

§1302.075 ZONING CODE §1302.075

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§1302.075 TREE PRESERVATION

Subd. 1. Purpose. The purpose of this ordinance is to provide for minimal tree loss and for the mitigation of tree removal resulting from development in wooded areas of the City. Tree cover is beneficial in terms of aesthetics, screening, cooling, wildlife habitat, watershed, erosion control and property value. Alteration of land in such a way as to cause destruction of trees diminishes and impairs the public health, safety and general welfare. This ordinance provides guidelines relating to the cutting, removal or killing of trees in areas where natural vegetation and topography of the land are to be altered.

Subd. 2. Applicability. This document shall apply to the following:

a) Parcels of land containing wood lots or treed areas having significant and or specimen trees which are being developed for single family residential, multiple family residential, commercial, mixed-use and industrial developments. Does not apply to development involving building additions or accessory structures for single-family, two-family or medium density residential.

(Ref. Ord. 10-1-1062, 1/12/10)

Subd. 3. Site Alteration Permit.

a) General requirements:

1) No person shall alter any lot containing significant and or specimen trees without first obtaining a site alteration permit.

2) Before any construction or grading takes place, snow fencing or erosion control fencing shall be placed around the borders of any woodlot or the drip lines of significant trees to be preserved. Signs shall be placed along this fence prohibiting grading beyond the fence line.

3) If any protected significant tree dies after the completion of the project, the tree must be replaced with a tree of the same or other approved species. The minimum size permitted

for replacement is designated in the approved species list. If ornamentals are used a minimum caliper size of one and one-half (1½) inch ornamental trees is required.

Subd. 4. Permit Procedures.

a) The applicant shall submit a Site Alteration Permit Application to the Zoning Administrator with the designated application fee and a site plan of the property and tree protection and replacement plan.

b) The Site Plan shall contain the following information:

1) An inventory of all significant trees on the site, certified by a Minnesota registered land surveyor and/or landscape architect or forester, which contains the following information. §1302.075 ZONING CODE §1302.075

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a. The size, species, condition and location of all significant trees (on large wooded sites, forest mensuration methods may be used to determine the total caliper inches of the trees outside the area of the proposed land alteration). The location of the trees should be depicted on the site plan relative to the proposed building and site alteration boundaries, location of utilities, parking lots and the limits of the proposed grading activity.

b. The number, type, size and location of trees required to be replaced.

c. Prior to submitting the plan to the City, the applicant shall mark all trees proposed for removal on the site with a yellow ribbon.

2) The tree replacement plan shall contain the following information:

a. The number, type, size and location of the replacement trees.

b. The methods to be used for the protection of trees which are to remain and the location where protection will take place.

c. Existing vegetation on the site, which is to remain.

3) The Zoning Administrator will review the application and make recommendations regarding

tree protection, site plan adjustments to mitigate tree loss and advise on tree replacement.

4) The Zoning Administrator is authorized to approve or deny the Site Alteration Permit based on compliance with the regulations stated in this ordinance. If denied, the Zoning Administrator shall state findings of fact as to why the application does not comply with the ordinance.

5) If the permit application is denied, the applicant may appeal the decision to the City Council. The appeal must be submitted in writing by the applicant within ten (10) days of the Zoning Administrator's decision.

6) The applicant may amend his application so as to reduce the number of trees to be removed at any time.

c) Guarantee

1) The applicant shall submit to the Zoning Administrator a surety bond, irrevocable letter of credit, cash escrow, certificate of deposit, securities or cash deposit prior to approval of the Site Alteration Permit.

2) The guarantee shall be in an amount to be determined by the Zoning Administrator to guarantee the completion of the project as permitted by the Site Alteration Permit. (Ref.

Ord. 876, 8/11/92)§1302.075 ZONING CODE §1302.075

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Subd. 5. Tree Replacement.

a) The removal of significant and for specimen trees on the site requires tree replacement. Trees shall be replaced based on the following formula: (Ref. Ord. 888, 3/9/93)

$$(A1/B) \times C1 \times A1 = D$$

$$(A2/B) \times C2 \times A2 = D$$

A1 = Total caliper inches of significant premium trees lost as a result of land alteration.

A2 = Total caliper inches of significant secondary trees lost as a result of land alteration.

B = Total caliper inches of significant trees situated on the land.

C1 = Tree replacement constant, premium tree (1.33)

C2 = Tree replacement constant, secondary tree (.266)

D = Replacement Trees (number of caliper inches)

(Ref. Ord. 888, 3/9/93, 10-1-1062, 1/12/10)

b) No more than one-third (1/3) of the replacement trees shall be of the same type of tree, without approval of the Zoning Administrator. Replacement trees must meet the following minimum size requirements:

1) Deciduous trees - 2½ caliper inches

2) Coniferous trees - 6 feet tall

3) Ornamental trees - 1½ caliper inches

c) Recommended Species List:

Common Name Latin Name

Red Maple *Acer rubrum*

Sugar Maple *Acer saccharum*

Silver Maple *Acer saccharinum*

Paper Birch *Betula papyrifera*

River Birch *Betula nigra*

Hackberry *Celtis occidentalis*

American Mountain Ash *Sorbus americana*

Tamarac *Larix laricina*

Ironwood *Ostrya virginiana* §1302.075 ZONING CODE §1302.075

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Cottonwood-male *Populus deltoides*

Big Tooth Aspen *Populus grandidentata*

Trembling Aspen *Populus tremuloides*

Wild Plum *Prunus americana*

Wild Black Cherry *Prunus serotina*

Bur Oak *Quercus macrocarpa*

Swamp White Oak *Quercus bicolor*

White Oak *Quercus alba*

Red Oak *Quercus rubra*

Northern Pin Oak *Quercus ellipsoidalis*

Arborvitae *Thuja occidentalis*

Black Willow *Salix nigra*

American Basswood *Tilia americana*

Butternut *Juglans cinerea*

Black Walnut *Juglans nigra*

White Spruce *Picea glauca*

White Pine *Pinus strobus*

(Ref. Ord. 10-1-1062, 1/12/10)

d) Replacement trees can be utilized in a required landscape and screening plan for the proposed development.

e) If the development property does not contain sufficient area or it is otherwise not practical to plant the replacement trees on the development property, then these trees can be planted on public property as approved by the Zoning Administrator.

f) Replacement trees shall be planted within twelve (12) months after the issuance of the Site Alteration Permit. If the applicant cannot meet this performance requirement, the Zoning Administrator may extend the time for performance. The applicant shall inform the Zoning Administrator when the replacement trees have been planted. The site shall then be inspected by

the designated City representative.

g) Any replacement tree which dies or is unhealthy one (1) year after the date that the last replacement tree has been planted must be removed and replaced. The replacement tree shall be the same species and size of the original replacement tree.

h) Trees which are removed illegally without City approval must be replaced. The replacement trees required for trees removed illegally shall equal twice the caliper inches as determined by the tree replacement formula.

(Ref. Ord. 876, 8/11/92)