor more than 10 feet in depth.

Sec. 150.2240 Ground Sign Plantings.

All Ground Signs for which a sign permit is required pursuant to Article XX of this Chapter, other than temporary signs, shall be surrounded by a landscaped area in accordance with the following provisions:

(A) For every one square foot of sign area of the Ground Sign, one square foot of landscaped area shall be installed immediately adjacent to the base of the Ground Sign.

(B) The landscaped area required pursuant to Section 150.2240(A) of this Article shall consist of plantings such as, but not limited to, shrubs, evergreens, flowering plants and ground cover plants. Landscaping bark, mulch, sod or seeded areas shall not be considered in calculating the square footage of the required landscaped area.

Sec. 150.2245 Refuse Container Screening.

(A) Except as provided in Section 150.2245(B) of this Article, all refuse containers shall be screened by a solid fence or wall of a maximum height sufficient to obscure such containers from view from adjacent streets and adjacent lots used for residential purposes. All fences and walls installed pursuant to this Section 150.2245(A) shall include an opaque, self-closing, and lockable gate.

(B) Notwithstanding Section 150.2245(A) of this Article, all refuse containers located on a lot that is the subject of an application for Plan and Design Commission approval for new construction of one or more buildings or structures that will be used either for three or more residential dwelling units, or for commercial purposes, shall either be (1) enclosed within a principal or accessory structure, or (2) screened on all sides by a wall or fence that is six feet in height, which wall or fence shall be constructed of the primary material of which the buildings and structures on the property are constructed. (Ord. 59-15, passed 6/8/15)

(C) All fences installed to satisfy the screening requirement set forth in this Section 150.2245 shall comply with the regulations of Chapter 173 of the Code and with all other applicable Code regulations.

Sec. 150.2250 Ground-Mounted Mechanical Equipment Screening.

(A) All ground mounted mechanical equipment shall be screened by a solid fence, wall, or densely planted evergreen landscape planting at a maximum height sufficient to obscure such equipment from view from all adjacent streets and adjacent lots used for residential purposes.

(B) All fences installed to satisfy the screening requirement set forth in this Section 150.2250 shall comply with the regulations of Chapter 173 of the Code and with all other applicable Code regulations.

Sec. 150.2255 Non-Supportive Landscape Areas.

In all areas required to be landscaped pursuant to this Article in which plantings will not prosper due to insufficient light or water, or due to other factors beyond the control of the property owner, other materials such as brick, stone, or decorative gravel shall be installed and maintained.

Sec. 150.2260 Variations.

Notwithstanding any other provision of this Chapter, variations from any provision set forth in this Article shall be granted only pursuant to the procedures set forth in this Section 150.2260.

(A) Procedure

(1) Application. Upon receipt of a completed application for Landscape Planting and Screening Plan approval pursuant to Section 150.2210 of this Article to which Section 150.2215(B) of this Article applies, the Director of Community Development shall refer the application and all other relevant documents to the Plan and Design Commission for its consideration of, and decision

regarding, all required variations for which the Plan and Design Commission has authority to approve pursuant to Section 150.2260(B) of this Article. (Ord. 59-15, passed 6/8/15)

(2) Notice. Notice of the public meeting at which the Plan and Design Commission will consider the requested variations shall be provided in accordance with the provisions set forth in Section 176.045(D) of the Code. (Ord. 59-15, passed 6/8/15)

(3) Plan and Design Commission Meeting. The Plan and Design Commission shall consider the requested variations at a public meeting commenced within 30 days after receipt by the Plan and Design Commission of the proposed application for Landscape Planting and Screening Plan approval from the Director of Community Development.

(4) Decision. The Plan and Design Commission shall either:

- (a) Approve the variation as requested;
- (b) Approve the variation with modifications or conditions; or
- (c) Deny the variation. (Ord. 59-15, passed 6/8/15)

(5) Notice of Decision. The Plan and Design Commission decision shall be forwarded in writing to the applicant not later than the date that is 30 days after the date of the decision. (Ord. 59-15, passed 6/8/15)

(B) Specific Authorized Variations. The Plan and Design Commission may grant one or both of the following types of variations in connection with new or expanded off-street parking and loading facilities or with development activity subject to Plan and Design Commission approval pursuant to Section 176.040 of the Code: (Ord. 59-15, passed 6/8/15)

(1) Modifications to the required quantity, size or location of plantings, provided that there is the minimum feasible interruption to the required perimeter landscaped open space and (a) the landscape design utilizes techniques to retain unique natural features such as topography, wetlands, woodlands or existing vegetation, or (b) space limitations such as an unusual shaped lot or the location of existing structures and other built features make it impractical to comply with the requirements of this Article;

(2) Modifications to the required foundation planting area to allow an interruption for the purpose of showcasing a unique architectural feature located on the subject property.

(C) Standards. No variation authorized by this Section 150.2260 shall be granted unless the Plan and Design Commission determines that: (i) the requested variation is appropriate due to a particular hardship or special unique circumstance; (ii) the requested variation will not defeat the fundamental purposes and intent of this Article, as expressed in Section 150.2201 of this Article; and (iii) the requested

variation will not be detrimental to the public welfare or injurious to property in the vicinity of the lot for which the variation is granted. (Ord. 59-15, passed 6/8/15)

(D) Effect of Approved Variations. In the event that the Plan and Design Commission approves all variations for the application that are necessary for compliance with, and satisfaction of, all standards and conditions of this Article, the Director of Community Development shall issue a Certificate of Approval to the applicant pursuant to Section 150.2215(A) of this Article. (Ord. 59-15, passed 6/8/15)

Sec. 150.2265 Appeals

Notwithstanding any other provision of this Chapter, appeals from any decision under this Article XXII shall be permitted only pursuant to the procedures contained in this Section 150.2265.

(A) From Director of Community Development Decision. Appeals from any decision of the Director of Community Development granting or denying Landscape Planting and Screening Plan approval may be taken by the applicant within 30 days after a decision. If no appeal is filed within 30 days after a decision by the Director of Community Development, such decision shall be final. All such appeals shall be taken to the Plan and Design Commission by filing a written notice of appeal with the City Manager within five days following receipt or notice of the decision from which the appeal is taken. The Plan and Design Commission shall review the relevant Landscape Planting and Screening Plan application and any other reliable and relevant evidence, documents, or information, and may receive and consider new evidence at a public meeting. Within 30 days after receipt of the written notice of appeal of the decision from which the appeal is taken, the Plan and Design Commission shall render its written decision at a regularly scheduled meeting. (Ord. 59-15, passed 6/8/15)

(B) From Plan and Design Commission Decision. Appeals from any decision of the Plan and Design Commission (i) approving Landscape Planting and Screening Plan application; (ii) granting or denying a variation pursuant to Section 150.2260 of this Article; or (iii) granting or denying an appeal pursuant to Section 150.2265(A) of this Article may be taken by the applicant or any other person adversely affected by any such decision within 30 days after the decision. If no appeal is filed within 30 days after the decision by the Plan and Design Commission, such decision shall be final. All such appeals shall be taken to the City Council by filing a written notice of appeal with the City Clerk within five days following receipt or notice of the decision from which the appeal is taken. The City Council shall review the relevant Landscape Planting and Screening Plan application and any other reliable and relevant evidence, documents, or information, and may receive and consider new evidence. Within 45 days after receipt of the written notice of appeal of the decision from which the appeal is taken, the City Council shall render its written decision at a regularly scheduled meeting. The action taken by the City Council shall be final. (Ord. 59-15, passed 6/8/15)

Sec. 150.2270 Follow-Up by Director of Community Development.

(A) Administration. The Director of Community Development shall have the duty to monitor the implementation of all approved Landscape Planting and

Screening Plans and amendments thereto, in order to ensure compliance with the provisions of this Article and any provisions or limitations imposed as a condition of approval.

(B) Inspection Required. Before any use may be made of improvements under the provisions of this Article, a final inspection of the premises must be obtained from the Director of Community Development, who shall consider his findings together with other City Code requirements in the issuance of an occupancy certificate. An occupancy certificate will not be issued unless such an inspection has been made and the completed work found to be in compliance with an approved Landscaping and Screening Plan; except that a partial occupancy permit may be granted in the event that it should become impossible by reason of weather, strike or any other circumstance beyond the control of the person, firm or corporation to whom the approval has been granted to complete all work required before occupancy or start of use, provided a cash escrow sufficient to guarantee completion of the work has been deposited with the City of Highland Park .

(C) Substitution. If, by reason of non-availability of approved planting materials or any other valid circumstance, it becomes necessary to vary a plant type for which an approval has been granted pursuant to this Article, the Director of Community Development shall have the right, but not the obligation, to permit the substitution of the approved plant type for a plant type that is listed on the City of Highland Park Native Plant List.

(D) Maintenance and Enforcement.

(1) It shall be the duty of the applicant for Landscape Planting and Screening Plan approval to ensure compliance with the approved Landscape Planting and Screening Plan and with the requirements set forth in this Article.

(2) All landscape materials required pursuant to this Article shall be kept watered, fed, cultivated, and pruned by the owner or other person responsible for maintenance of the premises to give a healthy and well-groomed appearance during all seasons.

(3) All plant material installed in compliance with this Article that has deteriorated or died shall be replaced promptly, at the expense of the applicant or property owner.

(4) All planting areas shall be kept free of weeds and debris.

(5) Upon receipt of written notice from the Director of Community Development, the applicant and property owner shall promptly correct (a) any deficiencies in the required landscaping, and (b) any deviations from the landscaping permitted pursuant to an approved Landscape Planting and Screening Plan.

(Article XXII added by Ord. No 71-07, J. 33, p. 461-508, passed 9/24/07 – effective January 1, 2008)