

ARTICLE XIX. STEEP SLOPE ZONE

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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, Shrub, Herbaceous Plant or Tree Stump 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) **(Ord. 75-14, J. 40, p. 212-219, passed 07/28/14)**

(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 be consistent with all rules and regulations promulgated pursuant to Section 150.1909(G) of this Chapter, and shall include the following:
(Ord. 75-14, J. 40, p. 212-219, passed 07/28/14)

(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, Shrub, Herbaceous Plant, 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 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) **(Ord. 75-14, J. 40, p. 212-219, passed 07/28/14)**

(B) Application for a Removal Permit. Except as provided in Section 150.1909(F) of this Chapter, any person wanting to Remove any Tree, Shrub, Herbaceous Plant, or Tree Stump from the Steep Slope Zone shall prepare and submit an application for a Removal Permit with the City Forester. All applications for a Removal Permit shall comply with the following; (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08) **(Ord. 75-14, J. 40, p. 212-219, passed 07/28/14)**

(1) Trees, Shrubs and Herbaceous Plants. An application for the removal of any Tree, Shrub, or Herbaceous Plant shall include the applicable Removal Permit fee, as set forth in Section 150.1909(B)(3) of this Chapter, 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) **(Ord. 75-14, J. 40, p. 212-219, passed 07/28/14)**

(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, Shrub, or Herbaceous Plant, and the 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 reduce the tree crown cover on the slope to less than 40%; 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) **(Ord. 75-14, J. 40, p. 212-219, passed 07/28/14)**

(c) The proposed removal is, in the sole determination of the City Forester, consistent with; (i) the rules and regulations promulgated pursuant to Section 150.1909(G) of this Chapter; and (ii) the purpose and standards of this Article. (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08) **(Ord. 75-14, J. 40, p. 212-219, passed 07/28/14)**

(2) Tree Stumps. An application for the removal of a Tree Stump shall include a description of procedures that will be used to prevent soil erosion in the area from which the 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. The City Forester shall issue the Removal Permit if he determines that the procedures to be used will adequately prevent soil erosion in the area where the 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) **(Ord. 75-14, J. 40, p. 212-219, passed 07/28/14)**

(3) Permit Fees. The fee for a Removal Permit issued pursuant to this Section 150.1909(B) shall be as follows:

(a) For non-Invasive Trees: the fee shall be in the amount set according to Chapter 94 of this Code.

(b) For non-Invasive Shrubs and Herbaceous Plants: the fee shall be in the amount set forth in the Annual Fee Resolution.

(c) For Tree Stumps and for Invasive species and plant materials; there shall be no fee. **(Ord. 75-14, J. 40, p.212-219, passed 07/28/14)**

(C) Replacement of Trees Removed with a Permit.

(1) Except as provided in Section 150.1909(C)(2) of this Chapter, each 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 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 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 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) **(Ord. 75-14, J. 40, p. 212-219, passed 07/28/14)**

(2) The tree replacement requirement set forth in Section 150.1909(C)(1) of this Chapter shall not apply in the following circumstances:

(a) If the City Forester determines that the required replacement of 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) **(Ord. 75-14, J. 40, p. 212-219, passed 07/28/14)**

(b) Removal of Trees performed in conjunction with the implementation of a Vegetation Plan prepared in compliance with Section 150.1907(E) of this Chapter and approved by the City Forester.

(c) Removal of Invasive Trees.

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

(1) Any person found to have Removed any Tree, Shrub, Herbaceous Plant, or Tree Stump without a Removal Permit issued by the City Forester shall be required to: (Ord. 26-08, J. 34, p. 050-068, passed 4/14/08) **(Ord. 75-14, J. 40, p. 212-219, passed 07/28/14)**

(a) Prepare and implement 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 Tree without a Removal Permit, in addition to complying with Section 150.1909(D) (1) of this Article, such person shall be required to replace each 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 Trees have been Removed.

(b) If the City Forester determines that the required replacement of 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, than either: (i) such replacement Trees shall be planted elsewhere on the Lot from which the Tree has been Removed; or (ii) Shrubs and/or Herbaceous Plants shall be planted on the Lot, upon prior written approval of the City Forester.

(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, Shrub, Herbaceous Plant, or Tree Stump Removal and replacement must be restored in accordance with the vegetation plan and the provisions of this Article. **(Ord. 75-14, J. 40, p. 212-219, passed 07/28/14)**

(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)

(F) Exempt Activities. This Section 150.1909 shall not be deemed or construed as prohibiting or limiting any of the following activities:

(1) Seasonal collection of leaves;

(2) Prescribed burning of plant materials, upon prior written approval of the City Fire Department;

(3) Pruning of Shrubs;

(4) Pruning of Trees, if performed in accordance with the standards set by the International Society of Arboriculture;

(5) Control or removal of Herbaceous Plants identified as "invasive" in the rules and regulations promulgated pursuant to Section 150.1909(G) of this Chapter;

- (6) Removal of fallen dead woody debris;
- (7) Removal of buckthorn with Stump treatment (but not including Tree Stump removal); and
- (8) Planting of vegetation.

(G) Promulgation of Rules. The City Manager is hereby authorized and directed to promulgate such rules and regulations, in consultation with the City Forester, as may be necessary for the implementation of this Section 150.1909. The rules and regulations promulgated pursuant to this Section 150.1909(G) shall include, without limitation, the following: (1) classification of plant materials according to whether such materials are native to the City, whether they are threats to the viability of native species, and similar considerations; (2) guidelines for review and approval of Removal Permits, in accordance with the classification of plant materials; and (3) recommendations for responsible Steep Slope Zone land management.

(H) Definitions. For purposes of this Section 150.1909 only, the following terms have the following meanings, except when the context clearly indicates otherwise:

- (1) “Herbaceous Plant” shall mean an annual, perennial or biennial plant without a woody stem that seasonally dies down to the soil level.
- (2) “Invasive” means a species or plant material identified as “invasive” in the rules and regulations promulgated pursuant to Section 150.1909(G) of this Chapter. **(Ord. 75-14, J. 40, p. 212-219, passed 07/28/14)**

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, other than Section 150.1909,

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 such violation occurs, or on which the enforcement of any provision of this Article other than Section 150.1909 is interfered with, until a work plan is approved and a permit is issued, 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) **(Ord. 33-14, J. 40, p.99-102)**

(E) Whoever violates any provision of Section 150.1909, or who shall interfere with the enforcement of the same, shall be fined in the amount set forth in the Annual Fee Resolution for each such violation. A separate and distinct violation shall be deemed to have occurred for: (1) each Tree, Shrub, Herbaceous Plant, or Tree Stump Removal from the Steep Slope Zone without a Removal Permit issued by the City Forester; and (2) each day that such violation exists, or on which the enforcement of Section 150.1909 is interfered with, until a work plan is approved and a permit is issued. (Ord. 33-14, J. 40, p.99-102) **(Ord. 75-14, J. 40, p.212-219, passed 07/28/14)**

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 and Design 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; Ord. 59-15, passed 6/8/15)

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