

- (A) Parking areas shall be designed so as to provide adequate means of access to a public street. Such driveway access widths shall be in accordance with the State of Minnesota Highway Department Standards, but in no case shall they exceed thirty-two (32) feet in width or less than twenty-four (24) feet in width. Driveway access shall be so located as to cause the least interference with traffic movement.
- (B) When the calculation of the number of off-street parking spaces required results in a fraction, such fraction shall require a full space.
- (C) Any lighting used to illuminate an off-street parking area shall be in accordance with Chapter Two, Section 9.8 of this Development Code.
- (D) All open off-street parking areas designed to have head-in parking along the property line shall provide a bumper curb not less than ten (10) feet from the property line.
- (E) When a required off-street parking space for six (6) or more cars is located adjacent to a residential district, a fence or screening not less than four (4) feet in height shall be erected along the residential district property line.
- (F) It shall be the joint responsibility of the operator and owner of the principal use or building to reasonably maintain the parking space, accessways, landscaping and required fencing.
- (G) All off-street parking spaces shall have access from driveways and not directly from the public street.
- (H) No parking space shall be closer than ten (10) feet to any building.
- (I) Fire access lanes shall be provided as required by the building or fire code.

### **9.11. Woodland and Tree Preservation**

- (1) Purpose.

The preservation and protection of trees and woodlands can significantly add to the quality of the physical environment of the community. The City recognizes the value of trees and woodlands for improving air quality, scenic beauty, protection against wind and water erosion, shade, natural insulation for

energy conservation, wildlife habitat, and protecting the integrity of the natural environment.

(2) Definitions.

- (A) Applicant: Any person or entity that is required to submit and implement an approved Woodland Preservation Plan under this section. The Applicant shall be the person proposing the minor or major subdivision or commercial development.
- (B) Caliper Inch: The diameter of a tree measured at 54 inches above ground level.
- (C) Coniferous Trees: A wood plant which, at maturity, is at least twelve (12) feet or more in height, is cone-bearing and has thin needlelike leaves.
- (D) Construction Zone: Any area in which movement of earth, alteration in topography, soil compaction, disruption of vegetation, change in soil chemistry, change in groundwater or surface water hydrology, or other change in the natural character of the land occurs as a result of the site preparation, grading, building construction, or any other construction activity. Examples include road rights-of-way, house and driveway construction areas and drainfields, ponding areas, etc.
- (E) Critical Root Zone (CRZ): An imaginary circle surrounding the tree trunk radius distance of one (1) foot per one (1) inch of tree diameter, (i.e., a twenty (20) inch diameter tree has a CRZ with a radius of twenty (20) feet).
- (F) Drip Line: The farthest distance away from the trunk that rain or dew will directly fall to the ground from the leaves or branches of the tree.
- (G) Invasive tree species: a tree species that is non-native to the ecosystem and whose introduction causes economic or environmental harm. Invasive tree species include, but are not limited to Common Buckthorn (*Rhamnus cathartica*), Glossy Buckthorn (*Rhamnus frangula*), Tartarian Honeysuckle (*Lonicera tatarica*), Amur Maple (*Acer ginnala*), and Siberian Elm (*Ulmus pumila*).
- (H) Multi-trunk Tree. A multi-trunk tree is considered as one tree if the trunk forks at a height 54 inches above ground level. For multi-trunk trees that fork at or below 54 inches, each trunk is considered a separate tree.

- (I) Native Coniferous Tree: Includes, but not limited to, White Pine, Jack Pine, and Tamarack.
  - (J) Primary Deciduous Tree: Native deciduous trees including, but not limited to American Mountain Ash (*Sorbus americana*), Black Ash (*Fraxinus nigra*), Showy Mountain Ash (*Sorbus decora*), White Ash (*Fraxinus americana*), American Basswood (*Tilia americana*), Paper Birch (*Betula papyrifera*), Yellow Birch (*Betula alleghaniensis*), Black Walnut (*Juglans nigra*), Blue Beech (*Carpinus caroliniana*), Bitternut (*Juglans cinerea*), Black Cherry (*Prunus serotina*), Pin Cherry (*Prunus pensylvanica*), American Elm (*Ulmus americana*), Bitternut Hickory (*Carya cordiformis*), Shagbark Hickory (*Carya ovata*), Hackberry (*Celtis occidentalis*), Ironwood (*Ostrya virginiana*), Sugar Maple (*Acer saccharum*), Black Maple (*Acer nigrum*), Red Maple (*Acer rubrum*), Mountain Maple (*Acer spicatum*), Silver Maple (*Acer saccharinum*), Black Oak (*Quercus velutina*), Bur Oak (*Quercus macrocarpa*), Chestnut Oak (*Quercus muehlenbergii*), Northern Pin Oak (*Quercus ellipsoidalis*), Northern Red Oak (*Quercus rubra*), and White Oak (*Quercus alba*).
  - (K) Secondary Deciduous Tree: Native deciduous trees that are Quaking Aspen (*Populus tremuloides*), Box Elder (*Acer negundo*), Green Ash (*Fraxinus pennsylvanica*), and Eastern Cottonwood (*Populus deltoides*).
  - (L) Significant Tree: A healthy tree measuring a minimum of six (6) caliper inches for all primary deciduous trees, a minimum of twenty (20) caliper inches for all secondary deciduous trees, or a minimum of twelve (12) feet in height for all native coniferous trees.
  - (M) Significant Woodland: a treed area of at least 15,000 square feet or more which includes significant trees.
  - (N) Woodland: a treed area of at least 15,000 square feet.
- (3) Applicability.
- (A) A Woodland Preservation Plan shall be required for:
    1. Any Preliminary Plat when significant trees or significant woodlands exist in the proposed construction zone.
    2. Any Minor Subdivision when significant trees or significant woodlands exist in the proposed construction zone.

*Dead, non-diseased trees that are not hazardous may be left standing to provide wildlife habitat.*

3. Any Landscape Plan as required by Section 9.12 of this Chapter when significant trees or significant woodlands exist in the proposed construction zone.

(B) A Woodland Preservation Plan shall not be required for:

- 1. Removal of Diseased Trees. All diseased, hazardous, dead and dying trees may be removed.
- 2. Removal of Invasive tree species. Invasive tree species are encouraged to be removed and chemically treated with appropriate herbicides and application methods to discourage re-sprouting and minimize ecological impacts.

(C) Woodland Preservation Plan Requirements.

- 1. All Woodland Preservation Plans shall be certified by a forester, ecologist, landscape architect or other qualified professional retained by the Applicant.
- 2. The Woodland Preservation Plan shall include the following information:
  - (a) Boundary lines of the property with accurate dimensions as established by survey.
  - (b) Location of existing and proposed buildings, structures, parking lots, roads, impervious surfaces and other improvements.
  - (c) Proposed grading plan with two-foot contour intervals and limits of the construction zone.
  - (d) Location of all significant woodlands, area in square feet and acres, and description of natural community type or predominant canopy tree species, identified in both graphic and tabular form.
  - (e) Location of all existing significant trees, size by caliper inch, scientific name, and common name for all areas of the site identified in both graphic and tabular form.
  - (f) Location of significant trees and significant woodlands proposed to be removed within the construction zone, identified in both graphic and tabular form.
  - (g) Measures to protect significant trees and significant woodlands, as required by Section 9.11(7).
  - (h) Size, scientific name, common name, and location of all replacement trees proposed to be planted on the property to replace

significant trees and/or significant woodlands proposed to be removed.

- (i) The name(s), telephone number(s), and address(es) of Applicants, property owners, developers, and/or builders.
- (j) Signature and qualifications of the person preparing the plan.

(4) Replacement Provisions.

All significant trees and significant woodlands removed shall be replaced.

(A) Significant Tree Replacement.

All significant trees removed must be replaced by the Applicant as determined by the tree replacement schedule. Option A, B or C, or some combination may be proposed by the Applicant.

1. Tree Replacement Schedule.

| Size of Tree Damaged or Destroyed                     | Number of Replacement Trees   |  |  |
|---|---|--|--|
|   | A   | B  | C  |
|   | <b>Deciduous trees at least 4 caliper inches;<br/>Coniferous trees at least 12 feet in height</b> | <b>Deciduous trees at least 2.5 caliper inches;<br/>Coniferous trees at least 6 feet in height</b> | <b>Deciduous trees at least 1.5 caliper inches;<br/>Coniferous trees at least 4 feet in height</b> |
| Coniferous, 12 to 24 feet high                        | 1   | 2  | 4  |
| Coniferous, greater than 24 feet in height            | 2   | 4  | 8  |
| Primary Deciduous, 6 to 20 inches diameter            | 1   | 2  | 4  |
| Primary Deciduous, greater than 20 inches in diameter | 2   | 4  | 8  |
| Secondary Deciduous, 20 to 30 inches diameter         | 1   | 2  | 4  |
| Secondary Deciduous, greater than 30 inches diameter  | 2   | 4  | 8  |

- 2. Tree Replacement Fund. In the event that sufficient land area on the subdivision or commercial lot is not available to plant the replacement trees, as determined by the City, the Applicant shall provide to the City payment for the planting of the required trees elsewhere at a rate of \$100 per caliper inch.

(B) Significant Woodland Replacement.

All significant woodlands removed must be replaced by the Applicant. The number of replacement trees shall be

determined by either of the following methods, whichever yields the greater number of replacement trees.

1. Replacement of significant trees within the significant woodland that are damaged or destroyed, per the Tree Replacement Schedule.
2. Replacement for every 125 square feet of significant woodland damaged or destroyed, or increment thereof, with:
  - (a) One (1) deciduous tree of at least 4 caliper inches or one (1) coniferous tree at least 12 feet tall; or
  - (b) Two (2) deciduous trees of at least 2.5 caliper inches or two (2) coniferous trees at least 6 feet tall; or
  - (c) Four (4) deciduous trees of at least 1.5 caliper inches or four (4) coniferous trees at least 4 feet tall.

(C) Species Requirement.

1. The City may require that the replacement species is identical to the removed species.
2. Where ten (10) or more replacement trees are required, not more than fifty (50) percent of the replacement trees shall be of the same species of tree without the approval of the City.
3. Trees planted to replace significant woodland must be arranged in stands to provide a habitat similar to the damaged or destroyed habitat.

(D) Warranty Requirement.

Any replacement tree which is not alive or healthy, as determined by the City, or which subsequently dies due to construction activity within two (2) years of the tree's planting, shall be removed by the Applicant and replaced with a new healthy tree meeting the same minimum size requirements within eight (8) months of removal.

(E) Landscaping Requirements.

The planting of trees for mitigation shall be in addition to any other landscape requirements of the City.

(F) Shoreland Overlay District.

Trees and woodlands within the Shoreland Overlay District are subject to the requirements stated in Section 11.2, in addition to the regulations of this Section.

(5) Required Protective Measures.

The following measures shall be utilized to protect significant trees and significant woodlands during any type of grading or construction:

- (A) Installation of snow fencing or polyethylene laminate safety netting placed at the drip line or at the perimeter of the critical root zone (CRZ), whichever is greater, of significant trees and significant woodlands to be preserved. No grade change, construction activity, or storage of materials shall occur within this fenced area.
- (B) Identification of any oak trees requiring pruning between April 15 and July 1 to avoid the spread of Oak Wilt. Any oak trees so pruned shall be required to have any cut areas sealed immediately with an appropriate non-toxic tree wound sealant. The sealant shall be kept on-site for the duration of pruning, grading, and construction activities.
- (C) Prevention of change in soil chemistry due to concrete washout and leakage or spillage of toxic materials, such as fuels or paints.

(6) Recommended Protective Measures

The following tree protection measures are suggested to protect significant trees and/or significant woodland that are intended to be preserved:

- (A) Installation of retaining walls or tree wells to preserve trees.
- (B) Placement of utilities in common trenches outside of the drip line of significant trees, or use of tunneled installation.
- (C) Use of tree root aeration, fertilization, and/or irrigation systems.
- (D) Transplanting of significant trees into a protected area for later moving into permanent sites within the construction area.

(E) Therapeutic pruning.

(7) Review Process.

The Woodland Preservation Plan shall be reviewed by the City to assess the best possible layout to preserve significant trees and significant woodland, and to enhance the efforts to minimize damage to significant trees and woodland. The Applicant shall meet with the City Planner prior to submission of the Preliminary Plat or Planning Request Application to determine the most feasible and practical placement of buildings, parking, driveways, streets, storage, and other physical features in order that the fewest significant trees and significant woodlands are destroyed or damaged.

(8) Compliance with the Plan.

(A) Implementation of the Plan.

The Applicant shall implement the Woodland Preservation Plan prior to and during any construction. The tree protection measures shall remain in place until all grading and construction activity is terminated, or until a request is made to and approved by the City. No significant trees or significant woodland shall be removed until a Woodland Preservation Plan is approved.

(B) Performance Guarantee.

The Applicant shall provide the required performance guarantee following preliminary approval of the Woodland Preservation Plan and prior to any construction and/or grading.

The amount of the performance guarantee to be submitted, specific to the Woodland preservation fulfillments, shall be calculated as follows:

1. An amount to guarantee preservation of all trees identified by the approved Woodland Preservation Plan to be preserved within the Construction Zone shall be deposited with the City.

The amount shall be calculated by multiplying the total caliper inches of significant trees to be preserved by the rate of payment of \$100.00 per caliper inch and the total square feet of significant woodland to be preserved at the rate of \$1.50 per square foot.

- 2. Following written request by the Applicant for acceptance, the performance guarantee will be released upon verification by the City that the Woodland Preservation Plan was followed and that the tree replacement schedule was complied with where necessary; in no event shall the performance guarantee be released earlier than completion of the warranty requirements.

- (C) Noncompliance. If a significant tree or significant woodland that was intended to be preserved is removed without permission of the City, or damaged so that it is in a state of decline within one (1) year from date of project closure, the cash performance guarantee, \$100.00 per caliper inch of significant tree or \$1.50 per square foot of significant woodland, shall be remitted to the City. The City shall have the right to inspect the development and building site in order to determine compliance with the approved Woodland Preservation Plan. The City shall determine whether compliance with the Woodland Preservation Plan has been met.

*The purpose of this Section is to add to the quality of the physical environment and to protect and buffer adjacent uses.*

**9.12. Screening and Landscaping**

- (1) Purpose and Objectives. The preservation of existing trees and vegetation as well as the planting of new trees and vegetation, can significantly add to the quality of the physical environment of the community. This ordinance provides for the health, safety, and welfare of the residents of New Scandia Township and is intended to:

- Promote the reestablishment of vegetation in developed areas for aesthetic, health, and wildlife reasons;
- Establish and enhance a pleasant visual character which recognizes aesthetics and safety issues;
- Promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting uses;
- Unify development, and enhance and define public and private spaces;
- Promote the retention and use of existing vegetation;
- Aid in energy conservation by providing shade from the sun and shelter from the wind;
- Reduce flooding and erosion by stabilizing soils with trees and vegetation.

- (2) Landscaping Plan