



CITY OF SPRING PARK
PLANNING COMMISSION AGENDA
NOVEMBER 12, 2025 – 6:00 PM
SPRING PARK CITY HALL

1. CALL TO ORDER
2. APPROVAL OF AGENDA
3. APPROVAL OF MINUTES
 - a. Planning Commission Minutes – October 8, 2025
4. ADU DISCUSSION
5. PARKING REQUIREMENTS
6. PUBLIC HEARING – Amending Parking Requirements and ADU Ordinances
7. TREE PRESERVATION
8. MISCELLANEOUS
9. ADJOURNMENT



CITY OF SPRING PARK
PLANNING COMMISSION MINUTES
OCTOBER 8, 2025 – 6:00 PM
SPRING PARK CITY HALL

1. CALL TO ORDER

The meeting was called to order at 6:00pm.

Commissioners present: Chair Hoffman, Commissioners Avalos, Homan, and Terryll.

Staff present: City Administrator Anderson and City Planner Lori Johnson

2. APPROVAL OF AGENDA

Planning Commissioner Terryll motioned, being seconded by Planning Commissioner Homan, to approve the agenda as presented. On vote being taken, the motion was unanimously approved.

3. APPROVAL OF MINUTES

a. Planning Commission Minutes – August 13, 2025

Planning Commissioner Homan motioned, being seconded by Planning Commissioner Terryll, to approve the Planning Commission minutes from August 13, 2025. On vote being taken, the motion was unanimously approved.

4. PUBLIC HEARING – Adding/Amending Subdivision Language

a. A proposal to remove Article 111 – Subdivision/Platting from the Zoning Ordinance and replace with a new subdivision ordinance and a new Chapter to the code to be known as Chapter 43. The proposal will also include amending Chapter 42, Section 42-63, of the Zoning Ordinance, adding in the existing as-built requirement language.

Planning Chair Hoffman opened up the public hearing at 6:04pm. With no public comments received, the public hearing was closed at 6:04pm. Planning Commissioner Homan motioned, being seconded by Planning Commissioner Terryll, to close the public hearing at 6:04pm. On vote being taken, the motion was unanimously approved.

5. ADU DISCUSSION: City Planner Johnson reviewed the draft Ordinance she prepared for the Planning Commission to review highlighting the areas and elements that were important to them such as allowing detached units, that they must be occupied by a family member, they must be homesteaded, they still must meet the impervious requirements, and they would be allowed over a detached garage. She mentioned that a permit should be required for these units and recommended we put a cap on the size of the unit and add design requirements. Discussion was had. The Planning Commission provided their recommendations to City Planner Johnson - she will update the ordinance and bring it back to the Planning Commission for review.

6. PARKING REQUIREMENTS: City Planner Johnson reviewed her memo which included a graph showing the parking requirements for a few surrounding cities. Planning Chair, Hoffman stated that our parking requirements appear to be too strict. City Planner Johnson will bring back some parking scenarios specific to Spring Park for the Planning Commission to review. She will also update the # of parking stalls required for all other categories and also provide a definition for the “services” category.

All meetings of the Spring Park Planning Commission are video recorded and available for viewing online at www.ci.spring-park.mn.us or [Spring Park | Lake Minnetonka Cable Commission \(lmcc-tv.org\)](http://Spring Park | Lake Minnetonka Cable Commission (lmcc-tv.org)). Meeting minutes are intended to be a general synopsis of the meetings of the Planning Commission. Additional detail regarding discussions and policy considerations is provided by watching the recording of the meeting.

7. TREE PRESERVATION: City Planner Johnson reviewed some tree ordinances in the surrounding area. Tonka Bay doesn't have one, Mound is widely open, and Wayzata is very restrictive. She pulled the ordinance for Sunfish Lake which has a lot of trees and the intent of their ordinance is to preserve the maximum # of trees. Discussion was had. The Planning Commission would like a more restrictive ordinance so Johnson will bring back Wayzata's for the Planning Commission to review.
8. MISCELLANEOUS: Planning Chair Hoffman asked City Administrator Anderson if we posted the open Planning Commissioner position. He said he would check and let him know.
9. ADJOURNMENT
There being no further discussion, Planning Commissioner Avalos motioned, being seconded by Planning Commissioner Terry, to adjourn the meeting at 7:43p.m. On vote being taken, the motion was unanimously approved.

Respectfully submitted,
Jamie Hoffman, City Clerk

City of Spring Park Memorandum

To: Mike Anderson, City Administrator
From: Lori Johnson, City Planner
Date: October 29, 2025
Regarding: Proposed ADU Ordinance Discussion

At the Planning Commission meeting in October, the Planning Commission requested that staff provide an ADU ordinance that required the following elements:

- Allowance of detached units.
- ADU must be occupied by a family member.
- The property must be homesteaded.
- Impervious surface requirements must be met.
- ADU's can be over detached garages.

Staff has prepared the following ordinance amendments for review at the November Planning Commission meeting:

- Amendment to Article II, General Provisions by establishing Section 42-78. (ADU standards)
- Amendment to Article II, General Provisions, Section 42-64, referencing Section 42-78.
- Amendment to Article III, Establishment of Zoning Provisions, Division 2. R-1, Single and Two-Family Residential District, allowing ADU's as accessory uses with an administrative permit.

Staff have published the required public hearing notice and the Planning Commission shall hold the public hearing. It is recommended that the Planning Commission recommend approval of the proposed ordinance changes to the City Council for their consideration.

~~Secs. 42-78—42-99. Reserved.~~

Secs. 42-78. Accessory Dwelling Units.

- (a) Accessory dwelling units may be allowed on residential lots with a detached, single-family home within the R-1 zoning district. Accessory dwelling units are not allowed on properties with apartment buildings or attached townhomes.
- (b) An accessory dwelling unit may be allowed provided if all of the following conditions are met:
 - (1) An accessory dwelling unit may be located above a detached garage that is accessory to a single-family detached home; internal to a single-family home; or detached as a standalone structure.
 - (2) An administrative permit for the accessory dwelling unit shall be applied for concurrently with the application for a building permit.
 - (3) Not more than one accessory dwelling unit shall be allowed per single-family detached lot.
 - (4) Any accessory dwelling unit shall comply with the same minimum building setback requirements as required for the living portion of the principal dwelling unit.
 - (5) Except as noted in (c) above or as otherwise specified in this subdivision, a detached accessory dwelling unit shall be subject to the same regulations as provided for in the R-1 Zoning District Chapter.
 - (6) An accessory dwelling unit shall be a clearly incidental and subordinate use and shall be located in rear yards only. Any accessory dwelling unit shall be a minimum of 600 square feet with a maximum of no more than 50% of the principal structure on the lot.
 - (7) The owner of the property shall reside in the principal dwelling unit or in the accessory dwelling unit. The property must be have a homestead status with Hennepin County.
 - (8) There shall be no separate ownership of the accessory dwelling unit.
 - (9) One off-street parking space shall be provided for an accessory dwelling unit. Adequate parking shall be shown on the permit application and shall comply with the requirements of this Chapter.
 - (10) The accessory dwelling unit shall be addressed as a separate unit with the same numerical address as the principal structure pursuant to Chapter 10 (Buildings and Building Regulations and Signs) of the City Code.
 - (11) The principal dwelling unit and accessory dwelling unit shall be connected to municipal sewer and water.

(12) The accessory dwelling unit shall have a foundation and shall be a permanent structure.

(13) Any exterior entrance for the accessory dwelling unit shall be on the side or rear of the home.

(14) The applicant must demonstrate that the proposed new construction or modifications to existing construction comply with the building code.

(15) Accessory dwelling units must meet any applicable shoreland or structural coverage regulations.

(16) The maximum height for accessory dwelling units shall be 35 feet.

(17) The accessory dwelling unit shall not be used by anyone that is not considered family to the owners of the principal structure.

Secs. 42-79—42-99. Reserved.

Sec. 42-64. Accessory buildings, uses and equipment.

- (a) *[Construction time frame.]* No accessory building or use shall be constructed or developed on a lot prior to the time of construction of the principal building to which it is accessory.
- (b) *Within the R-1 and R-2 zoning districts, accessory buildings* *except for those allowed in Sec. 42.78* *shall meet the following standards:*
- (1) *Accessory building size.*
 - a. *Detached accessory buildings.* The total area as measured by foundation size of all detached accessory buildings shall not exceed 1,200 square feet.
 - b. *Attached garage.* The foundation size of an attached garage shall not be larger than 80 percent of the foundation size of the principal building or 1,200 square feet, whichever is larger. The floor area of the attached garage is not counted against the 1,200 square feet of eligible detached accessory building allowance.
 - (2) *Building heights.* Within the R-1, R-2, R-3, and C-3 districts, detached accessory buildings and garages shall not exceed 16 feet in height, *except for those buildings allowed in Sec. 42-78.*
 - (3) *Number of accessory buildings.* The number of accessory buildings in the R-1 and R-2 districts shall be limited to one of the following:
 - a. One attached garage, one detached accessory building, plus one detached accessory building not to exceed 100 square feet or eight feet in height; or
 - b. Two detached accessory buildings plus one detached accessory building not to exceed 100 square feet or eight feet in height.
 - (4) *Exterior materials.* Residential accessory buildings shall utilize complimentary exterior materials and colors to that of the principal structure on the lot. Non-decorative concrete block, corrugated or flat metal panels, or unfinished metal may comprise no more than thirty percent of each wall area. *Buildings allowed in Sec. 42-78 are exempt from this criteria.*
 - (5) *Plumbing.* Shower and bath facilities are prohibited in accessory buildings, *except for those allowed in Sec. 42.78.* A toilet, wash sink, or water connection are allowed in an accessory building provided:
 - a. Water connection must meet all city standards and be metered.
 - b. Connection can be made to the municipal sanitary sewer.
 - c. Payment of any applicable utility fees and sewer availability charge.
 - (6) *Prohibited uses.* Accessory buildings may not be used for the following:
 - a. Home occupation.
 - ~~b. Dwelling unit.~~
 - eb. Commercial business.
- (c) *[Connection to principal building.]* An accessory building is considered to be an attached garage when it shares a continuous foundation and at least one wall or portion thereof with the principal building.
- (d) *[Setbacks.]* All accessory buildings and uses shall meet the setbacks required by the district and shall not be located between the principal structure and the shoreline Ordinary High Water Line (OHWL) with the following exceptions:
- (1) Residential docks and boat lifts.

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- (2) One detached accessory building not exceeding eight feet in height, nor 100 square feet in area in the rear yard provided it is not located within five feet from any lot line, or within 50 feet of the ordinary high-water mark.
 - (3) One open air structure without walls not exceeding 144 square feet in floor area.
- (e) *Reserved.*
- (f) *Temporary outdoor sales.* Temporary outdoor sales of products as accessory to a principal structure shall be allowed within commercial and/or manufacturing zoning districts upon the issuance of a temporary use permit by the zoning administrator. All temporary outdoor sales of products as accessory to a principal structure shall comply with the following:
- (1) Temporary sales are limited to not more than 14 consecutive days.
 - (2) No more than six temporary sales shall occur in a 12-month period.
 - (3) Upon sale termination, all sale items, storage materials, and equipment must be promptly removed from the subject site.
 - (4) Outdoor temporary sales areas shall have a paved surface with asphalt, cobblestone, paver block, or other form of concrete. Pervious pavement materials may be permitted subject to review and approval by the city engineer. No sale display may be located in landscaped areas of the site as defined in subsection (j)(5)f.2. of this chapter.
 - (5) Temporary sales displays shall not be located within a public right-of-way.
 - (6) Outdoor temporary sales areas shall be located on the site in a manner that does not interfere with on-site parking or traffic circulation.
 - (7) Permit applications shall be accompanied by a site plan that illustrates the size and location on the site of the temporary outdoor sale area.
- (g) *Residential docks/boat lifts.* Docks and boat lifts shall be permitted as accessory uses in all residential districts subject to the applicable rules and regulations of the Lake Minnetonka Conservation District and the conditions and restrictions contained in article VIII, divisions 2, 3, and 4.
- (h) *Stairways, lifts, and landings.* Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
- (1) Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties and public open-space recreational properties.
 - (2) Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties and recreation fields and buildings.
 - (3) Canopies or roofs are not allowed on stairways, lifts, or landings.
 - (4) Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.
 - (5) Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical.
 - (6) Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subitems a to e are complied with in addition to the requirements of Minnesota Rules, chapter 1340.

DIVISION 2. R-1, SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT

Sec. 42-275. Purpose.

The purpose of the R-1, Single and Two-Family Residential district is to provide for low- and moderate-density one- and two-unit dwellings and directly related, complementary uses.

(Ord. No. 62, § 12(Subd. A), 9-13-1993)

Sec. 42-276. Permitted uses.

The following are permitted uses in an R-1 district:

- (1) Single-family detached dwelling units.
- (2) Two-family dwelling units.
- (3) Essential services.

(Ord. No. 62, § 12(Subd. B), 9-13-1993)

Sec. 42-277. Permitted accessory uses.

The following are permitted accessory uses in an R-1 district:

- (1) Accessory Dwelling Units with an administrative permit and subject to standards in Sec. 42-78.

~~(1)(2)~~ Private garages, parking spaces and carports for licensed and operable passenger cars and trucks not to exceed a gross weight of 12,000 pounds, as regulated by section 42-67 (Off-street parking). Private garages may be used to store the private passenger vehicles of the family or families resident upon the premises only, and no business, service or industry may be carried on therein. Such garage may also be used for the storage of one commercial vehicle per dwelling unit, provided that such vehicle is owned or operated by a resident of the dwelling unit to which the garage is accessory;

~~(2)(3)~~ Recreational vehicles and equipment.

~~(3)(4)~~ Noncommercial greenhouses and conservatories.

~~(4)(5)~~ Swimming pool, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.

~~(5)(6)~~ Tool houses, sheds, and similar buildings for storage of domestic supplies and noncommercial recreational equipment.

~~(6)(7)~~ Animal shelters for no more than two domestic animals belonging to the property owner or the property tenant.

~~(7)(8)~~ Residential docks. Private docks and boat lifts are permitted accessory uses or permitted accessory equipment in the R-1 district subject to the following rules, regulations and conditions:

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- a. Docks and lifts must comply with all applicable rules and regulations of the Lake Minnetonka Conservation District ("LMCD"), including, but not limited to, rules and regulations regarding the number of restricted watercraft permitted at a dock;
 - b. Docks may be used for the mooring or storing of boats for the personal recreational use of the boat owners and their guests only; the mooring or storing of a boat or boats used in a commercial or business enterprise of any kind (including, but not limited to, guide services, fishing charters or other charter services, boat clubs, water taxis, docking services for boats stored off-site, or boat repair services) is not permitted at any dock accessory to a property located in a residential district; and
 - c. If a dock is used to moor or store a boat owned by persons other than the owner(s) or occupant(s) of the property, there must be sufficient off-street parking located on the property available for parking the cars of the owners and users of each such boat.
 - d. Violation of the rules, regulations and conditions contained in subsections a. through c. above may result in the imposition of administrative fines as set forth in chapter 11 of the Spring Park City Code.

~~(8)(9)~~ Ground source heat pump systems as regulated by section 42-76 of this article.

~~(9)(10)~~ Wind energy systems as regulated by section 42-76 of this article.

~~(10)(11)~~ Solar energy systems as regulated by section 42-76 of this article.

(Ord. No. 62, § 12(Subd. C), 9-13-1993; Ord. No. 09-02, § II, 4-20-2009; Ord. No. 13-02, § 3, 9-16-2013)

Sec. 42-278. Conditional uses.

The following are conditional uses in an R-1 district (requires a conditional use permit based upon procedures set forth in and regulated by article IV, division 2): Planned residential developments having not more than one principal building for each 10,000 square feet of lot area; nor more than two dwelling units per principal building, except as provided in section 42-66.

(Ord. No. 62, § 12(Subd. D), 9-13-1993)

Sec. 42-279. Lot requirements and setbacks.

The following minimum requirements shall be observed in an R-1 district subject to additional requirements, exceptions and modifications set forth in this chapter:

- (1) *Lot area.*
 - Single-family detached dwelling units.* 10,000 sq. ft.
 - Two-family dwelling units.* 12,000 sq. ft.
- (2) *Lot width.* 50 feet.
- (3) *Setbacks.*
 - a. *County or city public right-of-way.* No less than 30 feet.
 - b. *Side yard.*
 - i. *Interior lot line.* No less than ten feet.
 - ii. *Side yard abutting a public right-of-way:*

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- (A) *Principal and accessory building.* No less than ten feet.
 - (B) *Garage/accessory building with doors parallel to the street to provide direct vehicle access from a side yard street.* No less than 25 feet.
 - (C) *Garage/accessory building oriented on the lot so that the garage door is not parallel to the street to allow indirect vehicle access may be set back ten feet from the side yard lot line provided that the property can provide a driveway having a length of at least 25 feet, excluding the street right-of-way. Said driveway length shall be measured at the center line of the proposed driveway from the street right-of-way to the garage door.*
- c. *Rear yard abutting another lot.* No less than ten feet.
 - d. *Ordinary high-water mark.* No less than 50 feet.
 - e. *Top of bluff.* No less than 30 feet.
- (4) *Lot coverage.* Impervious surface coverage of lots within the R-1 districts shall not exceed 30 percent of the lot area, except as provided below:
- a. Impervious surface lot coverage may be allowed to exceed 30 percent of lot area on an existing lot of record that falls below R-1 lot area and width standards subject to the following:
 - i. All structures, additions or expansions shall meet setback and other requirements of this chapter.
 - ii. The lot shall be served with municipal sewer and water.
 - iii. The amount of impervious surface does not exceed 3,000 square feet of area.
 - b. New construction, alterations, expansions and remodeling of structures on all lots may expand lot coverage up to 40 percent of actual lot area through the plan review process established in article IV, division 1, provided the following stipulations are met:
 - i. All structures, additions, or expansions shall meet setback and other requirements of this chapter.
 - ii. The lot shall be served by municipal sewer and water.
 - iii. The lot shall provide for the collection and treatment of stormwater in compliance with the city stormwater management plan if determined that the site improvements will result in increased runoff directly entering a public water. All development plans shall require review and approval by the city engineer. The property owner shall be responsible for installing one or more of the measures recommended by the city engineer to mitigate the impact of additional impervious surface. Plans must also be reviewed by the Minnehaha Creek watershed district when projects meet criteria requiring watershed district review and approval.
 - iv. Measures to be taken for the treatment of stormwater runoff and/or prevention of stormwater from directly entering a public water. The measures may include, but not be limited to the following:
 - (A) Installation of rain gardens, infiltration basins, or bio filtration basins should be considered for treatment of stormwater runoff from hard surfaces. Filtration basins should be considered if soil conditions are not favorable for infiltration.
 - (B) Installation of erosion control devices, including silt fence, bio-rolls, erosion control blanket, and storm sewer inlet protection should be used.

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- (C) Installation of oil-skimming devices and sump catch basins should be used to improve water quality.
 - (D) Stormwater runoff from hard surfaces should be directed into pervious areas (grassed lawns or landscape beds) through site grading and use of gutters and downspouts.
 - (E) Hard surfaces should be constructed using pervious pavement or pavers, or raised materials such as decking which has natural earth or other pervious material beneath or between the planking.
 - (F) Grading and construction techniques should be implemented that encourage infiltration of stormwater runoff.
 - (G) Installation of berms or basins should be considered to temporarily detain water before dispersing it into pervious area.
- (5) *Building height.* No structure shall exceed two and one-half stories or 35 feet, whichever is least.
 - (6) *Bluff impact zones.* Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
 - (7) *Shore impact zones.* Structures and accessory facilities except docks must not be placed within shore impact zones.

(Ord. No. 62, § 12(Subd. E), 9-13-1993; Ord. No. 62.06, § 1, 3-2-1998; Ord. No. 11-08, § 1, 12-19-2011; Ord. No. 13-02, § 2, 9-16-2013; Ord. No. 14-02, § 3, 6-16-2014)

Sec. 42-280. Interim uses.

The following is the interim use in an R-1 district (requires an interim use permit based upon procedures set for in and regulated by article IV, division 4):

- (1) *Short-term rental.* Short-term rentals constitute a commercial use of residential property, which may conflict with the fundamental character of residential zoning districts. To ensure there is no disruption to the fundamental character of residential zoning districts an interim use permit for short-term rentals meeting all the following conditions is required is to ensure the public health, safety, and welfare of its citizens.
 - a. *Lot requirements.*
 - 1. The lot must be located adjacent to or across the street from a commercially zoned district.
 - 2. The lot must be abutting an arterial street as defined in the Spring Park Comprehensive Plan.
 - b. *Conditions required to maintain interim use permit.*
 - 1. *No physical alterations.* No physical alterations of a primary residence shall be permitted in conjunction with the operation of a short-term rental dwelling unit, except that additional onsite parking may be provided, to the extent that such parking is otherwise permitted by the applicable provisions of the city code.
 - 2. *Building code/property maintenance compliance.* All dwellings pursuing an interim use permit for short-term rental shall be in compliance with all applicable city building codes and the city's fire and property maintenance codes. Inspection and verification of code compliance by the city building inspector shall be required.

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3. *Nontransferable.* Interim use permits issued under this section are nontransferable. Each interim use permit shall automatically terminate upon the sale or other conveyance of the property upon which the short-term rental is located, unless otherwise authorized by the city council.
 4. *Number of bedrooms.* Each interim use permit shall indicate the number of bedrooms which are contained in the primary residence. No interim use permit holder shall advertise the primary residence as containing any more than the identified number of bedrooms.
 5. *Limit on the number of guests.* The maximum number of transient guests permitted to stay within a short-term rental dwelling unit at any one time shall be the sum of the number of bedrooms contained in the primary residence multiplied by two, up to a maximum of ten. Such sum shall include both adults and children.
 6. *Signage.* No commercial signage is allowed on the property of any short-term rental dwelling unit.
 7. *Events.* Events are not allowed to be hosted by transient guests on short-term property. For purposes of this prohibition, an event shall mean a gathering on the property of the total number of people permitted to stay on the premises plus five. Events hosted by the owner are exempt from this prohibition, but must otherwise abide by state and local law and policies.
 8. *Parking.* A property with a short-term rental dwelling unit shall provide a minimum of two off-street parking stalls for transient guests. The maximum number of vehicles allowed at the property shall be limited to the number of off-street parking spaces provided. To be valid, off-street parking shall meet any applicable requirements set forth in the city code.
 9. *Occupant eligibility.* The primary overnight and daytime occupant of a short-term rental dwelling unit must be an adult 18 years of age or older. This adult must provide a telephone number to the owner and shall be accessible to the owner by telephone at all times.
 10. *House number visible.* Property containing a short-term dwelling unit must have a visible house number that can be easily seen from the street at all times.

(Ord. No. 20-04, § 4, 12-21-2020; Ord. No. 22-01, § 1, 4-4-2022)

Secs. 42-281—42-299. Reserved.

City of Spring Park Memorandum

To: Mike Anderson, City Administrator
From: Lori Johnson, City Planner
Date: October 29, 2025
Regarding: Parking Requirements – Proposed Ordinance

At the Planning Commission meeting in October, the Planning Commission directed staff to propose ordinance amendments to change the required number of parking spaces for health clubs and personal services (a definition of personal services was also requested.) The Commission chose to leave the current parking requirements for bars and restaurants as is in the ordinance.

Please see the attached sections of the code that are proposed for amendments. The parking requirements for health clubs have been changed as follows:

- (4) *Community centers, ~~health or exercise club~~, libraries, private clubs, lodges, museums, art galleries. Ten spaces plus one for each 150 square feet in excess of 2,000 square feet of floor area in the principal structure.*
- (5) *Convalescent home, rest home, nursing home or day nurseries. One for each three beds, plus one for each two employees, plus one for staff or visiting physician.*
- (6) *Elderly (senior citizen) housing. Reservation of area equal to one parking space per unit. Upon initial development only one-half the reserved area shall be required to be developed for parking. Said number of parking spaces shall continue until such time as the city council determines that a need for additional parking spaces has been demonstrated.*
- (7) *Health Clubs. One space per 300 square feet.*

A parking requirement and a definition of personal services has been added to the ordinance as follows:

- (9) *Personal Services. One space for each 200 square feet of floor area.*
Personal Services. The selling of services that involve personal health and beauty care and treatment to clients on a walk in or appointment basis. These services include, but are not limited to: barbershops, beauty salons, nail salons, weight loss services, and tanning salons.

It is recommended that the Planning Commission recommend approval of the proposed ordinance changes to the City Council.

Sec. 42-50. P.

Parks and playgrounds. Public land and open space in the city dedicated or reserved for recreational purposes.

Parking ramp. An accessory structure, other than a private garage, designed and used for the storage of motor vehicles at, below, and/or above grade.

Parking space/stall. An area enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one automobile, which has adequate access to a public street or alley permitting satisfactory ingress and egress of an automobile.

Permitted use. A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards (if any) of such districts.

Person. Any individual, firm, partnership, association, corporation, or organization of any kind.

Personal Services. The selling of services that involve personal health and beauty care and treatment to clients on a walk in or appointment basis. These services include, but are not limited to: barbershops, beauty salons, nail salons, weight loss services, and tanning salons.

Planned unit development. A development procedure whereby internal site design standards are allowed to deviate from this chapter in order to accommodate two or more principal structures, and/or facilitate improved site design and operation.

Planning commission. The Planning Commission of Spring Park, Minnesota.

Principal (or main) building. The building located on a lot, the use of which building is the primary use or purpose of the lot (e.g. for a lot located in a Residential district, a dwelling unit is the primary purpose of the lot and, therefore, a dwelling unit would be the principal building for that lot).

Principal use. The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either permitted or conditional.

Protective (restrictive) covenants. Contracts or deed restrictions relating to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area.

Public improvements. Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the city has assumed responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

Public structure. An edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner which is owned or rented, and operated by a federal, state, or local government.

Public uses. Uses owned or operated by municipal, school district, county, state, or other governmental units.

Public waters. Any waters as defined in Minn. Stat. § 103G.005, subd. 15 and 16.

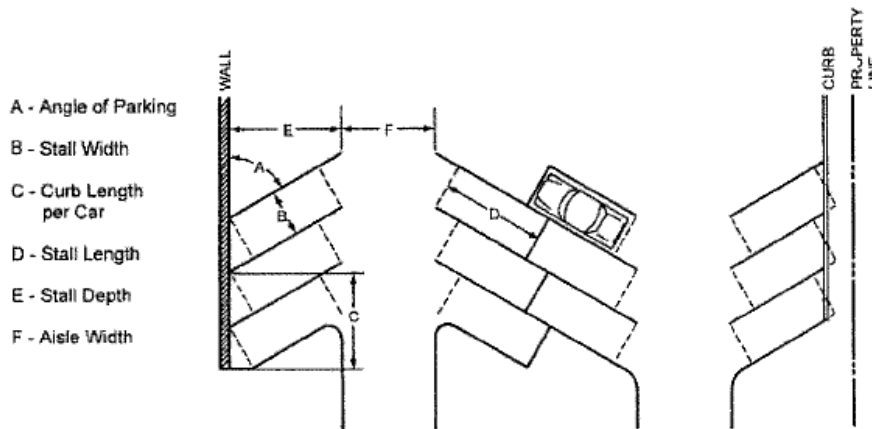
(Ord. No. 62, § 2(Subd. P), 9-13-1993; Ord. No. 62.07, § 1, 8-17-1998; Ord. No. 62.10, § 1, 7-16-2001)

Sec. 42-67. Off-street parking regulations.

- (a) *Purpose.* The purpose of the off-street parking regulations is to alleviate or prevent congestion of the public right-of-way and to promote the safety and general welfare of the public, by establishing minimum requirements for off-street parking of motor vehicles in accordance with the utilization of various parcels of land or structures.
 - (b) *Application of off-street parking regulations.* The regulations and requirements set forth herein shall apply to all off-street parking facilities in all of the zoning districts of the city.
 - (c) *Exemptions.* The off-street parking regulations shall not be applicable to the commercial establishments located as of November 20, 1984, on Spring Street, as the city specifically finds that the parking available to the public on Spring Street is sufficient in ratio, size, surfacing and accouterments so as to eliminate the need for compliance by said commercial establishments with this section. The city shall be entitled, at any future time, to modify or revoke this finding in the event that changing conditions should justify such modification or revocation.
 - (d) *Site plan drawing necessary.* All applications for a building or an occupancy permit for any zoning district shall be accompanied by a site plan drawn to scale and dimensioned indicating the location of off-street parking and loading spaces in compliance with the requirements set forth in this subdivision and Section 3, Subd. D of this Ordinance. Every detached single family dwelling unit erected after the effective date of this Ordinance shall be so located on the lot so that at least a one (1) car garage, either attached or detached, can be located on said lot in conformance with this Ordinance.
 - (e) *[Requirements for shore impact zones.]* Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of section 42-70 are met. For private facilities, the grading and filling provisions of section 42-71 must be met.
 - (f) *Roads, driveways, and parking areas.*
 - (1) Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the minimum Watershed district, or other applicable technical materials.
 - (2) Roads, driveways, and parking areas must meet structure setbacks from the ordinary high-water level (OHWL—929.4 feet) and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts providing the following criteria are met:
 - a. The location does not adversely impact vegetation or topography.
 - b. Erosion control into waters is minimized.
 - c. Roads and parking areas are screened from view from the water.
 - (g) *General provisions.*
 - (1) *Floor area.* Except as hereinafter may be provided, the term "floor area" for the purpose of calculating the number of off-street parking spaces required shall be determined on the basis of the exterior floor dimensions of the building, structure or use times the number of stories minus ten percent.
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- (2) *Change of use of buildings.* Any change of use of any building or building additions thereto requiring more parking area shall not be permitted until there is furnished such additional parking spaces as required by this chapter.
- (3) *[Off-street parking—Residential use.]* Off-street parking facilities necessary to residential use shall be utilized solely for the parking of licensed and operable passenger automobiles and no more than one truck not to exceed gross capacity of 12,000 pounds. Under no circumstances shall the required number of parking spaces accessory to residential structures be reduced by the storage of recreational vehicles, equipment or commercial vehicles.
- (4) *Calculating space.*
- When computing the number of off-street parking spaces required by this section, any resulting fraction shall be rounded to the nearest whole number.
 - Except as hereinafter may be provided, should a structure contain two or more types of use, calculations shall be made separately for each use to determine the total off-street parking spaces required.
- (5) *Stall, aisle and driveway design*
- Parking space size.* Each parking space shall not be less than eight feet, nine inches wide and 18 feet in length, exclusive of access aisles. Parking lot design including stall width, drive aisle, and length shall comply with the following table:

Angle of Parking (A)	Stall Width (B)	Curb Length Per Car (C)	Stall Length (D)	Stall Depth Wall to Aisle (E)	Stall Depth Interlock to Aisle	Aisle One Way (F)	Aisle Width Two Way (F)
90°	8' 9"	8' 9"	18' 0"	18' 0"	18' 0"	24' 0"	24' 0"
75°	8' 9"	9' 0"	18' 0"	19' 3"	18' 5"	20' 11"	23' 0"
60°	8' 9"	10' 0"	18' 0"	19' 2"	18' 6"	18' 6"	22' 0"
45°	8' 9"	12' 3"	18' 0"	17' 9"	16' 6"	13' 0"	22' 0"
0°	8' 0"	22' 0"	22' 0"	8' 0"	8' 0"	12' 0"	24' 0"



Up to 20 percent of the total required parking may be designated for compact cars with stalls not less than seven feet wide and 15 feet in length, exclusive of access aisles. Parking for compact cars must be appropriately marked. Each space shall be adequately serviced by access aisles.

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- b. *Within structures.* The off-street parking requirements may be met by providing a space so designed within the principal building or one structure attached thereto, however, no building permit shall be issued to convert said parking structure into a dwelling unit or living area or other use until other adequate provisions are made to comply with the required off-street parking provisions of this chapter.
 - c. *[Circulation between bays, aisles.]* Except in the case of single-family, two-family, townhouse and quadraminium dwellings, parking areas shall be designed so that circulation between parking bays or aisles occurs within the designated parking lot and does not depend upon a county road, city street, or alley. Except in the case of single-family, two-family, townhouse and quadraminium dwellings, parking area design which requires backing into the public street is prohibited.
 - d. *[Curb cut access at intersections.]* No curb cut access shall be located within 30 feet of the intersection of two or more street rights-of-way, except on approval of the city engineer.
 - e. *[Curb cut access width.]* No curb cut access shall exceed 25 feet in width, except on the approval of the city engineer.
 - f. *[Curb cut openings.]* Curb cut openings shall be at minimum five feet, not including curb radius, from side or rear property lines.
 - g. *Boundary line driveways.* Joint use boundary line driveways are permitted, provided the adjoining property owners present a joint use agreement to the city council for approval. Upon approval of said agreement it shall be recorded by the property owners in the Hennepin County Recorder's Office or Registrar of Title Office and shall be filed with the city zoning administrator.
 - h. *Surfacing.* Except for single-family and two-family dwellings, all areas intended to be utilized for parking space and driveways shall be surfaced with asphalt, cobblestone, paver block or other form of concrete. Plans for surfacing and drainage of driveways and parking lots containing five or more stalls shall be submitted to the city engineer and the Minnehaha Creek Watershed District for review and written approval.
 - i. *Striping.* Except for single-family, two-family, townhouse and quadraminium dwellings, all bituminous or concrete parking stalls shall be marked with white or yellow paint lines not less than four inches wide.
 - j. *Lighting.* Public, commercial, manufacturing and multiple-family parking areas shall have installed lights of sufficient intensity and number to permit unimpaired vision to and in all areas of the parking facility. Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjoining property, abutting residential uses and public rights-of-way and be in compliance with subsection 42-63(g).
 - k. *Signs.* No sign shall be so located as to restrict the sight lines and orderly operation and traffic movement within any parking lot.
 - l. *Landscaping.* Grass or landscape plantings shall be provided in areas bordering the parking areas.
- (h) *Maintenance.* It shall be the joint and several responsibility of the lessees and owners of the principal use, uses or building to maintain in a neat and adequate manner, the parking space, accessways, striping, landscaping, and required screening.
 - (i) *Location.* All accessory off-street parking facilities required by this chapter shall be located and restricted as follows:
 - (1) Required accessory off-street parking shall be on the same lot under the same ownership as the principal use being served, except under the provisions of subsection (k).
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- (2) Except for single-family, two-family, townhouse and quadraminium dwellings, head-in parking directly off of and adjacent to a county road where drivers have their own direct access to the county road shall be prohibited.
- (3) The boulevard portion of the right-of-way shall not be used for parking.
- (j) *Use of required area.* Required accessory off-street parking spaces in any district shall not be utilized for open storage, sale or rental of goods, storage of inoperable vehicles, and/or storage of snow.
- (k) *Number of spaces required.* The following minimum number of off-street parking spaces shall be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses hereinafter set forth:
- (1) *Single-family, two-family, townhouse and quadraminium units.* Two spaces per unit.
 - (2) *Boarding house.* At least one parking space for each person for whom accommodations are provided for sleeping.
 - (3) *Townhomes and multiple-family dwellings.* Two spaces per unit, plus one visible and accessible space per four units designated as parking for residents' guests and visitors.
 - (4) *Community centers, ~~health or exercise club~~, libraries, private clubs, lodges, museums, art galleries.* Ten spaces plus one for each 150 square feet in excess of 2,000 square feet of floor area in the principal structure.
 - (5) *Convalescent home, rest home, nursing home or day nurseries.* One for each three beds, plus one for each two employees, plus one for staff or visiting physician.
 - (6) *Elderly (senior citizen) housing.* Reservation of area equal to one parking space per unit. Upon initial development only one-half the reserved area shall be required to be developed for parking. Said number of parking spaces shall continue until such time as the city council determines that a need for additional parking spaces has been demonstrated.
 - (7) *Health Clubs. One space per 300 square feet.*
 - (~~7~~8) *Office buildings, medical and dental clinics, veterinary clinics and hospitals, and professional offices.* One space for each 200 square feet of floor area.
 - (9) *Personal Services. One space for each 200 square feet of floor area.*
 - (~~8~~10) *Retail store and service establishment.* At least one off-street parking space for each 200 square feet of floor area.
 - (~~9~~11) *Retail sales and service business with fifty (50) percent or more of gross floor area devoted to storage and/or warehouses.* At least five spaces or one space for each 200 square feet devoted to public sales or service, whichever is greater, plus one space for each 500 square feet of storage area.
 - (~~10~~12) *Restaurants, cafes, private clubs serving food and/or drinks, bars, taverns, nightclubs.*: At least one space for each three seats in the establishment.
 - (~~11~~13) *Shopping centers.* Five and one-half spaces per each 1,000 square feet of gross leasable floor area (exclusive of common area).
 - (~~12~~14) *Motor fuel station or auto repair.* At least four off-street parking spaces plus two off-street parking spaces for each service stall. Those facilities designed for sale of other items than strictly automotive products, parts or service shall be required to provide additional parking in compliance with other applicable sections of this chapter.
 - (~~13~~15) *Manufacturing, fabricating or processing of a product or material.* One space for each five hundred (500) square feet of floor area, or one space for each two employees on maximum shift, whichever is
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greater, plus one space for each truck based at the facility and operated by or for the owner or operator of the use (if not stored inside principal building).

~~(416)~~ *Warehousing, storage or handling of bulk goods.* That space which is solely used as office shall comply with the office use requirements and one space per each 2,000 square feet of floor area, plus one space for each two employees on maximum shift and one space for each truck based at the facility and operated by or for the owner or operator of the use (if not stored inside principal building).

~~(417)~~ *Other uses.* Other uses not specifically mentioned herein shall be determined on an individual basis by the city council. Factors to be considered in such determinations shall include (without limitation) size of building, type of use, number of employees, expected volume and turnover of customer traffic and expected frequency of delivery of service vehicles.

(l) *Off-site parking.*

- (1) Any off-site parking which is used to meet the requirements of this chapter shall be approved by the city council and shall be subject to the conditions listed below. Notwithstanding any other provisions of this chapter to the contrary, where parking is provided on a lot which is separated from the principal use being served by a city, county or state street, highway or other roadway, such lot shall be regarded as being a part of the site of the principal use, and shall not be subject to the conditions listed below.
- (2) Off-site parking shall be developed and maintained in compliance with all requirements and standards of this chapter.
- (3) Reasonable public access from off-site parking facilities to the use being served shall be provided.
- (4) The site used for meeting the off-site parking requirements of this chapter shall be under the same ownership or lease as the principal use being served or under public ownership.
- (5) Off-site parking for multiple-family dwellings shall not be located more than 100 feet from any normally used public entrance of the principal use served.
- (6) Off-site parking for nonresidential uses shall not be located more than 300 feet from the main entrance of the principal use being served. No more than one main entrance shall be recognized for each principal building. An overflow parking lot may be exempted from this provision if a shuttle service between the overflow lot and the principal use is provided.
- (7) The owner of a use requiring off-site parking to conform with this chapter shall continue to own and utilize such site for parking until either on-site parking is provided or a site in closer proximity to the use is acquired and developed for parking.

(Ord. No. 62, § 3(Subd. G), 9-13-1993; Ord. No. 62-13, § 1, 6-19-2006; Ord. No. 62-18, § 1, 12-18-2006; Ord. No. 07-04, § 1, 6-4-2007)

City of Spring Park Memorandum

To: Mike Anderson, City Administrator
From: Lori Johnson, City Planner
Date: October 2, 2025
Regarding: Proposed Tree Preservation Ordinance Discussion

At the Planning Commission meeting in October, the Planning Commission reviewed a rough draft of a tree preservation ordinance to consider for an amendment to the zoning ordinance. That ordinance provided a “middle-of-the-road” option to consider from a tree preservation standpoint. In other words, it was simple to follow and easy to enforce.

Before moving forward with an ordinance amendment, the Planning Commission wanted to look at a more stringent ordinance that really tries to preserve the large old trees in the community. The City of Wayzata’s ordinance does a good job with respect to the preservation of older trees, but is a little more strict on all around tree removal. Wayzata’s ordinance is attached to this memo and there will be a discussion of the ordinance at the meeting.

For your information, I have also included the tree preservation ordinances of Mound, Shorewood and Excelsior. Mound and Shorewood really set out policies for tree removal rather than provide any significant standards. Excelsior’s ordinance would be one to consider along with Wayzata’s.

To refresh your memory, the ordinance that was proposed in October is provided below.

TREE PRESERVATION:

A. Standards of Preservation During Construction or Grading.

- 1. Intent. Developments, structures, utilities, and all other site activities must be designed, installed, and constructed so that the maximum number of trees are preserved on all lots or parcels.***
- 2. Tree Preservation Plan Required. To minimize tree loss and to mitigate tree removal on wooded lots or parcels with trees, a tree preservation plan must be submitted for approval along with application for any excavation permit, grading permit, building permit, conditional use permit, site plan or plat approval. All site activity associated with the proposed permit or plat must comply with the approved tree preservation plan.***

3. *Replacement.*

- a. *General. All significant trees removed or damaged through activities described in Section XXX, must be replaced on-site with approval of the City Forester, or in the form of payment of a fee to the City reforestation fund in an amount established by the City Council.*
- b. *In all zoning districts, it shall be required that significant trees removed shall be replaced on a 1:1 basis. The removal of trees on public right-of-way and conducted by or on behalf of a governmental agency in pursuance of its lawful activities or functions, will be exempt from this replacement.*

4. *The Tree Preservation Plan. The tree preservation plan must be prepared by a registered architect, landscape architect, forester or certified arborist. The plan must include a scaled drawing or survey including the following information:*

- a. *A tree inventory indicating size, species, location and condition of all significant trees and clumps of non-significant trees within the limits of the proposed activity; the location of existing and proposed structures, improvements, utilities and existing and proposed contours.*
- b. *Specific disease control, if applicable, and protection techniques that will be utilized to minimize disturbance to all trees remaining on site.*
- c. *A reforestation plan indicating size, species, location, and planting specifications of all street and yard trees and all replacement trees.*
 - i. *The reforestation plan shall utilize a variety of tree species with emphasis on native species when possible.*
 - ii. *Replacement trees shall be a minimum two inches (2") in diameter if deciduous, or six feet (6') in height if coniferous.*
- d. *Financial Guarantee. All installations of trees required by the tree preservation plan or as a penalty for failing to comply with the tree preservation ordinance or plan must be completed at the time of request for a Certificate of Occupancy if issued between May 15th and October 15th, unless dates have been modified by the City Forester to accommodate unseasonable weather. A Certificate of Occupancy requested after October 15th and before May 15th may be issued with a cash deposit submitted by the builder in an amount required by the City Forester to guarantee installation of landscaping. Property owners/contractors/developers required to install replacement trees*

because of unauthorized removal or disturbance of existing trees on undeveloped parcels must submit a cash deposit in an amount required by the City Forester to guarantee installation of landscaping.

5. *Tree preservation plans must be approved by the City Forester.*
 6. *Inspection and Enforcement. Prior to commencement of site grading or excavation, the site shall be staked and fenced for tree protection per the approved tree preservation plan. Construction activities shall cease until compliance with the tree preservation plan has been achieved.*
- B. Tree Removal on Lots without Construction or Grading Permits.*
1. *The number of significant trees removed from privately owned land shall be limited to two (2) significant trees per year, unless an approved Forest Management Plan has been obtained. Trees removed because they are an obstruction to traffic or power lines, or trees removed because they pose a hazard to structures or septic systems, shall be excluded from these requirements.*
 2. *Tree removals exempt from tree replacement requirements include:*
 - a. *Shrubs, brush, buckthorn, invasive species;*
 - b. *Trees seriously damaged by storms, other catastrophic events or disease;*
 - c. *Trees with potential to cause serious damage as determined by the City Forester;*
 - d. *Invasive species.*
 3. *Forest Management Plan. An approved Forest Management Plan will be required if more than two (2) significant trees per year are removed. At a minimum, the plan must include the following information:*
 - a. *A scaled map designating all forested areas and existing and proposed uses of such areas.*
 - b. *Location of all existing structures, roads, utilities, and driveways on the site.*
 - c. *A written narrative describing specific activities and reasons for developing the plan, and how these actions and activities will affect the forest. Specific examples include but are not limited to better forest management (thinning or removal of dead or diseased trees), improved wildlife habitat, recreational use, outdoor education, and trails.*
 - d. *Tree Replacement may also be required as part of the Forest Management Plan. Tree replacement, as outlined in Section XXX, shall be required if*

trees are removed without obtaining an approved approval for a Forest Management Plan.

- e. *Forest Management Plans must be approved by the City Forester.*

CHAPTER 936 TREE PRESERVATION

936.01 Purpose and Intent.

The Wayzata City Council finds it is in the best interest of the City to protect, preserve, and enhance the natural environment of the City, and to encourage a balanced approach to the development and alteration of wooded areas. In the interest of achieving these objectives, the City has established the comprehensive tree preservation regulations of this Chapter to promote the following:

- A. Protection and preservation of the environment and natural beauty of the City;
- B. Assurance of orderly development within wooded areas to minimize tree and habitat loss;
- C. Evaluation of the impacts to trees and wooded areas resulting from development;
- D. Establishment of minimal standards for tree preservation and the mitigation of environmental impacts resulting from tree removal;
- E. Provision of incentives for creative land use and environmentally compatible site design which preserves trees and minimizes tree removal and clear cutting during development; and
- F. Enforcement of tree preservation standards to promote and protect the public health, safety and welfare of the community.

(Ord. 818 [10-27-2022])

936.02 Definitions.

For purposes of this section, the following definitions shall apply:

- A. **"City Forester"** means that person appointed as City Forester in Section 710.02(b).
- B. **"Coniferous Tree"** means a woody plant bearing seeds and cones oftentimes, but not always, retaining foliage throughout the year.
- C. **"Construction Area"** means any area in which movement of earth, alteration in topography, soil compaction, disruption of vegetation, change in soil chemistry, or any other change in the natural character of the land occurs as a result of site preparation, grading, building construction or any other construction activity.
- D. **"Critical Root Zone"** means the area around a tree measured from the trunk of the tree with a radius that is equal to 1.5 feet for each one inch of DBH of the tree. For example, if a tree's DBH is ten inches, then its critical root zone radius is 15 feet (10 by 1.5 = 15).
- E. **"Deciduous Tree"** means a woody plant which has a defined crown, and which loses leaves annually.
- F. **"Diameter of Tree at Breast Height"** or **"DBH"** means the diameter of a tree as measured four and one-half feet (54 inches) above the ground. Trees that branch near or below four and one-half feet from the ground will be measured at the narrowest point below four and one-half feet. The diameter of multi-stemmed trees shall be calculated via the square root method (the square root of the sum of each trunk diameter squared).
- G. **"Hazard Tree"** means a tree that receives an overall risk rating of "high" or "extreme" from an arborist who has obtained a Tree Risk Assessment Qualification (TRAQ) from the International Society of Arboriculture. A tree's risk rating may be verified by the City Forester and/or the City's consulting arborist. A tree's risk rating, or any other type of tree risk assessment, cannot and does not guarantee the structural integrity of any tree, nor does it create any liability for the City related to total or partial tree failure.

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- H. **"Healthy Tree"** means a tree that is in average or better condition and vitality for the area, as determined by the City Forester.
- I. **"Heritage Tree"** means a Healthy Standard-Growth Tree, Healthy Coniferous Tree, or a Healthy American Elm Tree that is 25 inches or greater in DBH.
- J. **"Public Infrastructure"** means the construction or maintenance of:
1. Collector or arterial roads as defined by the City Transportation Plan;
 2. Public recreational trails;
 3. Stormwater infrastructure;
 4. Installation or maintenance of trunk utility infrastructure as described in the Comprehensive Sewer or Water Plans; or
 5. Any essential service or public improvement.
- K. **"Rapid-Growth Tree Species"** means a species of tree recognized as rapid-growth trees by the City Forester, including cottonwood, poplar/aspen, box elder, willow, silver maple, elm, mulberry, and ash.
- L. **"Removal"** or **"Tree Removal"** means:
1. Manual, mechanical, chemical, or abiotic or biotic (fire, water, insects or inoculation) methods which results in the physical removal of a tree;
 2. Grading impact, compaction, or other damage up to 40 percent of a tree's Critical Root Zone;
 3. Excessive pruning that severely impacts the long-term survivability of the tree; or
 4. Any other impact to a tree that comprises the long-term health or structural stability of a tree.
- M. **"Significant Tree"** means a Healthy Standard-Growth Tree that is six inches or greater in DBH, a Healthy Rapid-Growth Tree that is 12 inches or greater in DBH, or a Healthy Coniferous Tree that is 12 feet or greater in height or 12 inches or greater in DBH.
- N. **"Site Plan"** means the site plan established and described in this Chapter.
- O. **"Standard-Growth Tree Species"** means a species of tree recognized as standard-growth trees by the City Forester.
- P. **"Structural Root Zone"** means the area around a tree with a radius that is equal to three inches for each one inch of DBH of the tree.
- Q. **"Tree Inch(es)"** means the DBH of a tree or trees on a site.
- R. **"Tree Mitigation Agreement"** means an agreement, in content and form acceptable to the City Attorney, that is executed by the party responsible for submitting tree-related financial securities and/or fees-in-lieu of planting under this Chapter, specifying property information, payment details, and the relevant sections of this Chapter.
- S. **"Tree Preservation Plan"** means the tree preservation plan established and described in this Chapter.
- T. **"Tree Preservation Zone"** means the tree preservation zone established and described in this Chapter.
- U. **"Tree Removal Permit"** means a permit that is required under this Chapter for tree removal.
- (Ord. 818 [10-27-2022]; Ord. No. 825 [6-29-2023]; Ord. 838 [6-13-2024])

936.03 Establishment of Tree Preservation Zone.

A Tree Preservation Zone is hereby established in order to aid in the stabilization of soil by the prevention of erosion and sedimentation; reduce stormwater runoff and the costs associated therewith and replenish ground water supplies; aid in the removal of carbon dioxide and generation of oxygen in the atmosphere; provide a buffer and screen against noise pollution; provide shade and the significant environmental benefit of counteracting the so-called "heat-island" effect; provide protection against severe weather; aid in the control of drainage and restoration of denuded soil subsequent to construction or grading; protect and increase property values; conserve and enhance the City's physical and aesthetic environment; provide a haven for animals and flora to thrive; and generally protect and enhance the quality of life and the general welfare of the City.

The Tree Preservation Zone shall be applied to and superimposed upon all property within the City of Wayzata. The regulations and requirements imposed within the Tree Preservation Zone shall be in addition to the zoning districts within the existing and amended text and map of the Wayzata Zoning Ordinance, and the Floodplain, Shoreland, and Wetland regulations and requirements. In cases where there is a conflict between regulations applicable within such zones, the more restrictive requirements shall apply.

(Ord. 818 [10-27-2022])

936.04 City Forester role.

The City Forester shall have the authority to make interpretations and final determinations on calculations, measurements, and the language of this Chapter.

(Ord. 818 [10-27-2022])

936.05 Tree Removal Permit Requirement.

A Tree Removal Permit is required for the removal of any tree with a diameter at breast height (DBH) of six inches or more. No permit fee shall be required for the removal of trees that are determined by the City Forester to be dead, diseased, dying, or hazardous. Removal of any tree that requires a Tree Removal Permit shall comply with all of the requirements of this Chapter along with the requirements listed in the Permit itself.

Submittals for a Tree Removal Permit Application shall be as follows:

- A. Completed Tree Removal Permit Application Form.
- B. Tree Preservation Plan, if applicable, as specified in Section 936.07.

The process for review and approval of a Tree Removal Permit Application shall be as follows:

- A. Submission of a completed Tree Removal Permit Application and other required submittals to the City.
- B. City staff review of the Application and determination if the Application is complete.
- C. Submission of any required tree escrow payment to cover tree replacement, accompanied by a Tree Mitigation Agreement.
- D. Staff approval or denial of the Tree Removal Permit.
- E. If the Permit is approved, removal of the trees covered by the Permit can commence by the property owner or a licensed tree contractor under City Code Chapter 519.

(Ord. 818 [10-27-2022]; Ord. No. 825 [6-29-2023]; Ord. 838 [6-13-2024])

936.06 Tree Replacement Thresholds.

The tree replacement requirements of Section 936.09 shall apply as follows:

- A. **Subdivision, Public Infrastructure, Construction of Single-Family Home.** The following tree removal thresholds shall apply to all Subdivisions, Public Infrastructure projects, and construction of single-family homes.
1. **Heritage Trees.** Heritage Trees are valued and special trees for the City of Wayzata due to their size and age. All practical measures must be taken to preserve Heritage Trees. Heritage Tree removal may occur only when there is not a practical alternative. There shall be a zero percent removal threshold of Heritage Trees, meaning every DBH inch of Heritage Tree removed requires full replacement in accordance with the standards of Section 936.09, in addition to any other requirements hereunder.
 2. **Significant Trees.** Although the City encourages preservation of the maximum amount of trees possible, the City recognizes that a certain amount of Significant Trees removal is sometimes necessary during development. Accordingly, 25 percent of the existing DBH inches of Significant Trees can be removed pursuant to a Tree Preservation Plan without obligation of replacement. Any tree removal beyond 25 percent will require replacement in accordance with the standards of Section 936.09.
 3. **Public Infrastructure.** The City Council may waive the tree replacement requirements of this Section for Public Infrastructure projects if the City Council makes a finding that the tree replacement requirement would create an undue financial or other burden on the project, and the public benefits of the Public Infrastructure project outweigh the benefits of the required tree replacement. All Public Infrastructure projects shall otherwise adhere to the standards of this Chapter, except for Section 936.11.
- B. **Land Disturbance Permits, Design Review, and Expansions to Single-Family Homes.** The following tree removal thresholds apply to projects that require a Land Disturbance Permit under City Code Section 409.05, projects that require Design Review under City Code Section 909.04 B, and expansions or additions to an existing single-family home:
1. **Heritage Trees.** Heritage Trees are valued and special trees for the City of Wayzata due to their size and age. All practical measures must be taken to preserve Heritage Trees. Heritage Tree removal may occur only when there is not a practical alternative. There shall be a zero percent removal threshold of Heritage Trees, meaning every DBH inch of Heritage Tree removed requires full replacement in accordance with the standards of Section 936.09 in addition to any other requirements hereunder.
 2. **Significant Trees.** The City recognizes that additional tree removal may occur after the construction of new houses or commercial developments, or the expansion of existing homes or commercial developments, but to a lesser degree than the original development. Therefore, ten percent of the existing DBH inches of trees can be removed without obligation of replacement. Any removal beyond ten percent will require replacement in accordance with the standards of Section 936.09.
- C. **Heritage Tree Removal.** Heritage trees removed in connection with a project not listed in Sections 936.06 A and 936.06 B shall be replaced at a ratio of one inch to one inch DBH removed in accordance with the standards of Section 936.09.
- D. **Trees Exempt From Replacement Requirements.** The following types of trees shall not be included as part of the tally of tree removals for purposes of calculating replacement in accordance with the standards within Section 936.09:
1. Dead, Diseased, Dying, or Hazard Trees as determined by the City Forester prior to removal; or

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2. Trees that are transplanted from the site to another appropriate location within the City as approved by the City Forester; or
 3. Trees that were planted as part of a commercial business such as a tree farm or nursery; or
 4. Trees that are structurally unstable and pose a risk to people or permanent structures, as deemed by a certified arborist with a Tree Risk Assessment Qualification and the City Forester.
 5. Significant trees that are not part of any project not listed in 936.06 A or 936.06 B.
 6. Tree species listed as invasive in the City of Wayzata's Tree Management Plan.
- E. **Trees Included for Structural Root Zone Disturbance.** Any tree with a Structural Root Zone that will be disturbed in any way in connection with a project listed in Sections 936.06 A and 936.06 B must be (i) inventoried and removed prior to grading or excavation, and (ii) included as part of the tally of tree removals for purposes of calculating replacement in accordance with the standards within Section 936.09.
- (Ord. 818 [10-27-2022]; Ord. No. 825 [6-29-2023]; Ord. 838 [6-13-2024])

936.07 Tree Preservation Plan.

When a Tree Preservation Plan is required, an applicant is responsible for implementing the approved Tree Preservation Plan prior to and during site grading and plan development. A Tree Preservation Plan is required for any land use approval or activity mentioned in Section 936.06. The Tree Preservation Plan will be reviewed by the City Forester and any other relevant City staff to assess the best overall tree design for the project involved, taking into account the preservation, renewal and health of Significant and Heritage Trees, and ways to enhance the efforts to mitigate damage to the trees on the property and the natural environment. The applicant is encouraged to meet with City staff prior to submission of a Subdivision application, Public Infrastructure project, or Design Review application to determine the placement of buildings, parking, driveways, streets, storage and other physical features which result in the fewest Significant and Heritage Trees being destroyed or damaged. The Tree Preservation Plan must include the following items:

- A. The name(s) and address(es) of property owners and applicants.
- B. Delineation of the buildings, structures, impervious surfaces, utilities, and other site improvements situated thereon or contemplated to be constructed thereon.
- C. Delineation of all areas to be graded and limits of land disturbance, including the contouring of all areas to be graded.
- D. Size, species, location and condition of all Significant and Heritage Trees located on the property as well as on adjacent properties where the Critical Root Zones of the trees are within the proposed Construction Area. The size of Deciduous Trees must be recorded in DBH and the size of Coniferous Trees must be recorded both in DBH and approximate height.
- E. Identification of all Dead, Diseased, Dying and Hazard Trees.
- F. The Critical Root Zone of all Significant and Heritage Trees proposed to be preserved.
- G. Identification of all Significant and Heritage Trees proposed to be removed within the Construction Area.
- H. Identification of all Significant and Heritage Trees on all individual lots. The Developer must submit a list of all lot and block numbers identifying those lots.
- I. Measures to protect Heritage and Significant Trees as outlined in Section 936.08.
- J. Size, species, and location of all replacement trees to be planted on the property in accordance with the tree replacement requirements.

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- K. Description or diagram of planting specifications to be observed during replacement tree installation. Specifications shall, at a minimum, address planting depth, mulching, and long-term girdling (e.g. root ball packaging, encircling roots). An approved example of this document can be found in the City of Wayzata's Tree Management Plan.
 - L. Calculations of the total amount of tree inches proposed to be removed, the allowed removal percentage, and tree replacement inches required and proposed.
 - M. Signature of the person preparing the plan and statement which includes acknowledgment of the fact the trees to be used as replacements are appropriate species with respect to survival of the replacement trees.
- (Ord. 818 [10-27-2022]; Ord. 838 [6-13-2024])

936.08 Tree Protection.

The following tree protection measures are required:

- A. **Mandatory Protection.** Measures to protect Significant and Heritage Trees must include:
 - 1. Installation of chain-link fence, snow fencing, silt fence, or polyethylene laminate safety netting placed at the Critical Root Zone and any other areas identified by the City Forester for the protection of Significant and Heritage Trees to be preserved on or adjacent to the property for which a Tree Preservation Plan is being submitted.
 - 2. Any tree protection fencing placed within a Significant or Heritage Tree's Critical Root Zone shall not be installed below grade (i.e., machine-sliced or trenched).
 - 3. Trees proposed to be removed must be clearly tagged or otherwise marked on the site, in a non-permanent manner, as specified by the City Forester. Trees must be tagged or marked at least one week before they are removed.
 - 4. Identification of any oak trees requiring pruning between April 1 and July 15; any oak trees so pruned are required to have any cut areas sealed with an appropriate, non-petroleum based tree wound sealant, such as shellac.
- B. **Discretionary Protection.** Measures to preserve or protect Significant and Heritage Trees which may be required by the City include, but are not limited to:
 - 1. Installation of retaining walls or tree wells to preserve trees by eliminating the filling or cutting of soil within Critical Root Zones of Significant and Heritage Trees on or adjacent to the lot being developed.
 - 2. Placement of utilities in common trenches outside of the Critical Root Zone of Significant and Heritage Trees, or use of tunneled installation.
 - 3. Prevention of change in soil chemistry due to concrete washout and leakage or spillage of toxic materials, such as fuels or paints.
 - 4. Use of tree root aeration, fertilization, and irrigation systems when appropriate.
 - 5. Transplanting of Significant Trees into a protected area for later moving into permanent location within the Construction Area.
 - 6. Safety pruning for people working within the construction limits and for the trees involved.
 - 7. Tree protection fencing of a particular height or material.
- C. **Construction Protection.** Three years after construction has been completed on residential properties, and five years after construction has been completed for commercial or institutional properties, the City Forester shall inspect trees on a project site for which a Tree Removal Permit has been issued to ensure the health of

the trees. If the trees are determined to be dead, dying, or in general poor health because of the construction on the site, the same number of tree inches must be replaced on the site.

- D. **Discretionary Securities for Heritage Tree Preservation.** The City Forester may require additional escrow for Heritage Trees that are proposed to be saved on a property undergoing construction and/or nearby property if, in the judgment of the City Forester, such Heritage Trees are in close proximity to a construction area or are in danger from construction in any way. The escrow requirement for such preservations may be determined by the estimated cost of soil decompaction or other restorative prescription, as deemed appropriate by the City Forester. The schedule of and requirements for the release of such an escrow shall be specified in the Tree Mitigation Agreement.

(Ord. 818 [10-27-2022]; Ord. 838 [6-13-2024])

936.09 Tree Replacement.

- A. **Tree Replacement Formula.** Replacement of removed or disturbed trees in excess of the percentage allowed under Section 936.06 shall be according to the following ratios.
1. All Significant Trees shall be replaced at the ratio of one caliper inch per one inch of DBH removed.
 2. All Heritage Trees removed in connection with a project listed in Sections 936.06 A and 936.06 B shall be replaced at the ratio of two caliper inches per one inch of DBH removed. Heritage trees removed in connection with a project not listed in Sections 936.06 A and 936.06 B shall be replaced at a ratio of one inch to one inch DBH removed.
 3. The height of Coniferous Trees shall count towards the caliper inches of tree replacement or tree removal as follows:
 - a. A four to six-foot tall coniferous tree shall be equivalent to two caliper inches of tree replacement. For every two-foot range in additional coniferous tree height, above six feet, one additional caliper inch shall be counted towards tree replacement (e.g., a 15-foot coniferous tree = seven caliper inches of replacement).
- B. **Size, Types and Diversification of Replacement Trees.** A Tree Replacement plan must include a diversity of tree species that are suitable for the property given soil conditions, hydrology, topography, and tree pathogens. No more than 20 percent of the replacement trees planted may be of the same genus unless otherwise approved by the City Forester. If more than 20 percent of the same genus of trees are planted on the site, the tree inches of the same genus over 20 percent shall not be included in the total tree inch replacement calculations. The recommended tree replacement species shall be those found on the Hennepin County Recommended Tree List.
- C. **Prohibited Tree Replacement Species.** The tree replacement plan may not include any tree species included in the Minnesota Department of Natural Resources Terrestrial Invasive Plants List.
- D. **Tree Replacement Location.** Replacement trees must be located only on the property for which a Tree Replacement Permit has been issued unless the City Council approves tree replacement on neighboring properties with the consent of such property owner and findings that (i) all the options for planting trees on the project site have been exhausted and tree replacement on the site is impractical; and (ii) it will allow additional screening from the neighboring property.
- E. **Other Replacement Tree Requirements.** Choice of replacement trees species and location of the trees should also take into account the following information:

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1. **Soil Composition.** Comparisons should be made between soil conditions and the ecology of the proposed species to make sure they are compatible. This is particularly important for the existing and proposed soil composition for the root balls of spaded and B&B trees.
 2. **Spatial Requirements.** The potential height and crown spread of the proposed replacement trees should be known. Generally, half of the adult tree crown diameter is the amount of distance a tree should be planted from any aboveground objects.
 3. **Pathogen Problems.** Appropriate replacement choices shall also consider insect and disease problems that may be common with particular species in the part of the state in which the City of Wayzata is located.
- F. **Fee-In-Lieu of Tree Replacement or Replacement Trees Planted in Public Areas.** The City recognizes that there may be instances where the total amount of tree replacement required under this section cannot occur on site. In those instances, the City may, at its option, accept a fee-in-lieu of tree replacement or allow the planting of replacement trees in public areas. Tree replacement is encouraged to happen on site as much as possible and fee in lieu-of-tree replacement should be used only when replacement on site is not feasible. The amount of fee-in-lieu of tree replacement will be determined annually by the City Council through the City fee schedule.
- (Ord. 818 [10-27-2022]; Ord. 838 [6-13-2024])

936.10 Past Tree Removal.

Any trees removed on a property in the two years preceding the date of an application for a building permit, land disturbance permit, Tree Removal Permit or other approval request in connection with a project listed in Sections 936.06.A and 936.06.B for such property shall be included in the tree removal/replacement calculations of the current application.

(Ord. 818 [10-27-2022]; Ord. No. 825 [6-29-2023])

936.11 Financial Guarantee.

- A. **Financial Guarantee.** The City may, at its option, withhold a certificate of occupancy or require cash escrow or a letter of credit satisfactory to the City in the amount of 110 percent of the value of the tree removal and/or replacement, securing the full performance of Tree Preservation Plan and the tree replacement plan. The amount of such security shall be calculated by the fee-in-lieu of tree replacement schedules. The financial security shall be sufficient to cover the costs of the tree removal and/or replacement trees planted, including any needed replacement of the trees over a three-year period. The submission of any payment described in this section shall be accompanied by a Tree Mitigation Agreement.
- B. **Use of Financial Guarantee.** If the property owner does not implement the approved Tree Preservation Plan or Site Plan, including the tree replacement plan, in accordance with the City Council or City Forester approval, the City may use the financial guarantee to correct or complete the work beginning 24 months after project completion. If the work's correction or completion is not feasible at that time, the City may retain the financial security as a fee-in-lieu of planting.
- C. **Release of Financial Guarantee.** At least once annually, the City Forester shall review the financial securities, inspect the applicable trees, and release the financial securities as necessary. The financial security shall be released based on the following schedule, unless otherwise noted in the Tree Mitigation Agreement:
 1. Upon installation of a healthy tree: 50 percent of the financial guarantee for that tree shall be released.

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2. First year inspection determining the installed tree is still healthy: 15 percent of the financial guarantee for that tree shall be released.
 3. Second year inspection determining the installed tree is still healthy: 15 percent of the financial guarantee for that tree shall be released.
 4. Third year inspection determining the installed tree is still healthy: 20 percent of the financial guarantee for that tree shall be released.
- D. **Transfer of Ownership.** Tree-related financial securities shall only be released to the party originally responsible for payment.
- (Ord. 818 [10-27-2022]; Ord. 838 [6-13-2024])

936.12 Penalties.

- A. **Intentional or Deliberate Damage.** It shall be unlawful for any person(s) to intentionally damage, destroy or adversely alter any living tree, deciduous or coniferous, on private land within the limits of the City of Wayzata in violation of this Chapter. Minn. Stats. § 561.04 strictly prohibits intentional damage to trees on public property in any form and provides that whoever willfully and without lawful authority injures any tree, timber or shrub on City property is liable for treble the amount of damages which may be assessed therefore.
- B. **Violation.** Unless expressly provided otherwise, it shall be a misdemeanor for any person to violate any provision of the City Code including this Section, any rule or regulation adopted in pursuance of any such provision, or any order lawfully enforcing the City Code or this Section. The term "misdemeanor" shall be as defined in Minn. Stats. § 609.02, Subd. 3.
- It shall also be a misdemeanor for any person to attempt to commit a misdemeanor or to cause, aid, assist, counsel or advise another to commit misdemeanor. Any person who commits a misdemeanor, upon conviction, shall be subject to the penalties therefore established by State Statute. Unless expressly provided otherwise, each act in violation of the City Code, including this Chapter, shall constitute a separate offense, and each and every day that such a violation occurs or continues shall constitute a separate offense.
- C. **Enforcement.** Violations of the provisions of this Chapter will be investigated and resolved in accordance with the provisions of Chapter 908. In responding to a suspected violation, the Zoning Administrator and City may utilize the full array of enforcement actions available to it including, but not limited to, prosecution and fines.
- (Ord. 818 [10-27-2022]; Ord. 838 [6-13-2024])

Tree Preservation—Comparative Ordinances

Mound:

Tree preservation policy.

(1) It is the intent of the city to preserve wooded areas throughout the city and with respect to future site development, to retain, as far as practicable, substantial existing tree cover.

(2) Credit for the retention of existing trees which are of acceptable species, size and location may be given to satisfy the minimum number requirements set forth in this section.

(3) The following restrictions shall apply to all development occurring in wooded areas:

a. Structures shall be located in such a manner that the maximum number of trees shall be preserved.

b. Prior to the granting of a building permit, it shall be the duty of the person seeking the permit to demonstrate that there are no feasible or prudent alternatives to the cutting of trees on the site.

c. Forestation, reforestation or landscaping shall utilize a variety of tree species and shall not utilize any species presently under disease epidemic. Species planted shall be hardy under local conditions and compatible with the local landscape.

d. Development including grading and contouring shall take place in such a manner that the root zone aeration stability of existing trees shall not be affected and shall provide existing trees with a watering equal to one-half the crown area.

e. Notwithstanding the restrictions in this subsection, the removal of trees seriously damaged by storms, or other natural causes, shall not be prohibited.

Shorewood:

It is the policy of the city to recognize and preserve existing natural resources of the community. In its effort to maintain the wooded character of the area, the city finds that trees provide numerous benefits, including: stabilization of the soil by the prevention of erosion and sedimentation, reduction of stormwater runoff, improvement of air quality, reduction of noise pollution, control of urban heat island effect, protection and increase of property values, protection of privacy, energy conservation through natural insulation providing habitat for birds and other wildlife and conservation and enhancement of the city's physical and aesthetic environment. The purpose of these regulations is to preserve and protect significant trees or stands of trees whose loss due to land disturbances associated with the process of development or construction would adversely effect the city's existing natural resources. The regulations also recognize that despite the best efforts of the city and developers and property

owners, trees will occasionally be lost in the development and construction process. In such instances, these regulations will require replacement of trees.

Excelsior:

Sec. 12-9. Tree preservation and protection.

Existing significant and landmark trees shall be preserved to the extent reasonably possible and may help satisfy the landscaping requirements of this Chapter. Street, buildings and lot layouts shall be designed to minimize the disturbance to significant existing trees.

- (a) *Applicability. This section applies to all lots in Excelsior.*
- (b) *Exemptions. The following activities are exempt from the requirements of this subchapter with approval from the city's forester and an independent arborist:*
 - (1) *Removal of invasive species of trees as defined by the Minnesota Department of Natural Resources and the control of pioneering tree species such as Boxelder;*
 - (2) *Removal of a tree that has been determined to be diseased or dying;*
 - (3) *Removal of trees that pose an immediate danger to life or property that cannot be corrected by pruning, transplanting, or other treatments;*
 - (4) *Removal of a tree that's aesthetic values are so low or negative that the site is visually enhanced by the tree's removal;*
 - (5) *Removal of a tree that poses an extreme public nuisance because of its species, size, location, or condition. The nuisance could be caused by fruit or seed drop, harboring of insects, or excessive twig or limb breakage;*
 - (6) *Removal of trees that are significantly damaged by storms or natural disasters; or*
- (c) *Protected individual trees. The following trees are protected, and shall be preserved and maintained according to the standards of this section:*
 - (1) *Significant trees, which are any tree (except box elders, poplar, willow, silver maple, black locust and mulberry) with a diameter at breast height (DBH) of eight inches or more.*
 - (2) *Landmark trees, which are any tree (except box elders, poplar, willow, silver maple, black locust and mulberry) with a diameter at breast height (DBH) of 30 inches or more.*
 - (3) *Any tree that is shown on an approved landscape plan that is necessary to:*
 - a. *Meet the planting requirements of this article; or*
 - b. *Meet a condition of approval of the development to which the landscape plan applies.*
- (d) *Minimum tree density. A minimum tree density shall be maintained in the developable site area of all developed sites according to the following table.*

<i>Land Use</i>	<i>Minimum Tree Density</i>
<i>Multifamily Development</i>	<i>4 significant/landmark trees per 5,000 SF¹</i>
<i>Commercial and Civic</i>	<i>4 significant/landmark trees per 5,000 SF¹</i>
<i>Single Family Lots</i>	<i>2 significant/landmark trees per 5,000 SF¹</i>

¹ *Calculated based on developable site area of the lot(s).*

(e) Tree survey required.

- (1) A tree survey performed by a certified arborist, registered landscape architect, or a registered land surveyor shall be submitted prior to removal of any protected tree.*
- (2) The tree survey shall address the location, species, size, and condition of all protected trees.*
- (3) The city may accept a partial tree survey in lieu of a full tree survey if the zoning administrator finds that protected trees only exist on a portion of the site.*

(f) Limitation on tree removal.

- (1) No landmark tree shall be removed unless the city forester and independent arborist has determined the tree poses an immediate danger to life or property that cannot be corrected by pruning, transplanting, or other treatments.*

(2) No significant tree or tree required by this articler shall be removed unless: a. The minimum tree density established in subsection 12-9(d) continues to be met;

or

b. No reasonable alternative site design at the same density and intensity could be approved and the tree replacement standards in subsection (g) are met.

(g) Tree replacement standards.

Tree Replacement Standards for Deciduous Trees

DBH of Tree to be Removed Number of Required Four and Half-Inch Caliper Replacements

Min. DBH Up to, But Not Including

8 inches 15 inches 2

15 inches 20 inches 4

20 inches 30 inches 6

Tree Replacement Standards for Coniferous Trees

Height of Tree to be Removed Number of Required Eight-Foot Replacements

Min. Height Up to, But Not Including>

8 feet 20 feet 2

20 feet No limit 4

(h) Replacement off-site. If it is physically impractical to replant all replacement trees on site, then the applicant shall mitigate the loss of trees by either planting the required replacement trees on public property within the city as approved by the public works superintendent and/or paying a mitigation fee into the city's tree mitigation in-lieu fund. This fee shall be set forth in the city's fee resolution, and equal the cost of purchasing and planting the trees.

(i) Timing of replacement.

(1) For activities that do not require a certificate of occupancy, replacement trees that are required by this section shall be installed within 60 days of removal, or if such date is not within a growing season, within the first 60 days of the next growing season.

(2) For developments requiring a certificate of occupancy, replacement trees shall be planted before issuance of the certificate of occupancy.

(j) Tree protection specifications. The following tree protection specifications should be followed to the maximum extent feasible for all projects with protected existing trees. (1) No clearing shall be allowed on a site until approval of tree retention and landscape plans;

(2) An area of prohibited disturbance, generally corresponding to the dripline of the protected tree shall be protected during construction with a temporary five-foot-high chain link or plastic net fence. The fencing shall be installed prior to issuance of development permits for the site;

(3) No fill, excavation, or storage of construction materials shall be permitted within the area defined by such fencing;

(4) Where vehicular/equipment access is required within the drip line of a tree, the soil, and incidentally the tree's roots, shall be protected with 10 inches of woodchips and/or plywood placed over the path of the vehicle to limit soil compaction and subsequent root;

(5) A rock well shall be constructed if the grade level around the tree is to be raised by more than one foot. The inside diameter of the well shall be equal to the diameter of the dripline of the tree;

(6) The grade level shall not be lowered within the larger of the two areas defined as follows:

a. The dripline of the tree(s); or

b. An area around the tree equal to one (1) foot diameter for each inch of tree trunk diameter measured four (4) feet above the ground;

(7) When construction is complete, all trees to remain must have the soil out to their drop line aerated and de-compacted. Aerating must include multiple concentric circles of one-inch holes, two inches deep, or as recommended by the city forester; and

(8) Alternative protection methods may be used if determined by the zoning administrator to provide equal or greater tree protection.

(1) No clearing shall be allowed on a site until approval of tree retention and landscape plans;

(2) An area of prohibited disturbance, generally corresponding to the dripline of the protected tree shall be protected during construction with a temporary five-foot-high chain link or plastic net fence. The fencing shall be installed prior to issuance of development permits for the site;

(3) No fill, excavation, or storage of construction materials shall be permitted within the area defined by such fencing;

(4) Where vehicular/equipment access is required within the drip line of a tree, the soil, and incidentally the tree's roots, shall be protected with 10 inches of woodchips and/or plywood placed over the path of the vehicle to limit soil compaction and subsequent root;

(5) A rock well shall be constructed if the grade level around the tree is to be raised by more than one foot. The inside diameter of the well shall be equal to the diameter of the dripline of the tree;

(6) The grade level shall not be lowered within the larger of the two areas defined as follows:

a. The dripline of the tree(s); or

b. An area around the tree equal to one (1) foot diameter for each inch of tree trunk diameter measured four (4) feet above the ground;

(7) When construction is complete, all trees to remain must have the soil out to their drop line aerated and de-compacted. Aerating must include multiple concentric circles of one-inch holes, two inches deep, or as recommended by the city forester; and

(8) Alternative protection methods may be used if determined by the zoning administrator

a. The minimum tree density established in subsection 12-9(d) continues to be met;

or

b. No reasonable alternative site design at the same density and intensity could be approved and the tree replacement standards in subsection (g) are met.

(g) Tree replacement standards.

<i>Tree Replacement Standards for Deciduous Trees</i>		
<i>DBH of Tree to be Removed</i>		<i>Number of Required Four and Half-Inch Caliper Replacements</i>
<i>Min. DBH</i>	<i>Up to, But Not Including</i>	
<i>8 inches</i>	<i>15 inches</i>	<i>2</i>
<i>15 inches</i>	<i>20 inches</i>	<i>4</i>
<i>20 inches</i>	<i>30 inches</i>	<i>6</i>

<i>Tree Replacement Standards for Coniferous Trees</i>		
<i>Height of Tree to be Removed</i>		<i>Number of Required Eight-Foot Replacements</i>
<i>Min. Height</i>	<i>Up to, But Not Including</i>	
<i>8 feet</i>	<i>20 feet</i>	<i>2</i>
<i>20 feet</i>	<i>No limit</i>	<i>4</i>

- (h) *Replacement off-site. If it is physically impractical to replant all replacement trees on site, then the applicant shall mitigate the loss of trees by either planting the required replacement trees on public property within the city as approved by the public works superintendent and/or paying a mitigation fee into the city's tree mitigation in-lieu fund. This fee shall be set forth in the city's fee resolution, and equal the cost of purchasing and planting the trees.*
- (i) *Timing of replacement.*
- (1) *For activities that do not require a certificate of occupancy, replacement trees that are required by this section shall be installed within 60 days of removal, or if such date is not within a growing season, within the first 60 days of the next growing season.*
 - (2) *For developments requiring a certificate of occupancy, replacement trees shall be planted before issuance of the certificate of occupancy.*
- (j) *Tree protection specifications. The following tree protection specifications should be followed to the maximum extent feasible for all projects with protected existing trees.*
- (1) *No clearing shall be allowed on a site until approval of tree retention and landscape plans;*
 - (2) *An area of prohibited disturbance, generally corresponding to the dripline of the protected tree shall be protected during construction with a temporary five-foot-high chain link or plastic net fence. The fencing shall be installed prior to issuance of development permits for the site;*
 - (3) *No fill, excavation, or storage of construction materials shall be permitted within the area defined by such fencing;*

- (4) *Where vehicular/equipment access is required within the drip line of a tree, the soil, and incidentally the tree's roots, shall be protected with 10 inches of woodchips and/or plywood placed over the path of the vehicle to limit soil compaction and subsequent root;*
- (5) *A rock well shall be constructed if the grade level around the tree is to be raised by more than one foot. The inside diameter of the well shall be equal to the diameter of the dripline of the tree;*
- (6) *The grade level shall not be lowered within the larger of the two areas defined as follows:*
 - a. *The dripline of the tree(s); or*
 - b. *An area around the tree equal to one (1) foot diameter for each inch of tree trunk diameter measured four (4) feet above the ground;*
- (7) *When construction is complete, all trees to remain must have the soil out to their drop line aerated and de-compacted. Aerating must include multiple concentric circles of one-inch holes, two inches deep, or as recommended by the city forester; and*
- (8) *Alternative protection methods may be used if determined by the zoning administrator to provide equal or greater tree protection.*

(Ord. No. 553, § 5, 1-17-2017; Ord. No. 619, § 2, 12-21-2020)