

Ordinance No. ____-24

Ordinance amending Chapter 34. Vegetation, Chapter 36, Article I, Section 36-4. Definitions, Chapter 36, Article V, Section 36-364(j). Restrictions for tree removal; standards for replacement and Chapter 36, Article V, Section 36-364(k). Tree protection.

The City of St. Louis Park does ordain:

Whereas, the city has experienced a decline in tree canopy due to tree removals resulting from emerald ash borer in ash trees, decline in mature oak trees and Dutch Elm disease in elm trees, and

Whereas, the city has goals and policies to increase tree canopy to 30% by the end of 2035 and 35% by the end of 2045, and

Whereas, due to changes to the Minnesota State Statutes 412.925 regarding native landscaping updates to the vegetation chapter of city code are needed, and

Whereas, the planning commission conducted a public hearing on August 7, 2024 on the ordinance, and

Whereas, the city council has considered the advice and recommendation of the planning commission (case no. 24-15-ZA).

Now, therefore be it resolved that the following amendments shall be made to Chapter 34 of the city code pertaining to vegetation and Chapter 36 of the city code pertaining to zoning:

Section 1. Transporting certain types of wood. Section 34-58 of the St. Louis Park City Code is hereby amended to delete the struck-out language and to add the following underlined text.

It is unlawful for any person to transport within the city any bark-bearing elm, wood, or wood infested by disease or ~~inspects insects~~ without having ~~obtained a permit~~ written permission from the city, which shall grant such ~~permits~~ permission when the purposes of this division will be satisfied.

Section 2. Permission required. Section 34-81 of the St. Louis Park City Code is hereby amended to delete the struck-out language and to add the following underlined text.

Application for permission to plant such trees shall be made to the director of parks and recreation, stating the variety and precise location proposed for each tree. After the receipt of such an application, the director shall investigate the locality where the trees are to be placed and shall grant ~~a permit~~ written permission only if, in ~~his~~ the director's judgment, the location is such as to permit the normal growth and development of each tree. The permission shall specify the location, variety and grade of each tree and method of planting, including, among other things, the supplying of suitable soil. The permission shall be good only for the season stated on it in the year issued, and no charge shall be made for such permission. No tree shall

be planted except in accordance with its terms. The specifications of the permission shall be such as will secure the suitable location, planting and growth of each tree.

Section 3. Planting requirements. Section 34-83 of the St. Louis Park City Code is hereby amended to delete the struck-out language and to add the following underlined text.

No ~~permit~~ permission for planting of such trees shall be given where the clear space between the curb and sidewalk is less than three feet. Neither shall ~~a permit~~ permission be given where the soil is too poor to ensure the growth of the trees unless the applicant or the owner agrees to excavate a suitable hole of not less than 54 cubic feet and to replace the material removed with suitable good loam.

Section 4. Protection of trees. Section 34-85 of the St. Louis Park City Code is hereby amended to delete the struck-out language and to add the following underlined text.

(a) Public trees. No building material, machines or equipment of any description shall be piled near any street tree unless such tree is first sufficiently protected by a proper guard and/or tree protection fencing as described in Section 36-364 to prevent possible injury, and all instructions issued for that purpose by the Director must be promptly complied with by the owner or contractor.

(b) Private trees. Trees on private properties (with the exception of existing lots developed with single-family or two-family dwellings) are protected from removal and damage as described in Sec. 36-364. Any person proposing a land disturbing activity on a commercial property or new subdivision shall apply to the city for, and receive approval of, a tree protection permit as described in Sec. 36-364.

Section 5. Removal or injury to trees. Section 34-86 of the St. Louis Park City Code is hereby amended to delete the struck-out language and to add the following underlined text.

No person shall remove, destroy, cut, deface or in any way injure or interfere with any tree or shrub on any of the avenues, streets or public grounds, including parks and parkways of the city, without ~~a permit~~ written permission from the director.

Section 6. Paving around trees. Section 34-88 of the St. Louis Park City Code is hereby amended to delete the struck-out language and to add the following underlined text.

No paving of any description shall be laid or maintained by anyone between sidewalk and curb which will cut off the air and water from any tree. A space of not less than 50 square feet must be left open for each tree which space may be covered with suitable satisfactory iron grate upon ~~a permit~~ of written permission from the director, to whom the plan for such grate must be first submitted.

Section 7. Purpose. Section 34-114 of the St. Louis Park City Code is hereby amended to delete the struck-out language and to add the following underlined text.

The purpose of this Article is to establish minimum standards for lawn maintenance while recognizing that a variety of landscapes within a community adds diversity and richness to the quality of life for all residents. Turf grass lawns continue to be recognized as the dominant

feature in the landscape; however, alternatives to this traditional type of lawn, such as Minnesota native plants, are recognized as important parts of a diverse and successful landscape and contribute to a healthy urban ecological system. ~~A parcel with proposed Native Vegetation that exceeds 800 square feet or exceeds 25% of parcel surface area will require a Native Vegetation Permit.~~

Section 8. Definitions. Section 34-115 of the St. Louis Park City Code is hereby amended to delete the struck-out language and renumber this section accordingly.

~~(a) "Maintenance Plan" — a document submitted with an application for a Native Vegetation Permit demonstrating a precise course of maintenance for numerous individual plants in a landscape over months and seasons.~~

~~(c) "Native Vegetation Permit" — a permit issued by the City pursuant to this article allowing an owner or occupant to cultivate Native Vegetation upon his/her property. A Native Vegetation Permit exempts an owner or occupant from Section 34-116(c).~~

Section 9. Exemptions. Section 34-117 of the St. Louis Park City Code is hereby amended to delete the struck-out language and to add the following underlined text.

~~(d) Native Landscapes Vegetation, with a Native Vegetation Permit in accordance with Section 34-118 as defined by Minnesota state statute 412.925.~~

Section 10. Native vegetation permit. Section 34-118 of the St. Louis Park City Code is hereby removed. This struck-out ordinance is now regulated pursuant to Minnesota state statute 412.925.

~~(a) Permit. Upon satisfaction and completion of all the requirements of this section, the City Manager or designee shall issue a Native Vegetation Permit. A Native Vegetation Permit permits the permittee to cultivate Native Vegetation and exempts the property from Section 34-116(c). A Native Vegetation Permit shall be valid for five (5) years from the date of approval. The City Manager or designee shall not approve a Native Vegetation Permit for property with unresolved Code of Ordinance violations or administrative citations.~~

~~(b) Application. The Application for a Native Vegetation Permit which shall be provided by the City Manager or designee shall contain the following:~~

~~(1) Statement of intent and purpose in cultivating Native Vegetation.~~

~~(2) Site plan showing lot lines, buildings, location of proposed Native Vegetation, the property's legal description, and corner visibility requirements as defined by Section 24-47 of the City Code.~~

~~(3) Latin and common names of the species the property owner or occupant plans to cultivate.~~

~~(4) Maintenance requirements for said species.~~

~~(5) Name and address of a professional landscaping company which has been hired to perform maintenance on the Native Vegetation; or the name, address, and qualifications of the person(s) who will be responsible for maintenance of the Native Vegetation.~~

~~(6) A Maintenance Plan, which shall contain the following:~~

- ~~a) Planting diagram showing the location and mature height of all specimens of Native Vegetation;~~
- ~~b) Detailed information on the upkeep of the plantings; and~~
- ~~c) Details of any long term maintenance required for the Native Vegetation.~~

~~(c) Revocation. The City Manager or designee may regularly inspect any property holding a Native Vegetation Permit for compliance with the Maintenance Plan on file with the City for the property. If any property is not in compliance with the Maintenance Plan, the permittee may be notified and ordered to bring the property into compliance with the approved permit within thirty (30) days. If the permittee falls to comply with the order, the City Manager or designee may:~~

- ~~(1) Revoke the Native Vegetation Permit;~~
- ~~(2) Remove all improperly maintained Native Vegetation;~~
- ~~(3) Declare the property ineligible for a Native Vegetation Permit, unless sold, for a period of two (2) years; and~~
- ~~(4) Assess the property for all costs associated with inspection of the property and any removal of improperly maintained Native Vegetation in accordance with Minnesota Statutes § 429.101.~~

Section 11. Definitions. Section 36-4 of the St. Louis Park City Code is hereby amended to delete the struck-out language and to add the following underlined text.

Diameter at ~~breast~~ standard height (DBH) (dsh) means the diameter of a tree measured at a height of 4 1/2 feet from the ground level.

Heritage tree means a healthy deciduous tree measuring 30 inches or greater in diameter at standard height (dsh) or a healthy coniferous tree measuring 25 inches or greater in dsh.

Significant tree means any healthy tree, with the exception of salix (willow), ~~Boxelder~~, Siberian elm and black locust, is considered to be significant under the landscaping section of the zoning ordinance if it is at least five ~~caliper~~ diameter inches for deciduous trees and six ~~caliper~~ diameter inches for conifers. Aspen, boxelder, cottonwood, or silver maple are considered significant if they are at least 12 inches in diameter at 4.5 feet from the ground.

Section 12. Restrictions for tree removal; standards for replacement. Section 36-364(j)(2) of the St. Louis Park City Code is hereby amended to delete the struck-out language and to add the following underlined text.

(2) Private land. This subsection shall not apply to trees removed from existing lots developed with single-family or two-family dwellings. If any existing lot of record is subsequently subdivided, tree replacement shall be required for all of the new resulting lots or parcels.

~~a. No significant tree shall be cut down, destroyed, or removed from any property unless it is authorized by a permit issued by the city in a manner provided by this section.~~

a. Any person proposing a land disturbing activity shall apply to the city for, and receive approval of, a tree protection permit. No land shall be disturbed until the plan is approved by the City and conforms to the standards set forth herein.

~~b. No land shall be altered which will result in the removal or destruction of any significant tree unless the destruction is authorized by a permit issued by the city. The application for a tree protection such permit shall include the following:~~

1. The name, address, and phone number of the person applying for the permit.
2. The name and address of the property owner.
3. A tree inventory of the site certified by a registered land surveyor, landscape architect, or forester which identifies the size, species, condition, and locations on the land of all existing significant and heritage trees on the property. In addition, this inventory shall identify all significant and heritage trees which will be cut down, removed, or lost due to grading or other damage. The tree inventory shall be verified by the city forester.
4. Where ~~the tree removal involves~~ the proposed changes include land alteration, a grading plan which identifies the following:
 - i. A minimum scale of one inch equals 50 feet.
 - ii. All existing and proposed contours at two (2) foot intervals.
 - iii. Location of all existing and proposed structures.
 - iv. Any grade change or land alteration, whether temporary or permanent, of greater than one foot measured vertically, affecting 30 percent (as measured on a horizontal plane) or more of a tree's root zone.
 - v. Utility construction which may result in the cutting of 30 percent or more of a tree's roots within the root zone.

- vi. Any areas where soil compaction is planned to a depth of six inches or more, or of 30 percent or more of the surface of the soil within a root zone.
5. A plan for the protection of trees intended to be saved shall adhere to tree protection methods and locations as outlined in section (k) Tree Protection of this chapter.
6. A statement of the proposed use of the land including a description of the type of building or structure existing or proposed to be constructed on the site.
7. The number, type and size of trees required to be replaced by this section.
8. The proposed locations of the replacement trees.

c. Allowable tree removal.

1. Up to twenty (20) percent of the diameter inches of significant trees on any parcel may be removed without replacement requirements. Replacement according to the tree replacement schedule is required when removal exceeds more than twenty (20) percent of the total significant tree diameter inches.
2. Replacement according to the tree replacement schedule is required for removal of all heritage tree diameter inches.
3. Diseased, dead, or structurally unsound trees are exempt from the provision of this section. The City Forester will make the final determination of whether a tree is diseased, dead or structurally unsound.

d. Tree replacement schedule. Tree removals over the allowable tree removal limit on the parcel shall be replaced according to the following schedule:

1. Significant trees shall be replaced with new trees at a rate of one and one half (1.5) caliper inch replaced for every one (1) diameter inch removed.
2. Heritage trees shall be replaced with new trees at a rate of two (2) caliper inches replaced for every one (1) diameter inch removed.

e. Heritage tree preservation credits. A credit may be applied to the required tree replacement if a healthy, heritage tree is preserved on a site. The tree must be approved by the city as a quality tree worth saving. The credit will be applied at a rate of one (1) caliper inch for every one (1) heritage tree diameter inch preserved, up to fifty percent (50%) of the required replacement. If a heritage tree for which credit is provided does not survive one year after construction, the developer will be required to pay the fee-in-lieu.

~~f. c.~~ Approval of a permit for the removal of any significant or heritage tree or approval of a permit for land alteration which results in tree destruction shall be subject to and conditioned upon the owner or developer replacing the loss or reasonably anticipated loss of all live significant and heritage trees. The amount of trees to be provided in replacement shall be determined by the following formula:

1. Significant trees

$$((A/B)-0.20) \times \underline{1.5} \times A = \underline{D} \ C$$

A = Total diameter inches of significant trees lost as a result of land alteration or removal.

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

~~C = Tree replacement constant (1.5).~~

~~D~~ C = Replacement trees (number of caliper inches).

2. Heritage trees

$$A \times 2 - (B - A) = C$$

A = Total diameter inches of heritage trees lost as a result of land alteration or removal.

B = Total diameter inches of heritage trees situated on the land.

C = Replacement trees (number of caliper inches)

g. Protected tree replacement fee. If a significant or heritage tree that was identified for preservation and received replacement credit or zoning ordinance consideration is removed or damaged during construction, the developer will be required to pay to the city a cash mitigation. The fee is based on the diameter inches of the tree(s) damaged or removed. The fee per diameter inch is set forth in the city's fee schedule as the cash in lieu of replacement trees fee.

~~h. d.~~ Location of replacement trees.

- a. Priority shall be given to locate replacement trees on any part of the parcel where screening is required.
- b. If there is insufficient area within the project to plant the required replacement trees, they may be planted within any park, open space, or boulevard within the city as determined by the city provided the city consents in writing. The city may also elect to receive cash in lieu of trees based on a fee per caliper inch determined by the city council.

~~i. e.~~ Replacement trees shall be of a species similar to the trees which are lost or removed but shall be limited to one of those species shown on the City of St. Louis

Park’s Landscape Tree List, as provided by the City. No more than 50 percent of the caliper inches of the replacement trees shall be understory trees.

Section 13. Tree protection. Section 36-364(k) of the St. Louis Park City Code is hereby amended to add the following underlined text.

(7) Other proposed methods of tree protection may be acceptable if approved by City Forester.

Section 14. This ordinance shall take effect on January 1, 2025.

First reading	August 19, 2024
Second reading	September 9, 2024
Date of publication	September 18, 2024
Date ordinance takes effect	January 1, 2025

Reviewed for administration:

Adopted by the city council _____

Kim Keller, city manager

Nadia Mohamed, mayor

Attest:

Approved as to form and execution:

Melissa Kennedy, city clerk

Soren Mattick, city attorney