

## Section 44: Landscaping Provisions

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**44.01 Purpose.** The purpose of landscaping regulations is to implement a tool to visually improve and beautify the City by requiring landscaping and the preservation of woodlands for certain new development projects and to protect the health, safety, and general welfare of the public.

#### **44.02 Definitions:**

- |                 |                                 |   |
|-----------------|---------------------------------|---|
| <b>Subd. 1.</b> | Deciduous Tree:                 | Trees that shed all of its leaves seasonally.   |
| <b>Subd. 2.</b> | Evergreen Tree<br>(Coniferous): | Trees that hold their needles year round.   |
| <b>Subd. 3.</b> | Foundation<br>Planting:         | Plants or beds of plants that have been planted near a home or other building.  |
| <b>Subd. 4.</b> | Frontage:                       | That boundary of a lot which abuts an existing or dedicated public street.  |
| <b>Subd. 5.</b> | Overstory Tree:                 | Large deciduous or evergreen trees such as oak, maple, pine, etc.   |
| <b>Subd. 6.</b> | Tree unit:                      | A tree unit consists of 1 Overstory Tree or 2 Ornamental Trees from the list of approved trees listed in Section 44.10 provided that at least 50% of the tree units consist of an Overstory Tree. |

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For example, if 2 tree units are required, the requirements would be met with either (a) 2 Overstories or (b) 1 Overstory and 2 Ornamentals.

### 44.03 General Regulations:

- Subd. 1.** The following regulations shall apply to all property in the City:
- A.** All exposed ground areas, including street boulevards (landscaped portion of right-of-way), and areas not devoted to off-street parking, drives, sidewalks, patios, or other such improvements, shall be landscaped with sod, seed, shrubs, trees, and other ornamental landscape materials which shall be planted, weather permitting, prior to the issuance of a certificate of occupancy, but in no event later than 8 months following the date of certificate of occupancy.
  - B.** Temporary erosion control measures shall be installed and maintained until establishment of sod, seed, and/or permanent erosion control measures are in place and functioning properly.
  - C.** All landscaped areas shall be maintained by the property owners and be kept neat, clear, and uncluttered.
  - D.** No landscaped area shall be used for the parking of vehicles or for the storage or display of materials, supplies, or merchandise, unless specifically approved by the City.
  - E.** Where landscaping is required as part of this Ordinance and/or a development agreement, any plant material which is diseased or dies shall be replaced with like kind of the original size by the property owner within 1 year but in no event later than 45 days after written notification from City.
  - F.** Where an original landscape/screen design was approved by the Zoning Administrator, replacement of landscape materials or plantings shall be consistent with the approved plan.
  - G.** Plant locations shall not obstruct or conflict with existing or proposed utility lines and utility easements, street lights, and street sidewalks, trails, or alleys and landscaping must not interfere with

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the delivery of utilities or snow removal. The placement of trees or plantings upon utility easements or public right-of-way is strongly discouraged and such items are subject to removal if required for maintenance or improvement of the utility. In such cases, costs for removal and restoration shall be the responsibility of the property owner.

- H.** Plant locations shall not be placed on or extend into any yard or right-of-way area so as to pose a danger to traffic by obscuring the view of approaching vehicular traffic or pedestrians from any street or driveway.
- I.** Final grades with a slope ratio of greater than 3 to 1 shall not be permitted without approval of the City Engineer and/or Building Official and shall contain approved treatment such as special seed mixtures or reforestation, geotextiles, terracing, or retaining walls, or bioengineering techniques, as approved by the City Engineer.
- J.** Areas designated as open space or future expansion areas shall be properly planted and maintained with a native seed mix of grasses and forbs (flowers), such as MnDot native seed mixes or equivalent. These areas shall be maintained by mowing as specified in MnDot Seeding Manual 2000, as may be amended. The seed mixtures shall be approved by the City Engineer.
- K.** All buildings must have an exterior water spigot to insure that landscape maintenance can be accomplished.

**Subd. 2.** The following regulations shall apply to non-residential property only:

- A.** All ground areas under the building roof overhang located in the front of the building must be treated with a decorative mulch and/or foundation planting.

### 44.04 Tree Enhancement and Preservation:

- Subd. 1.** It is the goal of the City to minimize the loss of healthy and desirable trees existing on any property. The clear cutting or indiscriminate removal of trees from any property is prohibited unless otherwise specifically permitted under other provisions of this Ordinance. Examples of exceptions to the prohibition of clear cutting may

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include clearance of land for agricultural purposes, tree farming, nursery activities, and other authorized harvesting of trees, removal of dead, or diseased, trees, and the clearance of rights-of-way and easement corridors for the construction of public roadways and utilities. The preservation of existing trees shall be credited against the requirements for new landscaping, except that trees may still be required to be planted in the front yard within new subdivisions for continuity of street plantings.

### **44.05 Application of Minimum Landscaping Requirements:**

**Subd. 1.** The following developments (referred to collectively as "Applicable Developments") must comply with the minimum landscaping requirements identified in this ordinance:

- A. All subdivisions resulting in the creation of 3 or more lots.
- B. All new non-residential projects.
- C. Multi-family construction including town homes and apartments.
- D. Non-residential additions of 50% or more of the existing gross floor area of the building.

### **44.06 Landscape Plan Required:**

**Subd. 1.** Applicable Developments shall identify proposed landscaping in compliance with this section on a landscape plan as part of the plans submitted for a building permit or other City approval, including but not limited to, plats and subdivision approval. The landscape plan shall include provisions for irrigation and drainage of the proposed landscaped area into an appropriate drainage system.

### **44.07 Tree Preservation Plan Required:**

**Subd. 1.** All subdivisions resulting in the creation of 4 or more lots shall be required to incorporate a tree preservation plan with other subdivision application submittal requirements.

**Subd. 2.** The tree preservation plan shall include an inventory of healthy, desirable trees within the subdivision in excess of 4 inch caliper.

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The plan shall clearly identify which trees will be preserved and which trees will be removed.

- Subd. 3.** Healthy and desirable deciduous trees which are removed shall be replaced on a "caliper inch" basis within the development unless otherwise approved by the City in its sole discretion. For example, a 10-inch caliper tree removed shall be replaced by a minimum of four 2.5-inch caliper trees, three 3.3-inch caliper trees, two 5-inch caliper trees or one 10-inch caliper tree, or any combination (meeting minimum standards) equaling a 10-inch caliper replacement.
- Subd. 4.** Healthy and desirable evergreen trees which are removed shall be replaced on "height footage" basis within the development unless otherwise approved by the City in its sole discretion. For example, a 30-foot-tall evergreen tree removed shall be replaced with five 6-foot-tall trees, three 10-foot-tall trees, two 15-foot-tall trees or any combination (meeting minimum standards) equaling a 30-foot height replacement.
- Subd. 5.** A landscape plan shall be prepared, at sufficient detail, to illustrate the trees preserved on the site, as well as the type, size, and location of replacement trees.

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**44.08 Minimum Quantities:** Applicable Developments shall be subject to minimum landscaping improvements as follows:

| Zoning District | # Tree Units  | Location   | # of Foundation Plantings   |
|-----------------|---|--|---|
| AG              | No Minimum Quantities Required  |  |   |
| R-1             | 2   | Front Yard   | None  |
| R-2             | 2   | Front Yard   | None  |
| R-3             | <p style="text-align: center;">1 per Dwelling Unit</p> <p style="text-align: center;"><i>plus</i></p> <p style="text-align: center;">1 per 5 Dwelling Units<br/>(or fraction thereof)</p> | <p style="text-align: center;">Front Yard</p> <p style="text-align: center;"><i>plus</i></p> <p>Entire development including common areas as approved by the Park Board.</p> | <p>1 Planting for each 10 lineal feet (or fraction thereof) of building perimeter and parking lot perimeter. Plantings may be grouped rather than dispersed at 10 foot intervals. Location as approved by Zoning Administrator.</p> |

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| Zoning District | # Tree Units   | Location  | # of Foundation Plantings   |
|-----------------|--|---|---|
| R-4             | <p>1 per 2 Dwelling Units (or fraction thereof)</p> <p style="text-align: center;"><i>plus</i></p> <p>1 per 10 Parking Spaces (or fraction thereof)</p>  | <p>As approved by the Park Board</p> <p style="text-align: center;"><i>plus</i></p> <p>Tree(s) shall be planted in the front or side of the parking lot in a protected island or tree well with a protected area forming a 4 foot radius from the tree trunk to the inside of the curb or located in a landscaped area on the front or side perimeter of the lot provided that the tree(s) does not obstruct view of traffic. Location as approved by the Park Board.</p> | <p>1 Planting for each 10 lineal feet (or fraction thereof) of building perimeter and parking lot perimeter. Plantings may be grouped rather than dispersed at 10 foot intervals. Location as approved by the Zoning Administrator.</p> |
| MXR             | <p>Single Family Residences located within this district shall be subject to the landscape requirements for the R-2 district outlined herein.</p> <p>Townhomes located within this district shall be subject to the landscape requirements for the R-3 district outlined herein.</p> |   |   |
| RB-1            | 2  | Front Yard  | None  |

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| Zoning District | # Of Ornamental Trees<br><br>(Overstory Tree Not Required but Allowed if Space Permits)  | Location   | # of Foundation Plantings   |
|-----------------|--|--|---|
| B-1             | <p><i>The Lesser Of:</i></p> <p>1 per 1500 square feet (or fraction thereof) of land which is not covered by a building</p> <p style="text-align: center;"><i>OR</i></p> <p>1 per 8 parking spaces</p> | <p>As approved by the Zoning Administrator. The Zoning Administrator may also determine whether containers or tree wells are needed.</p> | None  |
| B-2             | <p><i>The Lesser Of:</i></p> <p>1 per 1500 square feet (or fraction thereof) of land which is not covered by a building</p> <p style="text-align: center;"><i>OR</i></p> <p>1 per 8 parking spaces</p> | <p>As approved by the Zoning Administrator. The Zoning Administrator may also determine whether containers or tree wells are needed.</p> | <p>1 Planting for each 10 lineal feet (or fraction thereof) of building perimeter and parking lot perimeter. Plantings may be grouped rather than dispersed at 10 foot intervals. Location as approved by the Zoning Administrator.</p> |
| I-1             | <p>1 per 50 lineal feet (or fraction thereof) of lot frontage.</p>   | <p>At least 1 must be located in the front yard with remaining to be dispersed throughout as approved by the Zoning Administrator.</p>   | <p>1 per 25 lineal feet (or fraction thereof) of building frontage. Plantings may be grouped rather than dispersed at 15 foot intervals. Location as approved by the Zoning Administrator.</p>  |

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### 44.09 Minimum Standards:

**Subd. 1.** Overstory Trees:

- A. Deciduous Trees: 2 inch caliper planting size, potted/bare root or balled and burlapped.
- B. Evergreen Trees: 6 feet in height planting size, potted/bare root or balled and burlapped.

**Subd. 2.** Ornamental Trees: 1 ½ inch potted/bare root or balled and burlapped.

**Subd. 3.** Foundation Plantings: Evergreen and deciduous shrubs shall be planted at a minimum of 1/4 of the mature spread and height of typical growth habits.

**Subd. 4.** Overstory Mix:

When multiple quantities of Overstory trees are required, at least 75% of the trees required shall be deciduous trees.

**Subd. 5.** Hardiness:

All proposed landscape materials shall be consistent with Minnesota hardiness zones, whether indigenous or foreign. Plant species must also be tolerant to snow storage, exposure to salt, and sun scald in parking areas.

**Subd. 6.** Diversification:

In any development in which at least 8 tree units or foundation plantings are required, at least 3 varieties of trees or foundation plantings are required. In residential subdivisions, at least 3 different species of trees are required on each side of a block.

**44.10 Types of New Trees:** Required trees shall be one of the following types provided that the species is not presently under disease epidemic (others may be approved in the sole discretion of the City):

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| <b>Overstory Deciduous<br/>Trees<br/>Common Name</b>    | <b>Overstory Deciduous<br/>Trees<br/>Botanical Name</b>   |
|---|---|
| Ash: Blue, Marshall<br>Seedless, Summit,<br>White       | Fraxinus quadrangulata,<br>pennsylvanica "Marshalls<br>Seedless," "Summit,"<br>Fraxinus americana |
| Catalpa   | Catalpa speciosa  |
| Cherry, Black   | Prunus serotina   |
| Coffeetree  | Gymnocladus dioicus   |
| Ginkgo  | Ginkgo biloba   |
| Hackberry   | Celtis occidentalis   |
| Honeylocust: Skyline,<br>Imperial                       | Gleditsia triacanthos<br>"Skyline," "Imperial"  |
| Linden: American,<br>Greenspire, Littleleaf,<br>Redmund | Tilia Americana, cordata,<br>"Greenspire," cordata,<br>Americana "Redmund"                        |
| Maple: Autumn Blaze,<br>Norway, Red (and<br>cultivars)  | Acer "Autumn Blaze,"<br>plantanoides, rubrum  |
| Oak: Bur, Pin, Red, Scarlet,<br>Swamp White, White      | Quercus macrocarpa,<br>palustris, rubra, coccinea,<br>bicolor, alba                               |
| <b>Overstory Evergreen<br/>Trees<br/>Common Name</b>    | <b>Overstory Evergreen<br/>Trees<br/>Botanical Name</b>   |
| Fir, Douglas  | Pseudotsuga menziesii<br>glauca   |
| Fir, White  | Abies concolor  |
| Hemlock, Canada (Eastern)                               | Tsuga canadensis  |

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|   |   |
|---|---|
| Pine: Austrian, White, Ponderosa, Red (Norway), Scotch      | <i>Pinus nigra</i> , <i>strobes</i> , <i>ponderosa</i> , <i>resinosa</i> , <i>sylvestris</i>    |
| Redcedar, Eastern   | <i>Juniperous virginiana</i>  |
| Spruce: Black Hills, Colorado Blue, Norway, White           | <i>Picea glauca</i> , <i>densata</i> , <i>pungens</i> , <i>abies</i> , <i>glauca</i>            |
| <b>Ornamental Trees<br/>Common Name</b>                     | <b>Ornamental Trees<br/>Botanical Name</b>  |
| Chokecherry: Amur, Shubert's                                | <i>Prunus maackii</i> , <i>prunus virginiana</i> "Shubert"                                      |
| Crabapple   | <i>Malus</i> spp.   |
| Dogwood, Pagoda   | <i>Cornus alternifolia</i>  |
| Hawthorn  | <i>Crataegus</i> spp.   |
| Ironwood  | <i>Ostrya virginiana</i>  |
| Lilac, any variety  | <i>Syringa reticulata</i>   |
| Mountain Ash: American, European, Korean, Oak-leaved, Showy | <i>Sorbus americana</i> , <i>acucuparia</i> , <i>alnifolia</i> , <i>hybrida</i> , <i>decora</i> |
| Nannyberry  | <i>Viburnum lentago</i>   |
| Plum: American, Canada                                      | <i>Prunus americana</i> , <i>nigra</i>  |
| Service Berry   | <i>Amelanchier</i> spp.   |
| Apple, any variety  | <i>Malus</i> sp.  |
| Fruit: Other fruit trees, any variety                       |   |
| Blue Beech  | <i>Carpinus caroliniana</i>   |
| Amur Cherry   | <i>Prunus maackii</i>   |

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### 44.11 Warranty:

**Subd. 1.** All required landscape materials shall be warranted for growth for a minimum of 1 year after planting.

**44.12 Financial Guarantee:** A financial guarantee in the form of a performance bond, letter of credit, or other form acceptable to the City Attorney, may be required by the applicant prior to the issuance of any permit for land alteration.

**Subd. 1.** The amount of the guarantee, if required, shall be 125% of the estimated cost to furnish and plant materials including irrigation, mulch, and other landscape materials. The estimated cost shall be provided by the applicant subject to approval by the City. The estimated cost shall be at least as much as the reasonable amount charged by nurseries for the furnishing and planting of all landscaped and/or screening materials. The City reserves the right in its sole discretion to determine the estimated cost in the event the applicant's estimated cost is not approved.

**Subd. 2.** The security shall be maintained for at least 1 year after the date that the landscape materials have been planted. Upon a showing by the applicant and such inspection as may be made by the City, that portion of the security may be released by the City equal to 125% of the estimated cost of the landscaped materials which are alive and healthy at the end of such year. Any portion of the security not entitled to be released at the end of the year shall be maintained and shall secure the applicant's responsibility to remove and replant landscape materials which are not alive or are unhealthy at the end of such year and to replant missing trees. Upon completion of replanting said landscape materials, the entire security may be released.

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### Amendment History of this Section

**Amended April 18, 2017 (R2017-09). Effective Date: October 25, 2017 (REV A).** Amended title to read Landscape Provisions.

Amended Section 44.01, added *preservation* of woodlands.

Amended Section 44.03, renumbered and reorganized the subdivisions; added a requirement that if a landscape plan had been required that replacement of materials would be consistent with the plan.

Amended Section 44.04, removed Woodland from the section heading; removed *authorized* removal of dead trees and *undesirable* trees.

Amended Section 44.07, changed 4 lots to 3; added language allowing other approval in the City's sole discretion.

Amended Section 44.08, changed Park Board to Zoning Administrator; reduced the minimum requirements for trees and foundation plantings in the I-1 district.

Amended Section 44.10 added that others may be approved in the sole discretion of the City.