

## Chapter 13 – Zoning Code Section 1350 – Rules, Scope, Interpretation & Definitions

### 1305.04 Definitions

• Land Disturbance Activity. Any land change greater than 2,500 square feet or 50 cubic yards on any parcel, or land change on a parcel of land located within a shoreland area or adjacent to a surface water that may result in soil erosion from wind, water and/or ice and the movement of sediments into or upon waters or lands of the city, including but not limited to construction, clear-cutting, clearing and grubbing, grading, excavating, transporting and filling of land. Land Disturbance Activity does not mean the following:

- Minor land disturbance activities such as home gardens and an individual's home landscaping, repairs and maintenance work;
- Additions or modifications to existing single-family dwellings or accessory structures that will result in creating under 2,500 square feet of exposed soil and/or impervious surface and less than 50 cubic yards;
- Construction, installation and maintenance of electric, telephone, and cable television utility lines or individual service connection to these utilities, except where a minimum of 5,000 square feet of land disturbance can be anticipated;
- Tilling, planting or harvesting of agricultural, horticultural, or silvicultural crops;
- Installation of fence, sign, telephone, and electric poles and other kinds of posts, bollards or poles; and
- Emergency work to protect life, limb, or property and emergency repairs. However, if the land disturbing activity would have required an approved Erosion and Sediment Control Plan except for the emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirement of the PWD when applicable.

## Chapter 13 – Zoning Code Section 1325 – General Regulations

### Section 1325.055 – Tree Preservation

Subd. 2 Tree Preservation Plan. It shall be unlawful for any person to engage directly or indirectly in a land disturbing activity, as defined in this ordinance, unless such person has applied for and obtained approval of a tree preservation plan. No preliminary plat, building permit, grading permit, or other City required permit shall be granted unless approval of a tree preservation plan has been obtained.

Subd. 5 Tree Removal and Preservation.

A. Tree Removal Allowance. Mitigation shall not be required for removing, cutting, or killing trees when:

1. Fewer than ten (10) percent of the caliper inches of the significant trees on the property are cut, removed, or killed
2. There is an existing principal use on the property and no construction, grading, or development is to occur in the location of the removed tree(s) within two years thereafter.

3. The trees to be removed, cut, or killed are identified as diseased or nuisance trees.
- B. Reduced Requirements. Mitigation requirements can be reduced as determined by the City Council when there is a greater public good such as;
  1. Allowing for LEED Certified architectural practices;
  2. Providing affordable housing;
  3. Allowing for a public road or trail; or
  4. Providing for a public utility service.
- C. Planned Unit Developments. A PUD plan for a new subdivision will be approved only if it demonstrates that the new subdivision has a reasonable number of lots or units and has lot lines and building pads that minimize tree loss. Mitigation must be provided for any removal of significant trees.
- D. Diseased and Nuisance Trees. [This ordinance shall not apply to diseased and nuisance trees.](#)
  1. [Prior to removal, all diseased or nuisance trees must be clearly identified on the site, and the diseased or nuisance state must be certified by a certified tree inspector, forester or arborist.](#)
  - ~~2.~~ Prior to grading, all diseased and nuisance trees on the subject property shall be removed from the property at the time of grading and prior to the commencement of building construction. Diseased and nuisance trees shall not count toward calculation of significant tree inventory.
- E. Removal of Trees Prior to Application Submittal. A tree that was removed or otherwise destroyed by unnatural causes within two years before a development application will be regarded as if it were present at the time of construction or a development application.

## **Chapter 13 – Zoning Code**

### **Section 1325 – General Regulations**

#### **1325.08 Filling and Excavation.**

Subd. 1 Permit Required. An administrative permit shall be required for any filling or excavation of up to four hundred (400) cubic yards per parcel, or four hundred (400) cubic yards per acre, whichever is greater. Operations of over the above-described amounts shall be considered land reclamation or mining, and shall require a conditional use permit in accordance with [Chapter 8](#) of the Arden Hills Code of Ordinances.

Subd. 2 Exceptions. The following operations are excepted from the preceding permit requirements:

- A. Excavation related to the construction of a building with a duly issued building permit;
- B. Filling, excavation, and grading associated with site improvements and site preparation for a duly approved subdivision or site plan;
- C. Excavation for construction of public streets and utilities;

- D. Filling, excavation, or movement of less than ~~one hundred (100)~~ fifty (50) cubic yards of earth for landscaping purposes on a lot already occupied by a residential structure;
- E. Minor agricultural or ~~conservation~~ conservation operations.

Subd. 4 Performance Time. Filling and excavation operations for which a permit has been issued shall be completed within a period as specified in the permit, but in no event beyond ~~of~~ one hundred and twenty (120) days from the commencement of the operation, and within one year of the issuance of the permit, unless an extension is requested of and granted by the City Council.

Subd. 5 Periodic Operations. Periodic filling or excavation of amounts less than four hundred (400) cubic yards per parcel or per acre shall be allowed under separate administrative permits until the composite total of such periodic operations exceeds four hundred (400) cubic yards. Further operations will then be subject to the requirements of Chapter 8 of the Arden Hills Code of Ordinances.

## **Chapter 7 – Recreation Areas**

### **Section 710 – Trees and Vegetation**

#### **710.12.1 Protection of Shade Trees**

Subd. 1 Declaration of Policy. The City Council has determined that the health of oak, elm, and ash trees, hereinafter sometimes collectively referred to as "shade trees," within the municipal limits are threatened by fatal tree diseases, and insect infestations commonly known as "Oak Wilt Disease", "Dutch Elm Disease", and "Emerald Ash Borer" respectively, hereinafter sometimes collectively referred to as "shade tree diseases." It has further determined that the loss of shade trees growing upon public and private property would substantially depreciate the value of property within the City and impair the safety, good order, general welfare and convenience of the public. Accordingly, it is hereby declared to be the intention of the Council to control and prevent the spread of shade tree diseases and other epidemic diseases, by enacting this subsection for that purpose.

Subd. 5. Epidemic Disease Program. It is the intention of the City Council to conduct a program of pest control pursuant to the authority granted by Minnesota statues section 18G.13, as amended, directed at the control and elimination of Dutch elm disease, Oak wilt disease, Emerald Ash Borer infestation, and elimination of other tree diseases and insect infestations and is undertaken at the recommendation of the Minnesota Commissioner of Agriculture.

Subd. 6. Shade Tree Nuisances Declared.

- A. The following are hereby declared to be public nuisances whenever and wherever they may be found within the City:

1. Any elm tree or part thereof infected to any degree with the Dutch elm disease fungus *Ceratocystis Ulmi* (Buisman) Moreau or which harbors any of the elm bark beetles *Scolytus Multistriatus* (Marsham) or *Hylurgopinus Rufipes* (Eichhoff);
2. Any dead elm tree or part thereof, including stems, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle insecticide; and
3. Any northern red oak (*Quercus rubra*, *Quercus ellipsoidalis*, and *Q. palustris*), or part thereof, infected to any degree with the oakwilt disease, *Ceratocystis fagacearum*.
4. Any living or standing white oak (*Quercus alba*), bur oak (*Quercus macrocarpa*), and swamp white oak (*Quercus bicolor*), that poses a threat of transmission of the oak wilt disease to other trees.
5. Red oak species deemed by the City forester or designated tree inspector to be a potentially diseased spore producing tree (PSPT) must be removed before March 15th of the year following complete tree wilt. Any removed red oak tree should be disposed of at an approved wood utilization site or properly treated, i.e. main stems cut into firewood length sections, split if appropriate, stacked and covered in clear plastic with the edges sealed at the ground line to prevent vector entry or escape.
6. Any Ash tree infested with the Emerald Ash Borer beetle, *Agrilus Planipennis*.
7. Other shade trees with epidemic diseases or epidemic insect infestations.

## Chapter 15 - Erosion and Sediment Control

### 1500.00 Purpose and Scope

#### 1510.01 Definitions

**Clear-cutting.** The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

**Clearing and grubbing.** The trimming, pruning, cutting ~~and~~ or removal of trees, shrubs, bushes, windfalls and other vegetation including removal of stumps, roots, and other remains in the designated areas.

**Land Disturbance Activity.** Any land change greater than ~~2,500~~5,000 square feet or 50 cubic yards, or land change on a parcel of land located within a shoreland area or adjacent to a surface water that may result in soil erosion from wind, water and/or ice and the movement of sediments into or upon waters or lands of the city, including but not limited to construction, clear-cutting, clearing and grubbing, grading, excavating, transporting and filling of land. Land Disturbance Activity does not mean the following:

- Minor land disturbance activities such as home gardens and an individual's home landscaping, repairs and maintenance work affecting less than 2,500 square feet;
- Additions or modifications to existing single-family dwellings or accessory structures that will result in creating under 2,500 square feet of exposed soil and/or impervious surface and less than 50 cubic yards in a shoreland area;

- Construction, installation and maintenance of electric, telephone, and cable television utility lines or individual service connection to these utilities, except where a minimum of 5,000 square feet of land disturbance can be anticipated;
- Tilling, planting or harvesting of agricultural, horticultural, or silvicultural crops;
- Installation of fence, sign, telephone, and electric poles and other kinds of posts, bollards or poles; and
- Emergency work to protect life, limb, or property and emergency repairs. However, if the land disturbing activity would have required an approved Erosion and Sediment Control Plan except for the emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirement of the PWD when applicable.