

PUBLIC NOTICE

In accordance with the Statutes of the State of Illinois and the Ordinances of the City of Highland Park, the next meeting of the Natural Resources Commission of the City of Highland Park is scheduled to be held at the hour of 6:30 p.m. on Wednesday, July 13, 2011 at 1707 St. John's Avenue, Highland Park, Illinois, during which it is anticipated there will be a discussion of the following:

CITY OF HIGHLAND PARK
NATURAL RESOURCES COMMISSION
WEDNESDAY, JULY 13, 2011
1707 ST. JOHN'S AVENUE
HIGHLAND PARK, ILLINOIS
6:30 P.M.

MEETING AGENDA

I. Call to Order

II. Roll Call

III. Approval of Minutes: June 15, 2011

IV. Business from the Public

V. New Business

- A. Recap of July 4th Event Participation
- B. Presentational Overview of Steep Slope and Beach Structure Ordinances
- C. Discussion of Ways to Promote the Polystyrene Recycling Program
- D. Recap of Great Lakes and St. Lawrence Cities Initiative Annual Meeting and Conference

VI. Old Business

- A. Status Report on the Green Team

VII. Other Business

- A. Commissioner Comments
- B. City Council Liaison Comments
- C. Administrative Items

VIII. Adjournment

**MINUTES OF A REGULAR MEETING OF
THE NATURAL RESOURCES COMMISSION OF THE CITY OF HIGHLAND
PARK, ILLINOIS**

MEETING DATE: Wednesday, June 15, 2011

MEETING LOCATION: Pre-Session Room, City Hall, 1707 St. Johns Avenue, Highland Park, IL

CALL TO ORDER

At 6:33 p.m., Chairman Bogot called the meeting to order and the Technical Advisor called the roll.

ROLL CALL

Members Present: Bogot, Compher, Dennison, Friedman, Himmelfarb, Sultan, Brint, and Meyer

Members Absent: Hill and Matthews

The Technical Advisor declared that there was a quorum of the Commission present.

Staff Present: Technical Advisor Michael Bernardi

Also Present: None

MINUTES

A. Regular Meeting of the Natural Resources Commission—May 11, 2011

Commissioner Compher moved approval of the presented minutes of the regular meeting of the Natural Resources Commission held on Wednesday, May 11, 2011. Commissioner Dennison seconded the motion.

On a voice vote, Chairman Bogot declared that the motion passed 7-0-1, with Commissioner Himmelfarb abstaining due to her absence at the meeting on May 11, 2011.

BUSINESS FROM THE PUBLIC

There was no business from the public.

NEW BUSINESS

A. Reminder of Ravine Cleanup Event Co-Sponsored by the Commission and the Park District on June 18th

Chairman Bogot reminded Commissioners about the Ravine Cleanup event at Moraine Park on June 18 from 9:00 a.m. until noon.

OLD BUSINESS

A. Discussion of July 4th Event Planning

Chairman Bogot led a discussion regarding the July 4th event.

Commissioner Sultan entered the meeting at 6:44 p.m.

Commissioner Sultan suggested walking in the parade with a recycling bin to collect spectators' recyclable items. Staff will look into obtaining two wheeled recycling bins for the event.

Commissioner Sultan also suggested a beanbag toss game for the Natural Resources Commission booth. The Commission discussed having Underwriter's Labs provide the game and prizes. Commissioner Sultan also suggested giving away reusable shopping bags at the event. Sultan volunteered to make the game if someone else could do the graphic design. Park District Representative Meyer offered to print, laminate, and apply the design to the game if City staff could create the design. Technical Advisor Bernardi indicated he did not think the City had the resources required to do graphic design.

Commissioner Friedman entered the meeting at 6:49 p.m.

Commissioner Friedman and Student Representative Brint volunteered to set up the Natural Resources Commission booth.

B. Update on the Commission's Consideration of a Nomination for the Award for Meritorious Service to the Highland Park Environment

Chairman Bogot informed the Commission that Mayor Rotering has requested that her name be withdrawn from consideration for the award.

The Commission will be soliciting nominations for review at the October Natural Resources Commission meeting. Student Representing Brint volunteered to contact Jacob Nelson to include an announcement in Patch. Staff will write a short public notice to be included in an upcoming edition of the *Highlander*.

C. Status Report on the Environmental Commission's Plastic Bag Recommendation

Chairman Bogot discussed the Environmental Commission's plastic bag recommendation with the Commission. Public Works staff will present the recommendation in its entirety, including mandatory recycling at big box stores and a \$0.05 fee per bag to be retained by the store, at a future City Council meeting. The Commission requested that it be informed when this recommendation will be presented to the Council.

D. Status Report on the Green Team

Vice-Chair Himmelfarb gave the Commission an update on the status of the Green Team. The Green Team is trying to get the schools involved with ClimateCycle, an organization

that works with schools to get them excited about green power. Himmelfarb also looked into polystyrene recycling in schools.

Student Representative Brint informed the Commission that Highland Park High School has begun recycling polystyrene foam.

OTHER BUSINESS

Vice-Chair Himmelfarb discussed the recent meeting of the North Shore Environmental Commissions. Himmelfarb requested that the Commission come up with ideas to present to the North Shore Environmental Commissions at their next meeting. Himmelfarb also discussed Lake Forest's program with Recycle Bank, a program meant to encourage recycling. Chairman Bogot requested that the feasibility of Recycle Bank is discussed at a future meeting.

Commissioner Sultan requested that discussion and review of the Steep Slope Ordinance be placed on the July 13th meeting agenda.

Commissioner Friedman discussed a client who is developing outdoor water bubblers for filling water bottles.

Commissioner Dennison mentioned that the next environmental movie will be shown at the library in October. Dennison is currently reviewing possible movies for the showing.

Commissioner Compher mentioned the Non-Motorized Transportation Plan online survey and meetings that will be held on June 25th and June 29th at the Highland Park Police Station.

ADJOURNMENT

Chairman Bogot adjourned the meeting at 7:48 p.m.

Respectfully Submitted,

Michael P. Bernardi, Secretary

MINUTES APPROVED BY THE NATURAL RESOURCES COMMISSION ON _____

- WITH NO CORRECTIONS
- WITH CORRECTIONS _____
(SEE MINUTES OF [_____] MEETING FOR CORRECTIONS)



Memorandum

To: Members of the Natural Resources Commission

From: Barbara E. Cates, Planner
Michael Bernardi, Assistant Civil Engineer

Date: July 6, 2011

Re: Agenda Items for the July 20th Meeting of the Natural Resources Commission

NEW BUSINESS

A. Recap of July 4th Event Participation

Chairman Bogot will present information on this agenda item.

B. Presentational Overview of Steep Slope and Beach Structure Ordinances

Per the Commission's request, staff will deliver a PowerPoint presentation which overviews the City's existing regulations pertaining to ravines, bluffs and beaches.

C. Discussion of Ways to Promote the Polystyrene Recycling Program

Chairman Bogot will present information on this agenda item.

D. Recap of Great Lakes and St. Lawrence Cities Initiative Annual Meeting and Conference

Commissioner Hill will present information on this agenda item and screen a video with a brief overview of the event.

OLD BUSINESS

A. Status Report on the Green Team

Vice Chair Himmelfarb will present information on this agenda item.

ATTACHMENTS

- Beach Structure Ordinance (Article 7)
- Steep Slope Ordinance (Article XIX)

ARTICLE VII. AREA, BULK, AND DENSITY

SECTION

150.701	Scope of Requirements
150.702	Bulk Conformance
150.703	Low Density Residential District Regulations
150.703.1	Special Regulations for the LFOZ Lakefront Density and Character Overlay Zone
150.703.2	Special Regulations for the SLOZ South Green Bay Road Small Lot Overlay Zone
150.703.3	Regulations for Low Density Residential FAR
150.704	Multiple Family Residential and Health Care District Regulations
150.705	Commercial and Light Industrial District Regulations
150.705.1	Public Activity District Regulations
150.706	Special Area Considerations
150.707	Special Yard Considerations
150.708	Special Height Considerations
150.709	Special Density Considerations
150.710	Lots or Parcels of Land of Record
150.711	Established Setbacks – Single Family Districts
150.712	Garage Door Openings

Sec. 150.701 Scope of Requirements.

Except as may be provided elsewhere in this Chapter, the provisions of this Article shall establish the necessary minimum and maximum requirements of area, bulk, density, and yards for every district established by this Chapter. No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered in violation of the requirements of this Article.

Sec. 150.702 Bulk Conformance.

Any structure constructed in conformance with the bulk and setback regulations then in effect prior to the adoption of this Chapter shall not be deemed non-conforming with respect to the new bulk and yard regulations in this Article. However, any addition or enlargement to such structure must be made in conformance with the new regulations.

Sec. 150.703 Low Density Residential District Regulations.

The table below specifies the general minimum and maximum requirements of area, bulk, yards, and density for the low density residential zoning districts. These requirements may be modified as permitted elsewhere in this Chapter.

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LOW DENSITY RESIDENTIAL REGULATIONS

ZONING DISTRICT		R1	R2	R3	R4	R5	R5A*	R6	R7
LOT DIMENSIONS	Minimum Area for Single-Family Residence	130,680 sq. ft.	80,000 sq. ft.	40,000 sq. ft.	20,000 sq. ft.(a)	12,000 sq. ft.	10,000 sq. ft.	7,260 sq. ft.(b)	7,000 sq. ft.
	Minimum Area for Two-Family Residence	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	10,000 sq. ft.
	Average Width	250 ft.	200 ft.	100 ft.	85 ft.(a)	75 ft.	70 ft.	50 ft.(b)	50 ft.
DENSITY	Minimum Lot Area per Dwelling Unit, Single-Family	130,680 sq. ft.	80,000 sq. ft.	40,000 sq. ft.	20,000 sq. ft.(a)	12,000 sq. ft.	10,000 sq. ft.	7,260 sq. ft.(b)	7,000 sq. ft.
	Minimum Lot Area per Dwelling Unit, Two-Family	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	5,000
YARDS (c)	Minimum Front Yard	50 ft.	50 ft.	40 ft.	40 ft.	40 ft.	25 ft.	25 ft.	25 ft.
	Minimum Side Yard	50 ft.	25 ft.	Total depth of all side yards must be a minimum of 30% of Lot Width, and in no event shall any side yard be less than 15 feet	Total depth of all side yards must be a minimum of 30% of Lot Width, and in no event shall any side yard be less than 12 feet	Total depth of all side yards must be a minimum of 25% of Lot Width, and in no event shall any side yard be less than 9 feet	Total depth of all side yards must be a minimum of 25% of Lot Width, and in no event shall any side yard be less than 6 feet	Total depth of all side yards must be a minimum of 25% of Lot Width, and in no event shall any side yard be less than 6 feet (b)	Total depth of all side yards must be a minimum of 25% of Lot Width, and in no event shall any side yard be less than 6 feet
	Minimum Rear Yard (Whichever is Less)	50 ft.	50 ft. or 20% of Lot Depth	40 ft. or 20% of Lot Depth	35 ft. or 20% of Lot Depth	30 ft. or 20% of Lot Depth	30 ft. or 20% of Lot Depth	25 ft. or 20% of Lot Depth	25 ft. or 20% of Lot Depth
BULK	Maximum Height of Principal Structure	35 ft.	35 ft.	35 ft.	32 ft.	32 ft.	30 ft.	30 ft.	30 ft.
	Maximum Height of Accessory Structure	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.
	Floor Area Ratio (F.A.R.)*	See Subsection 150.703.3 (A)+	See Subsection 150.703.3 (A)+	See Subsection 150.703.3 (A)+	See Subsection 150.703.3 (A)+	See Subsection 150.703.3 (A)+	See Subsection 150.703.3 (A)+	See Subsection 150.703.3 (A)+	See Subsection 150.703.3 (A)+

*In the R2-R7 zoning districts, when the area of a lot in any given zoning district equals or exceeds the minimum lot area required in the next lower zoning district, then the F.A.R. shall be calculated as the F.A.R. of the next lower zoning district. (Deleted by Ord. 74-06, J. 32, p. 346-351, passed 11/13/06)

(a) In addition to all other applicable regulations, the subdivision of any lot in the LFOZ Overlay Zone for which a complete application is filed with the City after December 11, 2000, being the effective date of the LFOZ Overlay Zone and regulations shall comply, where applicable, with the “minimum area for a single family residence,” “average width,” and “minimum lot area per single-family dwelling unit” requirements set forth in Section 150.703.1 of this Code. (Ord. 33-01, passed 5/29/01)

(b) In addition to all other applicable regulations, lots existing in the SLOZ Overlay Zone on January 8, 2001, being the effective date of the SLOZ Overlay Zone and regulations, shall, to the extent applicable, comply with the “minimum area for a single family residence,” “average width,” “minimum lot area per single-family dwelling unit,” and “minimum side yard” requirements set forth in Section 150.703.2 of this Code. (Ord. 32-01, passed 5/29/01)

(c) No air conditioning systems or units (as defined in Section 50.900 of the Code) installed after June 29, 2004, being the effective date of this regulation, shall be installed in any required yard; provided, however, that air conditioning systems and units that were located in a required yard with or without authority prior to June 29, 2004, may be replaced in the same location without a variation. (Ord. 45-04, J. 30, p. 173-174, passed 6/28/04)

+ (Ord. 46-04, J. 30, p. 175-180, passed 6/28/04)

Sec. 150.703.1 Special Regulations for the LFOZ Lakefront Density and Character Overlay Zone.

(A) **Purpose.** The LFOZ Lakefront Density and Character Overlay Zone is intended to preserve the density and character of lots in the R4 Low-To-Moderate Density

Residential District located along the lakefront. Lake Michigan and the parcels located along the lakefront are important elements in defining the City's character. Many of the parcels along the lakefront have lot areas that are substantially larger than the minimum lot area requirements of the R4 District. The LFOZ Overlay Zone is intended to preserve the spacious character and existing density of the area. The preservation and appropriate development of the lakefront area requires, with certain exceptions, the establishment of special lot width and lot area regulations for newly subdivided lots in the LFOZ Overlay Zone. These new restrictions recognize the existing conditions of many of the lakefront lots and require new development in the LFOZ Overlay Zone to be consistent with these existing conditions. The LFOZ Overlay Zone is intended to address, among other things, a recent development trend in the City to subdivide larger lots along the lakefront. These new lots are, in many cases, inconsistent with the existing conditions along the lakefront. In addition to protecting the character and density of the area, the LFOZ Overlay Zone is intended to protect and preserve the ravines, lake bluffs, and beaches in the area, as well as Lake Michigan itself, and to prevent unnecessary erosion of properties in the LFOZ Overlay Zone, that may be affected or caused by increased development, whether on lots in the LFOZ Overlay Zone or within the abutting portions of Lake Michigan. This Section is specifically intended to permit property owners within the LFOZ Overlay Zone to develop their properties and to construct structures on the beach and in Lake Michigan, as further set forth in this Section and in the most environmentally and ecologically sensitive manner possible. The LFOZ Overlay Zone is consistent with the goals of the Lakefront District Neighborhood Strategic Plan, an element of the Master Plan, which plan was adopted by the City Council after numerous neighborhood planning meetings at which lakefront property owners and other City residents participated. The LFOZ Overlay Zone has been created and shall be mapped on the Zoning Map in furtherance of these public purposes. (Ord. 21-06, J. 32, p. 57-68, passed 3/13/06)

(B) Overlay Zone. The LFOZ Overlay Zone appears on the Zoning Map as an "overlay zone" imposed on top of certain properties located along the lakefront in the R4 District. Development of property in the LFOZ Overlay Zone must comply with the regulations of the LFOZ Overlay Zone and with the R4 District regulations. Except as required by Subsection (C) of this Section, the R4 District regulations shall apply to all lots in the LFOZ Overlay Zone. Where there is any conflict between the LFOZ Overlay Zone and the R4 District, the provisions of the LFOZ Overlay Zone shall apply.

(C) Zoning Relief. Nothing in this Section 150.703.1 shall be interpreted to deny the right of any property owner to seek a variation or other applicable zoning relief from the provisions of this Section, pursuant to the applicable procedures set forth in this Code.

(D) Special Bulk Regulations.

(1) Minimum Area for Single-Family Residence. Except only as provided in Paragraph (4) of this Subsection, no subdivision of any lot in the LFOZ Overlay Zone shall create any new lot that has a minimum area for a single-family residence of less than 40,000 square feet.

(2) Average Width. Except only as provided in Paragraph (4) of this Subsection, no subdivision of any lot in the LFOZ Overlay Zone shall create any new lot that has an average width of less than 100 feet.

(3) Minimum Lot Area Per Dwelling Unit, Single-Family. Except only as provided in Paragraph (4) of this Subsection, no subdivision of any lot in the LFOZ Overlay Zone shall create any new lot that has a minimum lot area per single-family dwelling unit of less than 40,000 square feet.

(4) Effective Date. The special bulk regulations set forth in this Subsection (D) shall only apply to subdivisions for which a complete application is filed with the City after December 11, 2000, being the effective date of the LFOZ Overlay Zone and regulations (the "Effective Date")

(5) Exceptions. The special bulk regulations set forth in this Subsection (D) shall not apply to any subdivision (i) that consists of a lot or lots the boundaries of which were described as property boundaries in a deed recorded prior to the Effective Date, or (ii) that results in the increase in size of any lot in the LFOZ Overlay Zone that, as of the Effective Date, was less than 40,000 square feet in size ("Existing Small Lot") and that does not result in the decrease in size of any other Existing Small Lot. (Ord. 33-01, passed 5/29/01)

(E) Lake Michigan Protection Regulations.

(1) Definitions.

Wherever the following words or phrases are used, they shall, for the purposes of this Subsection 170.703.1(E), have the meanings respectively ascribed to them in this Subsection 170.703.1(E), except when the context otherwise indicates:

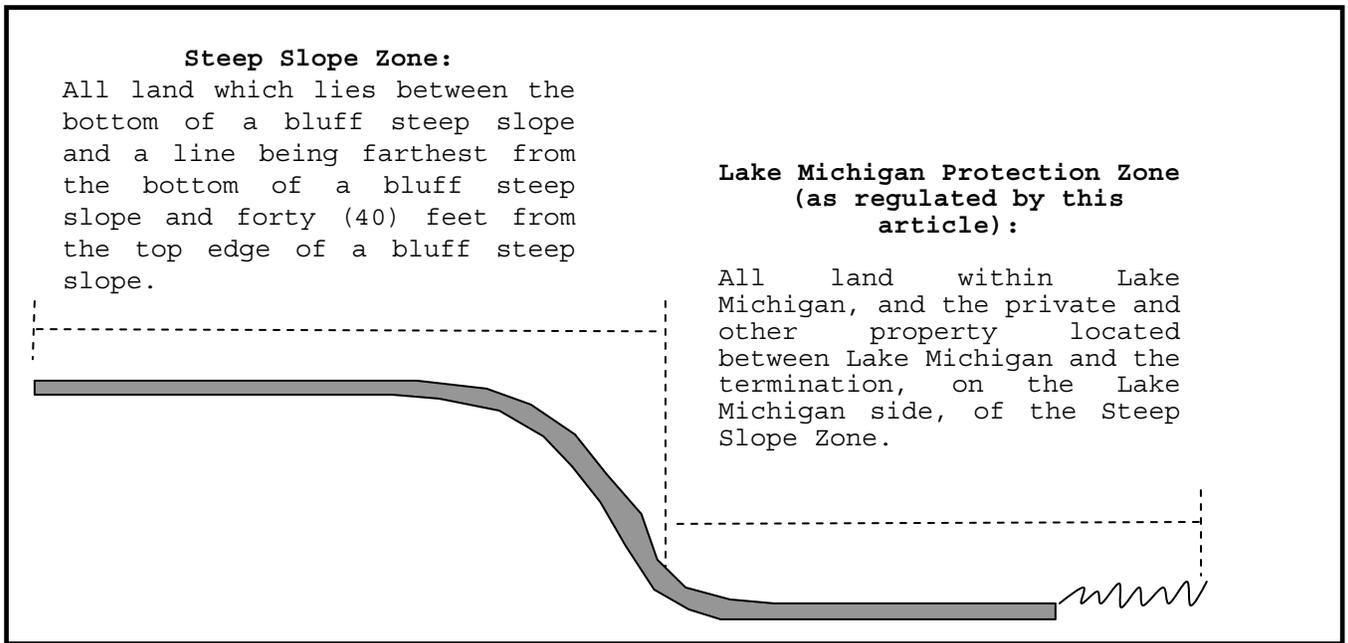
"Adjacent Properties" shall mean and include, whether or not located within the corporate limits of the City, (a) the first ten properties located upwater from the Subject Property, and (b) the first ten properties located downwater from the Subject Property.

"Applicant" shall mean the record owner of the Subject Property.

"Commission" shall mean the Natural Resources Commission. (Ord. 23-11, J. 37, p. 117-120, passed 2/28/11)

"Lake Michigan" shall mean that portion of Lake Michigan that borders the City of Highland Park, to the extent of three miles beyond the corporate limits, but not beyond the limits of the State.

"Lake Michigan Protection Zone" shall mean (a) Lake Michigan, and (b) the private and other property located between Lake Michigan and the termination, on the Lake Michigan side, of the Steep Slope Zone, as depicted below.



"**Permit Application**" shall mean the application for a permit to conduct a Regulated Activity in the Lake Michigan Protection Zone, as provided for in Subsection (E)(4) of this Section.

"**Pre-Application Meeting**" shall mean that meeting of the Commission at which the Applicant and the Commission shall discuss the proposed Structure and Regulated Activity prior to the submission of a Permit Application, as provided for in Subsection (E)(5)(a) of this Section.

"**Regulated Activity**" shall mean any act or process within the Lake Michigan Protection Zone involving (1) the construction, alteration, modification, demolition, or removal of any new or existing Structure, or (2) the adding, dumping, dredging, or removing of sand, rocks, or any refuse, garbage, or other discarded materials.

"**Steep Slope Zone**" shall have the meaning ascribed to it by Section 150.202 of this Zoning Ordinance.

"**Structure**" shall mean any improvement or structure in the Lake Michigan Protection Zone, including, without limitation, any revetment or groin.

"**Subject Property**" shall mean the property within or abutting that portion of the Lake Michigan Protection Zone on which the proposed Regulated Activity is to take place.

(2) Permit Required. Except as provided in Subsections (E)(9) and (E)(11) of this Section, no Regulated Activity shall be allowed in the Lake Michigan Protection Zone prior to the issuance of a permit in accordance with the procedures set forth in Subsections (E)(4), (E)(5), (E)(6) and (E)(7) of this Section and the standards set forth in Subsection (E)(3) of this Section.

(3) Standards

No permit for a Regulated Activity in the Lake Michigan Protection Zone shall be approved unless all of the following standards have been met or satisfied:

(a) The proposed Regulated Activity and/or Structure shall not unreasonably impede access to or pedestrian movement along the beach or to Lake Michigan;

(b) The proposed Regulated Activity and/or Structure shall not unnecessarily impede navigability within Lake Michigan;

(c) The proposed Regulated Activity and/or Structure shall not unreasonably impact the Subject Property or the Adjacent Properties;

(d) The Applicant has proposed appropriate long-term maintenance requirements and plans, as necessary, for the proposed Regulated Activity and/or Structure;

(e) The proposed means and methods of undertaking the Regulated Activity and/or Structure are consistent with appropriate design and aesthetics principles;

(f) The proposed Regulated Activity and/or Structure shall not create new nor amplify existing erosion problems on the Subject Property and on Adjacent Properties;

(g) The proposed Regulated Activity and/or Structure shall be for the purposes of erosion control, water gathering, and/or public access only;

(h) There will not be an unnecessary adverse environmental or ecological impact on the Subject Property or on any of the Adjacent Properties as a result of the proposed Structure and/or the Regulated Activity;

(i) The proposed Structure and/or the Regulated Activity is the least environmentally and ecologically intrusive means of achieving the stated purpose of the Structure; and

(j) The Applicant has properly obtained any and all permits required by the federal, state, and county governments for the Regulated Activity and/or the Structure.

(4) Application.

(a) The Applicant shall file a Permit Application with the Department of Public Works on forms provided by the City, which Permit

Application shall contain, without limitation, the following documents and information:

(i) A statement of the purpose and planning objectives to be achieved by the proposed Regulated Activity;

(ii) A plat of survey of the Subject Property;

(iii) A conceptual plan showing the Subject Property and the Adjacent Properties, including any and all existing Structures in the portion of the Lake Michigan Protection Zone abutting those properties;

(iv) Development and site plans showing the proposed Structure, if applicable;

(v) A demolition plan, if applicable;

(vi) An elevation plan, which shall include sectional views of the proposed Structure, if applicable;

(vii) Copies of any and all permits required by the federal, state, and county governments for the Regulated Activity and/or the Structure;

(viii) Engineering details of the proposed Structure and/or the Regulated Activity, which shall include, if applicable:

(A) the height, length, and width of the proposed Structure;

(B) the spacing between the proposed Structure and other Structures in the Lake Michigan Protection Zone abutting any of the Adjacent Properties; and

(C) the materials of which the proposed Structure will be composed;

(ix) A geo-technical investigation report of the site;

(x) A statement outlining structure success in various water levels;

(xi) A statement describing the long-term maintenance requirements and plan for the proposed Structure;

(xii) A written description of the proposed means and methods of undertaking the Regulated Activity;

(xiii) An explanation, in narrative form, of the following:

(A) Any and all erosion problems on the Subject Property for which the Structure and/or Regulated Activity is designed to correct or remedy;

(B) The environmental and ecological impact on the Property and the Adjacent Properties that are expected to result from the Structure and/or Regulated Activity;

(C) How the proposed Structure and/or Regulated Activity is the least environmentally and ecologically intrusive means of achieving the stated purpose; and

(D) The nature and composition of existing protections, including existing Structures, of the shoreline in that portion of the Lake Michigan Protection Zone abutting either the Subject Property or the Adjacent Properties, and the impact and effectiveness of those protections on the shoreline, the lakebed, and on erosion of the Subject Property and Adjacent Properties; and

(xiv) A non-refundable application fee, in the amount set forth in the City's Annual Fee Resolution. (Ord. 28-10, J. 36, p. 105-109, passed 3/22/10)

(b) All plans, specifications, and design analyses or calculations must be signed and sealed by a duly registered Professional Geologist, Structural Engineer or Professional Engineer experienced in the design and construction of shore and/or coastal facilities.

(5) Procedure and Notice

(a) Pre-Application Meeting.

(i) Prior to submission of a Permit Application pursuant to Subsection (E)(4) of this Section, the Applicant shall request, in writing to the Chairman of the Commission and to the Director of Public Works, a Pre-Application Meeting, and shall submit payment of a Pre-Application Review fee, in the amount set forth in the City's Annual Fee Resolution. (Ord. 28-10, J. 36, p. 105-109, passed 3/22/10)

(ii) Within 45 days following receipt of the written request of the Pre-Application Meeting, the Commission shall hold a Pre-Application Meeting with the Applicant, at which time the Commission may make any recommendations or requests for additional documentation and information to be included in the Permit Application.

(b) A Permit Application shall be filed no later than 60 days after the Pre-Application Meeting for the proposed Structure and Regulated Activity.

(c) Upon receipt by the Department of Public Works of a Permit Application, the Director of Public Works shall forward copies of the Permit Application to the Chairman of the Commission and to the City Clerk.

(d) Within 45 days following receipt of a Permit Application by the City, a meeting of the Commission shall be held at which the Commission shall review the Permit Application.

(e) Not more than 30 days but not less than 15 days prior to the meeting of the Commission at which the Permit Application will be reviewed, the City Clerk shall cause notice thereof to be sent to the record owners of those Adjacent Properties located within the corporate limits of the City, and to all homeowners associations of which at least one owner of an Adjacent Property is a member and which have registered with the City as desiring notice pursuant to this Subsection, which notice shall contain:

- (i) The legal description of the Subject Property;
 - (ii) The address of the Subject Property;
 - (iii) A brief statement of the nature of the requested permit;
 - (iv) The name(s) and address(es) of the Applicant(s);
- and
- (v) A statement of the date, time, and place of the meeting for which the notice is being given.

(6) Natural Resources Commission Recommendation. The Commission shall make and submit to the City Council its findings and recommendations concerning the Permit Application within 30 days after the meeting at which the Permit Application is reviewed. The failure of the Commission to provide such findings and recommendations within 30 days, or such further time to which the Applicant may, in writing, agree, shall be deemed a recommendation against the approval of the Permit Application. **(Ord. 23-11, J. 37, p. 117-120, passed 2/28/11)**

(7) Action by City Council. Following the City Council's receipt of the findings and recommendations of the Commission, the City Council may grant or deny the permit, or may return the Permit Application to the Natural Resources Commission for further consideration. **(Ord. 23-11, J. 37, p. 117-120, passed 2/28/11)**

(8) Amendments to Permit. Any substantial change in the character of an approved permit for a Regulated Activity, pursuant to this Subsection, shall require the approval of a new permit which shall reflect such changes in the proposed Structure and/or Regulated Activity; provided, however, that the Director of Public Works may approve such minor changes to the proposed Structure and/or Regulated Activity if, in the Director's judgment, such minor

changes do not constitute a substantial deviation from the proposed Structure and/or Regulated Activity for which the permit was approved.

(9) Public Safety Emergency Permits. A permit for the removal or demolition of an existing Structure may be granted by the City Director of Public Works upon his or her determination that the Structure poses an immediate threat to the public health, safety, or welfare. If the Director of Public Works makes such a determination, the provisions of Subsections (E)(4), (E)(5), (E)(6), and (E)(7) of this Section shall not apply.

(10) Recordation. The Applicant shall cause to be recorded against the Subject Property, in the office of the Lake County Recorder, the following:

(a) Any permit approved and granted pursuant to this Subsection; and

(b) A restrictive covenant, requiring the Applicant, and all of the Applicant's transferees, heirs, assigns, and successors in interest to the Subject Property, to perform, at the Applicant's sole cost and expense, all regular maintenance and upkeep of the Structure.

(11) Partial Exemption for Structures Also Regulated Within The Steep Slope Zone. The review and permitting processes set forth in Section 150.703.1(E) of these Lake Michigan Protection Zone regulations shall not be necessary if the proposed Structure meets all of the following criteria:

(a) The proposed Structure is of a type, other than fences, to which Section 150.1906(C) of the Steep Slope Zone regulations of this Zoning Code applies;

(b) The proposed Structure is located in part in the Lake Michigan Protection Zone and in part in the Steep Slope Zone;

(c) The portion of the proposed Structure that is located within the Lake Michigan Protection Zone is necessary to the structural or functional integrity of the Structure as a whole;

(d) The proposed Structure protrudes no further than 15 feet into the Lake Michigan Protection Zone; and

(e) The portion of the proposed Structure that is located within the Lake Michigan Protection Zone is no larger than 75 square feet.

(Section 150.703.1 (E) added by Ord. 21-06, J. 32, p. 57-68, passed 3/13/06)

ARTICLE XIX. STEEP SLOPE ZONE

SECTION

150.1901	Introduction
150.1902	Statement of Purpose
150.1903	Aesthetic and Safety Control of Steep Slopes
150.1904	Special Setbacks
150.1905	Maintenance of the Steep Slope Zone
150.1906	Exemptions
150.1907	Required Plans – Review Required
150.1908	Development Standards
150.1909	Removal or Damage of Trees in the Steep Slope Zone
150.1910	Permits
150.1911	Appeals
150.1912	Variations
150.1913	Enforcement and Penalties
150.1914	Corrective Measures
150.1915	Amendments to Article XIX

Sec. 150.1901 Introduction

The topography of the City of Highland Park is occupied by an abundance of ravines and bluffs. These areas exhibit steep slopes which may contain unstable sediment, rock and soils. Development on potentially unstable soils or other rock can be hazardous to life and property. Development in these areas should utilize construction methods which minimize the impact upon or removal of vegetation, including Trees, and ensure slope stabilization and minimize erosion.

The City's ravines and bluffs are valuable scenic resources which should be preserved and the steep slopes associated with these areas should be protected in order to preserve the City's unique visual setting, promote its economic well-being, and encourage architectural splendor.

Regulating the intensity of development according to the natural characteristics of steep slope terrain, such as degree of sloping, significant vegetation, and soil stability and existing drainage patterns, will allow for suitable development while minimizing the physical impact of such development on sensitive ravine and bluff steep slope areas. (Ord. 38-01, J.27, p. 146-167, passed 6/25/01; Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

Sec. 150.1902 Statement of Purpose.

The ravine and coastal steep slopes are an inherent natural resource which imparts a unique and substantial character to the City of Highland Park. This unique character has a direct relationship to property values, not only for Lots containing or adjacent to ravine and bluff steep slopes, but for Lots throughout the City. It is vital to understand that these steep sloped areas are interdependent throughout their reaches. Erosion, slope failures, and loss of vegetation along one portion of a slope can have an adverse impact upon adjacent sloped areas. Because these areas may be abused (intentionally or unintentionally) so as to create conditions which jeopardize property values and the natural

ecosystem, appropriate controls are necessary. Thus, it is the intent of this Article to ensure that all land use and development controlled by this Article: (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(1) Protects people and property from the potentially hazardous geological and hydrological conditions characteristic of ravine and bluff areas;

(2) Recognizes and furthers maintenance of stable ecological relationships and minimizes environmental degradation of the land and Lake Michigan;

(3) Recognizes that construction should not contribute to erosion or slope destabilization; and (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(4) Utilizes building techniques that adhere to the criteria stipulated in this Article. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(B) The regulations set forth in this Article provide for the reasonable use of steep slope areas and related lands while protecting the public health, safety, and welfare by: (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(1) Requiring analysis to determine whether certain types of soil conditions exist (such as loose or easily eroded or rocky soils) and ensuring the utilization of appropriate engineering technology to result in stable slopes during and subsequent to development; (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(2) Reducing storm water runoff, soil erosion, and mud slides by minimizing grading, encouraging the preservation of Trees and other vegetation and, where necessary, requiring revegetation ; (Ord. 38-01, J.27, p. 146-167, passed 6/25/01)

(3) Permitting intensity of development compatible with the natural characteristics of steep slope terrain, such as degree of sloping, soil suitability and existing natural and man-made drainage patterns;

(4) Preserving the scenic quality of the ravine and bluff environment through the retention of dominant steep slopes and ridges in their natural state;

(5) Reducing the physical impact of top of slope and bluff development by encouraging innovative site and architectural design, minimizing grading and requiring restoration of graded areas; and

(6) Discouraging development in steeply sloped terrain. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

Sec. 150.1903 Aesthetic and Safety Control of Steep Slopes

As set forth above, this Article has as its purpose protection of public health and safety by attempting to prevent erosion and protecting the aesthetics of ravines and bluffs through the regulation and management of the Steep Slope Zone. It is not the intent of this Article to remove areas of use nor is it the purpose of this Article to increase development costs. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(A) Earth Moving and Construction in the Steep Slope Zone. Except as set forth in this Article, no earth moving shall occur in a Steep Slope Zone, including earth moving associated with permitted construction outside of the Steep Slope Zone, and no structures shall be constructed in a Steep Slope Zone. In addition, whenever there is construction upon property abutting a Steep Slope Zone, a fence must be erected temporarily along the edge of the Steep Slope Zone, during any construction and/or demolition activity upon such property. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(B) Geotechnical Characteristics. All proposed structures shall be designed in a manner consistent with sound engineering and geological principles. In the design of the stability of all proposed structures, consideration shall be given to the effect of undercutting at the base of steep slopes or bluffs caused by wave action, storm water flow, erosion and/or channel changes. The design of all proposed structures shall comply with the applicable provisions of this Code, including, without limitation, Chapter 170 of this Code. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(C) Basic Technical Standards. All land use and development controlled by this Article shall be judged by the application of the following basic standards of landscape planning, soil mechanics engineering, hydrology, geology, environmental design and architecture. These standards are supplemented elsewhere in this Article.

(1) Planning development to recognize and fit the natural topography, soils, geology, hydrology and other existing conditions on the proposed sites.

(2) Orienting development so that earth moving, landscaping and other site preparation is kept to an absolute minimum.

(3) Preserving and enhancing the landscape through minimized disruption of natural terrain and existing vegetation.

(4) Minimizing disruption or alteration of natural drainage ways.

(5) Minimizing the time in which areas are bare and exposed.

(6) Minimizing the amount of impervious surface to be placed on the tableland adjacent to steep slopes.

(7) Designing and properly locating structures so that structure weight does not jeopardize slope stability. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

Sec. 150.1904 Special Setbacks.

Swimming pools are prohibited within ten (10) feet of the Steep Slope Zone. However, at or above grade pool decks and patios may extend into this special setback; but in no case shall these structures encroach upon or extend into the Steep Slope Zone, except to the extent permitted under the terms of Section 150.1906 of this Article.

Sec. 150.1905 Maintenance of the Steep Slope Zone.

(A) General.

(1) Owners of ravine or bluff steep slope real estate shall have and properly maintain storm drainage lines conveying storm water runoff either to a public storm sewer or to the ravine channel. Owners of steep slope real estate shall, within 30 days after receipt of notice from the City, repair private drainage lines which leak water onto the surface of a steep slope. Owners of steep slope real estate shall also remove dumped lawn waste or other natural or man-made debris which may damage underlying vegetation or impede the free flow of water through channels. However, naturally fallen Trees which are not impeding the free flow of water need not be removed. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(2) No Tree shall be Removed from within the Steep Slope Zone except in accordance with Section 150.1909 of this Article. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(3) Swimming pool discharge (emptying) shall be in compliance with the provisions of Chapter 171 of this Code. (Ord. 43-98, J. 24, p. ____, passed 6/9/98; Ord. 38-01, J.27, p. 146-167, passed 6/25/01; Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(B) 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 Steep Slope Zone, or engaged in any modifications to a steep slope, shall adhere to the applicable provisions of this Chapter, including, without limitation, this Article. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(C) Protection. Prior to the recordation of a plat of subdivision, the City Council may require covenants placed upon such plat as may be necessary to ensure the long-term maintenance of the above-described slope control measures.

Sec. 150.1906 Exemptions.

Within the Steep Slope Zone, the following structures may be constructed and rebuilt and the following activities are permitted:

(A) Provided a building permit has been issued by the Director in accord with the terms of this Article, retaining walls and other structures which 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: (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(1) Structures that exceed 60 inches in height shall be constructed of concrete block, reinforced concrete, or steel pilings. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(2) The design of all retaining walls and structures shall be certified by a licensed professional civil or structural engineer. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(B) Legal non-conforming structures may be remodeled or rebuilt in the Steep Slope Zone if (i) the rebuilt or remodeled structure does not extend beyond the previously-existing footprint of the structure within the Steep Slope Zone, (ii) the applicant can provide proof satisfactory to the Director of the location of the previous legal non-conforming structure, and (iii) the applicant has been issued a building permit within one year after the date on which the structure was damaged or demolished. All such remodeling or rebuilding shall comply with the following: (Ord. 11-03, J. 29, p. 38-40, passed 1/27/03; Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(1) Any retaining wall must be constructed of concrete block, reinforced concrete or steel pilings if it (a) is located in the Steep Slope Zone, (b) is greater than 60 inches in height, and (c) has 30% or more of its face area replaced as a result of routine maintenance or incidental repair; and (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(2) The design of all rebuilt or remodeled structures shall be certified by a licensed professional civil or structural engineer. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(C) The installation of mechanical or electrical lifts, bridges, walkways, steps, and/or fences which do not obstruct the flow of light and water, and utility service lines, in the manner approved by the Director and subject to conformance with the standards and policies of this Chapter. Stairs constructed in the Steep Slope Zone shall be no greater than five feet in width. Landings constructed in the Steep Slope Zone shall be no wider than five feet and of a total area no greater than 50 square feet. No fence shall be constructed across the channel of a ravine and, when constructed within a ravine, such fence shall be set back at least 10 feet from the bottom or toe of the ravine slope. (Ord. 11-03, J. 29, p. 38-40, passed 1/27/03; Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(1) The height and profile of such structures shall be minimized to the maximum extent possible. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(2) A landing, for purposes of this Article, is 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 a sequence of 10 or more stair steps. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(D) Immediate action may be taken to remediate an unstable or insecure slope that poses an imminent menace to an authorized structure or to the health, safety, or welfare of the public or nearby property if, in the opinion of the Director, an emergency situation exists and the Director has issued a permit to remedy the emergency situation. Any remedial action undertaken pursuant to this Section 150.1906(D) shall involve the least possible disruption of the natural features of the site and shall be in conformance with the standards and policies of this Chapter, including this Article, to the maximum extent possible. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(E) Normal landscape maintenance or routine arboreal activities, including small scale planting of ornamental flowers or shrubs, and/or the removal of diseased, dead or damaged Trees, provided such activities shall be carried out in conformance with the standards of vegetation or revegetation set forth in this Article, including, without limitation, the processes set forth in Section 150.1909 of this Article. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(F) Upon the issuance of all permits required pursuant to this Code, decks and patios having a total ground cover area not exceeding 150 square feet may be located within the Steep Slope Zone between the top edge and the ten foot Steep Slope Zone setback line for ravines and between the top edge and the forty foot Steep Slope Zone setback for bluffs. In no event shall the total area of such decks and patios in the Steep Slope Zone upon any Lot of Record exceed 300 square feet. Accessory structures other than decks and patios may not be located in the Steep Slope Zone except upon the granting of a variation therefor, in accordance with and pursuant to Article XII and Section 150.1912 of this Chapter (Ord 94-99, adopted 11/8/99; Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

Sec. 150.1907 Required Plans - Review Required.

Every application for a building permit or for a variation from the provisions of this Article shall be accompanied by the following plans and reports which must be submitted to and approved by the Director prior to issuance of any permit for construction, demolition, or earth moving within the Steep Slope Zone and/or within ten (10) feet of the Steep Slope Zone. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(A) Means and Methods of Construction. Because work to be performed in the Steep Slope Zone 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, which means and methods shall be carefully selected to minimize slope damage. Upon approval of the building permit by the Director, such written description shall be the enforceable means and method of construction.

(B) Report and Subsoil Investigation. Every application for a building permit for construction or earth moving in the Steep Slope Zone and/or within ten (10) feet of the Steep Slope Zone 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:

(1) Soil Types and Subsurface Materials. A description (the result of a thorough subsurface investigation using techniques such as borings, test pits, in situ 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 to a depth extending below any proposed excavation, as well as the engineering properties of the subsurface soil materials.

(2) Stability. A description of the stability of surface patterns of water flow, as well as indication of the presence or absence of permeable zones in underlying soils.

(3) External Influences. A description of any existing or anticipated problems from undercutting at the base of steep slopes caused by wave action, ravine flows, erosion or channel changes. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(4) 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 the method proposed to overcome such hazards. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(C) Earth Moving Plan. In addition to the requirements for an earth moving permit as set forth in this Code, each application for a building permit pursuant to this Article shall be accompanied by an earth moving plan, which plan shall include the following: (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(1) 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;

(2) Proposed earth moving details, including the dimensions, elevations, and contours of any proposed earth moving;

(3) A description of the methods to be employed in disposing of soil and other material removed, including the location of the disposal site;

(4) A time-table of when each stage of the project will be completed, including the estimated starting and completion dates; and

(5) A provision requiring the placement of a temporary snow fence on the tableland at the top edge of the Steep Slope Zone until construction is completed.

(D) Hydrological Control Plan. Construction documents shall include a plan for intercepting and containing drainage at the site and from the structure.

(E) Vegetation Plan. A vegetation plan, subject to the provisions of Section 150.1909 of this Article, prepared or approved in writing by a landscape professional trained and experienced in both the characteristics of plant material and proper procedures for installation, shall be submitted with each application for a building permit, which plan shall include the following:

(1) An inventory describing the existing floral and Tree cover of the site, including identification of Undesirable Species and Protected Trees, as these terms are defined in Article II of this Chapter, showing those areas where the vegetation will be removed as part of the proposed development; (Ord. 38-01, J.27, p. 146-167, passed 6/25/01)

(2) A description of proposed revegetation of disturbed areas, specifying the materials to be used;

(3) 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

(4) A maintenance guideline, instructing steep slope owners of necessary actions to be taken following construction and/or earth moving in order to maintain plantings in good and serviceable health.

Sec. 150.1908 Development Standards.

During construction and/or earth moving within the Steep Slope Zone, the permittee shall adhere to the following standards:

(A) Hydrological Controls.

(1) Natural Channels. Natural drainage ways shall be preserved to the maximum extent possible.

(2) Controlled Run-Off. Whenever stormwater is transported across a property for discharge into a Steep Slope Zone, the conveyance pipes shall be of a non-segmented (continuous), smooth walled material, to be installed below ground by directional boring whenever possible. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(a) No pipe shall be installed within a Steep Slope Zone by excavating a trench unless approved by the City Engineer or Director. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(b) Flexible corrugated pipes shall not be used in the Steep Slope Zone unless directional boring is found to be infeasible in the sole determination of the Director, in which case an alternate method must be approved by the Director. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(3) Interceptor Ditches. When sound professional engineering practice dictates and when required by the Director, 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.

(4) 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. Discharge must be into an energy dispersion device as approved by the Director. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(5) Early Completion. The overall drainage system shall be completed and made operational at the earliest possible time during construction.

(6) 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 either contributing to pooling or collection of waters or to the concentration or intensification of surface water discharge. However, construction which might otherwise be prohibited pursuant to this Section 150.1908(A)(6) 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. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(B) Vegetation and Revegetation.

(1) Native Vegetation. Every effort shall be made to maintain native vegetation in the Steep Slope Zone. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(2) 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 sound professional engineering practice dictates and when required by the Director, 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.

(3) Revegetation. A mixed planting of native perennial grasses and woody species with deep root systems shall be used to landscape steep slope areas disturbed by construction, demolition, and/or earth moving. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(C) Earth Moving.

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

(2) Erosion Control. All earth moving shall be accomplished in a manner which will create the lowest possible potential for airborne or waterborne transportation of soil.

(3) Soil Fill on Steep Sloped Land. All fill on steep sloped land is prohibited, other than back-fill which is determined by the Director to be necessary for slope stabilization.

(4) Soil Fill on Tableland. In conformance with generally accepted engineering standards, all fill on tableland shall be stabilized to at least ninety (90) percent of maximum density as determined in ASTM procedure D-1557 or equivalent.

(5) Prompt Completion. All earth moving shall be accomplished in the shortest practical period of time. All excavated material shall be removed from the Steep Slope Zone and no temporary or permanent material storage shall be permitted within the Zone. No existing natural vegetation shall be destroyed, removed or disturbed prior to the initiation of construction, demolition, or earth moving activities.

Sec. 150.1909 Removal or Damage of Trees in the Steep Slope Zone

(A) General. It shall be unlawful to Remove or perform any act that results in the death, likely death, loss in value, loss in aesthetic value or substantial destruction of any Tree, Undesirable Species, or Tree Stump in the Steep Slope Zone, including, without limitation, any actions that may cause a Tree to become diseased or hazardous to persons or property, as determined by the City Forester or his or her designee, without first obtaining a Tree Removal Permit issued by the City Forester. (Ord. 38-01, J.27, p. 146-167, passed 6/25/01; Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(B) Application for a Tree Removal Permit. Any person wanting to Remove any Tree, Undesirable Species, or Tree Stump from the Steep Slope Zone shall prepare and submit an application for a Tree Removal Permit with the City Forester. All applications for a Tree Removal Permit shall comply with the following; (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(1) Trees. An application for the removal of any Tree shall include the applicable Tree Removal Permit fee, as set forth in Chapter 94 of this Code, and a vegetation plan prepared in accordance with Section 150.1907 of this Article. The City Forester shall issue a Tree Removal Permit upon a determination that: (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(a) Sufficient proof has been provided by a certified arborist or a landscape professional trained and experienced in steep slope vegetation management that the existing canopy in the Steep Slope Zone is too dense to permit the growth of understory vegetation on the slope; (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(b) The proposed removal of the Tree and vegetation plan are consistent with good forestry practices, including means and methods intended to improve the stability of steep slope terrain and remove invasive species, provided removal does not exceed 30% of the existing tree crown cover; and (Ord. 38-01, J.27, p. 146-167, passed 6/25/01; Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(c) The proposed removal is, in the sole determination of the City Forester, consistent with the purpose and standards of this Article. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(2) Undesirable Species and Tree Stumps. An application for the removal of an Undesirable Species or Tree Stump shall include a description of procedures that will be used to prevent soil erosion in the area from which the Undesirable Species or Tree Stump is to be removed. Such procedures shall include replacement of soil and replanting of plant species that will secure the soil and prevent soil erosion. No Tree Removal Permit fee is required for the Removal of an Undesirable Species or Tree Stump. The City Forester shall issue the Tree Removal Permit if he determines that the procedures to be used will adequately prevent soil erosion in the area where the Undesirable Species or Tree Stump is to be removed. (Ord. 38-01, J.27, p. 146-167, passed 6/25/01; Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(C) Replacement of Protected Trees Removed with a Permit.

(1) Except where the City Forester finds the existing Tree canopy to be too dense in the Steep Slope Zone, each Protected Tree authorized to be Removed, pursuant to this Article, shall be replaced with replacement Trees, the species of which shall be included in the vegetation plan previously approved by the City Forester, having a combined six (6) inch caliper and no individual replacement Tree being less than one and one-half inches (1-1/2") caliper. All such replacement Trees shall be planted on the same Lot from which the Protected Tree has been Removed in accordance with the vegetation plan. Such replacement shall be made within six (6) months of the date of issuance of the Tree Removal Permit. An extension of time may be granted by the City Council upon request, provided, however that no such extension shall exceed twelve (12) months from the date of issuance of the Tree Removal Permit. (Ord. 38-01, J.27, p. 146-167, passed 6/25/01; Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(2) If the City Forester determines that the required replacement of Protected Trees would result in unreasonable crowding of Trees upon the Lot, affecting the growth and survivability of existing understory vegetation, the permittee shall pay the City a fee in lieu of making such replacement, as set forth in Section 94.403(C)(6) of the City Code. (Ord. 38-01, J.27, p. 146-167, passed 6/25/01; Ord. 26-08, J. 34, p. 050-068, passed 4/14/08; Ord. 28-10, J. 36, p. 105-109, passed 3/2/10)

(D) Removal of any Tree, Undesirable Species, or Tree Stump Without a Tree Removal Permit. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(1) Any person found to have Removed any Tree, Undesirable Species, or Tree Stump without a Tree Removal Permit issued by the City Forester shall be required to: (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(a) prepare a vegetation plan, in accordance with Section 150.1907 of this Article; and

(b) pay a fee at the rate set forth in the Annual Fee Resolution for the review and approval of such Vegetation Plan. (Ord. 35-03, J. 29, p. 134, passed 05/27/03)

(2) Where a person has Removed a Protected Tree without a Tree Removal Permit, in addition to complying with Section 150.1909(D) (1) of this Article, such person shall be required to replace each Protected Tree so Removed with replacement Trees having a combined six (6) inch caliper and no individual replacement Tree being less than one and one-half inches (1-1/2") caliper. In addition, the following requirements shall apply: (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(a) Replacement Trees shall be planted in the Steep Slope Zone of the same Lot from which Protected Trees have been Removed.

(b) If the City Forester determines that the required replacement of Protected Trees would result in unreasonable crowding of Trees upon the Steep Slope

Zone of the Lot, affecting the growth and survivability of existing understory vegetation, such replacement Trees shall be planted elsewhere on the Lot from which the Protected Tree has been Removed.

(c) No fee in lieu of replacement shall be allowed for Trees Removed from the Steep Slope Zone without a Tree Removal Permit. (Ord. 38-01, J.27, p. 146-167, passed 6/25/01)

(E) Tree and Tree Stump Removal, Replacement and Restoration.

(1) Any damage done to the Steep Slope Zone during Tree or Tree Stump Removal and replacement must be restored in accordance with the vegetation plan and the provisions of this Article.

(2) No machinery that cannot otherwise be carried by a person shall be used in the Steep Slope Zone for the removal or planting of any Trees, or in associated restoration activities. (Ord. 38-01, J.27, p. 146-167, passed 6/25/01)

Sec. 150.1910 Permits.

(A) Each application for a building permit (which includes demolition and earth moving) shall be made in compliance with this Chapter, including this Article, and Chapter 170 of this Code. The seal of an Illinois licensed professional civil or structural engineer shall appear on all plans and specifications pursuant to which any building permit is issued for construction within the Steep Slope Zone and/or within ten (10) feet of such Steep Slope Zone. In addition, the following provisions shall be imprinted upon any building permit issued for any construction, demolition, or any earth moving activities authorized by the administration of this Article:

(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 moral obligation upon the City of Highland Park or its elected or appointed officials.

(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 by other property owners.

(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 construction; nor does it constitute any assertion that the proposed construction will not result in damage to the property in question or to adjoining property.

(B) Closing Certification and Report. A licensed professional civil or structural engineer must inspect all work in the Steep Slope Zone while in progress, and provide certification and a written report stating that all construction is in accordance with the approved plan and specifications for the project prior to the City's final inspection, acceptance and closing of the project. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

Sec. 150.1911 Appeals.

Any decision or ruling of the Zoning Administrator that is made in interpreting, applying, and/or enforcing the regulations contained in this Article may be appealed in accordance with and pursuant to Article XIII of this Chapter. The Zoning Board of Appeals, upon receipt of a notice of such an appeal, and prior to deciding the appeal, shall refer the matter to the Natural Resources Commission for its review and report to the Zoning Board of Appeals. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08; **Ord. 23-11, J. 37, p. 117-120, passed 2/28/11**)

Sec. 150.1912 Variations.

It is the intent of this Article to encourage well designed buildings and accessory structures which do not interfere with the Steep Slope Zone. There may be instances where strict application of the provisions of this Article may deprive a person of the reasonable use of land. Variations from the required standards set forth in this Article may be granted by the Zoning Board of Appeals, which, upon receipt of an application for such variation, shall refer the matter to the Natural Resources Commission for its review and report to the Zoning Board of Appeals regarding findings that the proposed variation meets the standards set forth in Section 150.1903(C) of this Article to preserve the Steep Slope Zone. (Ord. 94-99, adopted 11/8/99; Ord. 26-08, J. 34, p. 050-068, passed 4/14/08; **Ord. 23-11, J. 37, p. 117-120, passed 2/28/11**)

Sec. 150.1913 Enforcement and Penalties.

(A) Both the developer and the property owner, their agents, employees, contractors, subcontractors, licensees, and invitees are responsible for compliance with the terms of this Article. (Ord. 38-01, J.27, p. 146-167, passed 6/25/01)

(B) In the event any violation of any provision of this Article occurs, the property owner shall be responsible for correcting the violation and 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. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(C) The City shall have the right, but not the obligation, to issue a stop work order, in accordance with Chapter 170 of this Code, for any work that is performed in the Steep Slope Zone without all permits that are required pursuant to this Article. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(D) Whoever violates any provision of this Article, or who shall interfere with the enforcement of the same, shall be fined in accordance with Section 150.112 of this Code. Every day on which a violation of this Article occurs, or on which the enforcement of this Article is interfered with, until a work plan is approved and a permit is issued, shall be considered a separate and distinct offense. For purposes of this Article, each Tree Removal from the Steep Slope Zone without a Tree Removal Permit issued by the City Forester shall be considered a separate and distinct offense. (Ord. 38-01, J.27, p. 146-167, passed 6/25/01, Ord. 11-03, J. 29, p. 38-40, passed 1/27/03; Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

Sec. 150.1914 Corrective Measures.

In addition to the monetary penalties provided for herein, the City may apply to a court of competent jurisdiction for an order upon the parties responsible to re-establish or restore the grade, slope, stability, vegetation, and/or drainage systems of a steep slope property 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. 150.1915 Amendments to Article XIX

Notwithstanding any other provision of this Code, including specifically, but without limitation, the provisions governing amendments to the Zoning Code set forth in Article XV of this Chapter, the City Council may consider and approve the amendment of any provision of Article XIX without a prior public hearing, consideration or recommendation by the Plan Commission. Before exercising its powers under this Section, the City Council shall set, notice and conduct public hearing. No other procedure shall be required. Any amendment to this Article XIX shall be evidenced by an ordinance duly adopted. The concurrence of four members of the City Council shall be sufficient to approve any ordinance adopted pursuant to the authority and power granted by this Section. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08)

(Article XIX amended in toto by Ord. 38-01, J.27, p. 146-167, passed 6/25/01)