



DRAFT

ORDINANCE NO. 2022-007

**CITY OF ARDEN HILLS
RAMSEY COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING CHAPTER 13,
ZONING CODE, SECTION 1325
OF THE ARDEN HILLS CITY CODE**

THE CITY COUNCIL OF THE CITY OF ARDEN HILLS, MINNESOTA, ORDAINS:

SECTION 1. Chapter 13 - Zoning Code, Section 1325 – General Regulations 1325.05 Design Standards, Subd. 1; is hereby amended by deleting ~~strike through~~ language and adding the underlined language as follows:

1325.05 Design Standards.

Subd. 1 Landscaping.

A. Purpose and Findings. The City declares that it is desirable and essential to the health, safety, welfare, and aesthetics of the City to protect certain existing plants and trees, to require new and additional plants and trees, to prohibit the planting of certain species, to require the maintenance of plants and trees as set forth in this subdivision, and that appropriate and unified landscaping is essential to meet the community objectives established in the Comprehensive Plan.

B. Scope. The provisions of this subdivision shall apply only to privately owned property. Property within public rights-of-way shall be maintained in accordance with Chapter 7 of the City Code.

C. General Landscaping Requirements

1. Minimum Requirements. In all districts, all developed uses shall provide and maintain a landscaped area according to the minimum requirements in Section 1320.06, the district requirements chart.

2. All land area not occupied by marshes, ponds, wetlands, buildings, parking, driveways, sidewalks, or other hard surface shall be sodded, seeded, mulched or landscaped with appropriate perennials, shrubbery and/or trees.

3. Landscaped Area Along Streets. In all districts all developed uses shall provide and maintain a landscaped area along streets. This area shall be kept clear of all structures, storage, and off-street parking. Except for driveways, the area shall extend along the entire frontage of the lot and along both streets in the case of a corner lot.

4. Maintenance of Green Space. The property owner shall be responsible for the maintenance of all green space and landscaped areas in accordance with Section 600.02 of the City Code.

5. Green Roofs. Green roofs may be counted towards the minimum landscaping requirements of a parcel, as determined by Staff, based on the absorption rate and quality of the green roof.

6. Screening. All developments shall be in conformance with Section 1325.05 Subd. 4.

7. Tree Preservation. Clear cutting of an entire stand of trees is prohibited on all parcels. All developments shall be in conformance with Section 1325.055. and subject to an approved Tree Mitigation Plan as outlined in Section 1325.055, Subd. 6.

D. Landscaping Plan.

1. Scope. In cases where a landscaping plan is required by this Code or by an approval granted by the City, the applicant for the building or grading permit shall submit a landscape plan prepared in accordance with the provisions of Appendix A of the Zoning Code. A landscape plan shall be approved by the City and implemented by the property owner:

a) For any new development or new building construction in any business, industrial, Institutional, R-3, R-4, or I-FLEX zoning district, and planned unit developments, except as otherwise provided by specific development agreements.

b) For any existing commercial, industrial, or institutional building or parking lot to be expanded by at least ten (10) percent, or at least 5,000 square feet, where an approved landscape plan is not on file with the city. In the case where a plan is required under this subparagraph, the property owner may submit a plan implementation schedule that would allow the plan to be implemented over a period of three years.

c) No building permit for any construction described in items (a) and (b) of this subparagraph shall be issued unless a landscape plan required hereunder is approved by the city.

2. Landscaping Plan Standards.

a. If the City determines, at its sole discretion, that landscaping to be planted in satisfaction of the ordinance exceeds that which can be accommodated practically on-site, a landscaping fee may be collected at the sole discretion of the City in lieu of on-site planting. The landscaping fee amount shall be the cost of materials and installation of landscaping, plus ten (10) percent, and shall be provided by the applicant and approved by the City. All funds shall be expended exclusively towards landscaping, as defined by the ordinance, for implementation of the goals listed in Subd. 1.A of this section and Section 1325.055, Subd. 1.

E. Performance Guarantee.

1. A landscape performance bond or other acceptable financial surety is required for all screening or landscaping required in this Code to insure completion and maintenance of all landscaping in accordance with the approved landscape plan required hereunder.

2. The amount of the bond or surety shall be 125% of the cost of materials and installation.

3. The bond or surety shall be provided prior to the issuance of any building or grading permits and shall be valid for, two full years, from the date of installation, or three years in the case of an extended timeline.

4. For any landscaping or screening that is not in accordance with the approved landscaping plan at the end of two growing seasons, the applicant shall replace the material to the satisfaction of the city before the guarantee is released. Where this is not done, the city, at its sole discretion, may use the proceeds of the performance guarantee to accomplish performance.

F. Minimum Landscape Requirements.

1. Caliper Inches. The minimum caliper inches required per building site shall relate to the gross square footage of all floors of a building and the building height. A single story building in excess of thirty (30) feet in height shall be considered a two-story building for the purposes of determining gross square footage. Minimum total caliper inches =

Gross Square Footage of all Floors of Building

320

2. Tree Ratio. The minimum total caliper inches shall contain the following minimum percentages of trees in various size ranges:

Building Height In Stories	Percentage of Trees of Various Caliper Inches		
	2.0" - 3.0"	3.5" - 4.0"	4.5" - 6.0"
1-2	50 %	30 %	20 %
3-4	50 %	30 %	20 %
5 and over	30 %	50 %	20 %

3. Coniferous Tree Measurement. Coniferous trees may be considered equivalent to the sizes shown by dividing the height of the coniferous tree in feet by 2.4.

4. Minimum size at time of planting.

a) Two and one-half (2.5) caliper inches for deciduous trees.

b) Six (6) feet in height for coniferous trees.

5. Trees Along Street Frontage. A minimum of one tree shall be provided along the right of way for every fifty (50) feet of public street frontage.

6. Perennials and Shrubberies. At least ten (10) percent of the total landscaped area shall be covered with perennials and/or shrubbery and be planted within the perimeter of private parking, building, and driveway areas.

7. Planting Islands. Planting islands shall be required to visually break up expanses of hard-surface parking areas, to provide safe and efficient traffic movement, and to define rows of parking. Planting islands shall occupy at least ten (10) percent of the parking area. Planting islands shall be edged with concrete curbs. Parking lot planting

islands shall be a minimum of 150 square feet in area, be of appropriate width and length, and include at least one tree meeting the requirements of this ordinance.

G. Landscape Design Specifications. All landscape plans and landscaping under this subdivision shall follow and be in compliance with the following requirements, together with all other Code regulations:

1. Diverse Selection. The landscape plan shall include a full complement of over story, ornamental and evergreen trees, shrubbery, and ground covers that are hardy and appropriate for the locations in which they are planted, and which provide year-round color and interest.

2. Existing Plant Credit. Plant materials existing on a site at the time of development, may be used as a credit against the requirements of these landscape regulations; the City Council shall determine the extent of credit allowed, based on the evaluation of species, size, location, quality of existing plant materials and the consistency with the intent of these regulations.

3. Plant Selection. The City maintains a list of trees that may not be used to satisfy the landscaping requirement of this section.

4. Method of Installation. All deciduous and coniferous trees shall be planted in accordance with American Standards for Nursery Stock relating to quality of stock and appropriate sizing of the root ball for balled and burlapped and spade-moved trees.

5. Slopes and Berms. Final slopes greater than the ratio of 3:1 will not be permitted without special approval or treatment, such as special seed mixtures or reforestation, terracing, or retaining walls. Berming used to provide required screening of parking lots and other open areas shall not have slopes in excess of 3:1.

6. Landscape Plan Maintenance. Quantity and character of landscaping, as originally approved, shall be maintained in perpetuity by the property owner unless the City approves a change to the landscaping plan. Maintenance shall include removal of litter, dead plant materials, unhealthy or diseased trees, and necessary pruning. Natural watercourses within a buffer shall be maintained as free flowing and free of debris.

7. Erosion Control. All areas of any site shall be restored and maintained in accordance with provisions of the city erosion control standards, and other requirements of the Code.

8. Placement of Trees and Shrubs. No trees or shrubs shall be planted within any drainage/utility easements, road right-of-way, or where it would now or in the future materially impede the clear vision area or other driveway between a height of two and one-half (2-1/2) and ten (10) feet in the clear vision area. (revised 3/18/09)

9. Completion Deadline. All plants required for screening purposes shall be planted to completion within six months from date of issuance of a building permit unless otherwise approved by the city due to the time of the year or if an alternative schedule is set in a development agreement. In no case shall the period exceed six months from issuance of the certificate of occupancy.

SECTION 2. Chapter 13 - Zoning Code, Section 1325 – General Regulations 1325.055 Tree Preservation, Subd. 1 and Subd. 6; are hereby amended by deleting ~~strike through~~ language and adding the underlined language as follows:

1325.055 Tree and Landscaping Preservation.

Subd. 1 Findings, Purpose and City Authority.

A. Findings and Purpose. The purpose of this section is to identify trees that are to be saved when development or land disturbing activity is occurring. It is the City's intent to protect, preserve, and enhance the natural environment of Arden Hills and to encourage a resourceful and prudent approach to development. The city council finds it is in the best interest of the city to protect, preserve, and enhance the natural environment of the community and to encourage a resourceful and prudent approach to development and property alteration. In the interest of achieving these objectives, the city has established the comprehensive tree preservation regulations herein to promote the furtherance of the following:

1. Protect and preserve the environment and natural beauty of the City;
2. Minimize tree and habitat loss during development and construction;
3. Establish minimum standards for tree preservation, landscaping, and the mitigation of environmental impacts resulting from landscape tree removal;
4. Enforce tree preservation and landscaping standards to promote and protect the public health, safety and welfare of the community.
5. Increase and maintain property values;
6. Enhance energy conservation through natural insulation and shading;
7. Prevent or reduce soil erosion, sedimentation and stormwater runoff;
8. Protect privacy by maintaining buffers between land uses; and
9. Preserve the variety and extent of trees which exist in the City and which are an integral part of this City's identity.

B. City Authority. To preserve protected trees, the City may:

1. Require and enforce a tree preservation plan as described below;
2. Specify trees or groups of trees for preservation;
3. Specify grading limits;
4. Require the clustering of buildings or the relocation of roads, drives, buildings, utilities or storm water facilities when this would preserve protected trees;
5. Specify time periods in which tree cutting, trimming or injury may not occur in order to prevent the spread of disease; and
6. Require easements to ensure that groups of significant trees are not destroyed after the development has been approved.

Subd. 2 Tree Preservation Plan.

A. Scope. A Tree Preservation Plan is required as part of an application for:

1. New building construction in any zoning district;
2. An expansion of an existing building or hard surface by ten percent or greater, where an approved tree preservation plan is not on file with the city;
3. Any project for which a city grading permit or erosion control permit is required
4. A plat or minor subdivision.

B. Tree Preservation Plan Submission Requirements. A Tree Preservation Plan must include a tree survey certified by a registered land surveyor, landscape architect, or forester. See Appendix A for details on the requirements of a Tree Preservation Plan. Projects on residential sites of fewer than two lots are not required to have tree surveys certified. Applicants are encouraged to consult with city staff concerning preservation of protected trees before developing a Tree Preservation Plan.

C. Review Process. The tree preservation plan shall be reviewed by the city to assess the best possible layout to preserve significant trees and to enhance the efforts to minimize damage to significant trees. The applicant shall meet with city staff prior to submission of the development application or prior to application for the grading permit, whichever is sooner, to determine the most feasible and practical placement of buildings, parking, driveways, streets, storage and other physical features, in order that the fewest significant trees are destroyed or damaged.

Subd. 3 Performance Guarantee.

A. Any applicant required to submit a tree preservation plan shall provide the required performance guarantee following preliminary approval of the tree preservation plan and prior to any construction and/or grading to insure completion and maintenance of all landscaping and trees in accordance with the approved tree preservation plan required hereunder.

B. The amount of a bond or other approved financial surety shall be 125% of the cost of materials and installation.

C. The bond or other financial surety shall be provided prior to the issuance of any building or grading permits and shall be valid for two full years, from the date of installation.

D. For any tree that is not in accordance with the approved tree preservation plan at the end of two growing seasons, the applicant shall replace the material to the satisfaction of the city before the guarantee is released. Where this is not done, the city, at its sole discretion, may use the proceeds of the performance guarantee to accomplish performance.

Subd. 4 Compliance with Plan. The applicant shall implement the tree preservation plan prior to and during any construction. The tree protection measures shall remain in place until all grading and construction activity is terminated.

A. Tree Removal Prior to Approval. No significant trees shall be removed until a tree preservation plan is approved by the city and except in accordance with the approved tree preservation plan.

B. Inspection. The city shall have the right to inspect the development and/or building site in order to determine compliance with the approved tree preservation plan. The city shall determine whether compliance with the tree preservation plan has been met.

C. Unapproved Tree Loss. If a tree that was required to be preserved is removed or damaged so that it is in a state of decline within two growing seasons from date of project closure, it must be mitigated at a rate of 2:1, or two caliper inches of trees replaced for every caliper inch of tree removed. This provision also applies to an easement area that is disturbed during or after development. The City may use the performance guarantee to accomplish this.

Subd. 5 Tree Removal and Preservation.

A. Tree Removal Allowance. Mitigation shall not be required for removing, cutting, or killing trees when:

1. Fewer than ten (10) percent of the caliper inches of the significant trees on the property are cut, removed, or killed

2. There is an existing principal use on the property and no construction, grading, or development is to occur in the location of the removed tree(s) within two years thereafter.

3. The trees to be removed, cut, or killed are identified as diseased or nuisance trees.

B. Reduced Requirements. Mitigation requirements can be reduced as determined by the City Council when there is a greater public good such as;

1. Allowing for LEED Certified architectural practices;

2. Providing affordable housing;

3. Allowing for a public road or trail; or

4. Providing for a public utility service.

C. Planned Unit Developments. A PUD plan for a new subdivision will be approved only if it demonstrates that the new subdivision has a reasonable number of lots or units and has lot lines and building pads that minimize tree loss. Mitigation must be provided for any removal of significant trees.

D. Diseased and Nuisance Trees. Prior to grading, all diseased and nuisance trees on the subject property shall be removed from the property at the time of grading and prior to the commencement of building construction. Diseased and nuisance trees shall not count toward calculation of significant tree inventory.

E. Removal of Trees Prior to Application Submittal. A tree that was removed or otherwise destroyed by unnatural causes within two years before a development application will be regarded as if it were present at the time of construction or a development application.

Subd. 6 Approved Tree Mitigation.

A. Mitigation Standards. Mitigation for tree removal of significant trees must meet the following specific standards;

1. Mitigation Rate. Significant live trees lost or reasonably anticipated to be lost as a result of building, construction, or grading immediately or in the future, shall be replaced by the property owner by planting that number of caliper inches of trees ("replacement trees") determined at a rate of 1:2 or one inch replaced for every two inches lost. The trees required to be replaced pursuant to this Section shall be in addition to any other trees required to be planted pursuant to any other provision of the Code.

2. Mitigation Species. Replacement trees shall be of a species similar to the trees which are lost or removed and shall include those species pre-approved in writing by the City. The City maintains a list of trees provided for guidance in selection of trees and shrubs.

3. General Mitigation Standards.

a) All replacement trees shall meet the American Standards for Nursery Stock relating to quality of stock and appropriate sizing of the root ball for balled and burlapped and spade-moved trees.

b) Trees planted in accordance with mitigation requirements shall not be comprised of more than 25 percent of the same species or size unless approved by the city.

c) Replacement trees shall be planted on the same property from which the trees were removed. If the City determines, at its sole discretion, that the number of replacement trees to be planted exceeds the number of trees that can be accommodated practically on-site, off-site planting may occur at locations to be determined by the City, or a [landscaping](#) fee in lieu of off-site planting may be required as provided in paragraph d below.

d) Where tree replacement on-site [in satisfaction of Subd. 6.A above](#) is not practical and a suitable off-site location cannot be determined by the City, a [landscaping](#) fee in lieu thereof may be assessed for the replacement required. The [landscaping](#) fee amount shall be the cost of materials and installation ~~of tree(s)~~tree, plus ten (10) percent, and shall be provided by the applicant and approved by the City. All [landscaping](#) funds collected shall be expended exclusively [towards landscaping, as defined by the ordinance](#), for implementation of the goals listed in Subd. 1 of this section [and Section 1325.05, Subd. 1.A.](#)

e) Development that is subject to the landscape requirements in Section 1325.05 of the Zoning Code may count preserved trees towards the required landscaping plan. The planting of trees for mitigation shall be in addition to the landscape requirements of Section 1325.05 [and shall be replaced in accordance with paragraph c and/or d above.](#)

f) The required mitigation trees shall be replaced by the property owner or original developer if they have died or have severely declined after the second full growing season following installation. A tree shall be considered to be severely declined if more than 25 percent of the crown has died.

Subd. 7 General Tree Protection Standards.

A. Prior to Construction. Before construction, grading or land clearing begins; trees or tree areas that are to be preserved shall be visibly marked and the city-approved tree protection fencing or other method shall be installed and maintained at the critical root

zones of the trees to be protected. The location of the fencing shall be in conformance with the approved tree preservation plan. This fencing shall be inspected by city staff before site work begins.

B. During Construction. The following activities shall be prohibited within the critical root zone areas of trees to be protected.

1. Trenching;
2. Temporary storage of any construction materials or chemicals; and
3. The routing or parking of heavy equipment, including cars, trucks, bulldozers and construction trailers.
4. Sediment and erosion control. All sediment and erosion-control silt fencing or straw bales shall be placed at the limits of grading or where needed to minimize the deposition of sediment within the drip line of the protected tree(s).
5. Attaching protective devices, signs, etc., to trees is prohibited. No protective devices, signs, utility poles or lines, or other objects shall be nailed or attached to any trees that are to be preserved.
6. Other actions prohibited. Any other action within the drip line of the protected tree(s) that may result in the severing of roots or compaction of soil, or that may impede the free access of air and water to tree roots, shall be prohibited.

C. Ponding. Water retention ponding may not be located where there are significant trees, unless approved by the city. The water retention ponding must be created in a manner that prevents erosion into any nearby water resource.

D. Amendments to Plan. An amendment to the tree preservation plan shall be required prior to the removal of trees that were designated for preservation on the original tree preservation plan. The amendment shall be subject to City approval prior to implementation.

SECTION 3. This Ordinance shall become effective immediately upon its passage and publication according to law. A Summary of this Ordinance will be published in accordance with state statute.

PASSED and ADOPTED this 10th day of October, 2022, by the City Council of the City of Arden Hills, Minnesota.

CITY OF ARDEN HILLS

By _____
David Grant, Mayor

ATTEST:

Julie Hanson, City Clerk