



MEMORANDUM

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**DATE:** November 9, 2022

**TO:** Planning Commission Chair and Commissioners

**FROM:** Jessica Jagoe, Community Development Director

**SUBJECT:** Planning Case #22-021 – Public Hearing Required  
**Applicant:** City of Arden Hills  
**Request:** Zoning Code Amendments – Chapter 13, Landscaping and Tree Preservation

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**Requested Action**

The City of Arden Hills is proposing to amend ordinance language in the Zoning Ordinance applicable to all zoning districts that would update the City’s current tree preservation ordinance to include landscaping and expand how tree replacement funds can be utilized. The proposed amendments to City Zoning Code Chapter 13 are within the following Sections:

- Section 1325.05 - Design Standards
- Section 1325.055 - Tree Preservation

**Background**

At their September 19<sup>th</sup> work session, the City Council discussed draft language for a proposed tree preservation ordinance. The City Council had previously requested Staff to investigate changing the City’s ordinance as it relates to tree preservation. Staff was directed to research whether or not the scope can be broadened to include items, such as landscaping or other green spaces. The City Attorney in his preliminary review of the draft changes believed the amendment would accomplish the flexibility being sought. The general consensus of the City Council was to move forward with the proposed amendments as presented in the work session and with the references to “green space” being modified to “landscaping”.

Staff was directed to finalize the language with the City Attorney and bring forward the proposed ordinance to the Planning Commission for the first review and to hold a public hearing. Following the public hearing, the draft ordinance language with recommendation of the Planning Commission would be brought to the City Council for subsequent discussion and adoption.

## **Overview of Ordinance Amendments**

Staff has prepared a draft ordinance showing stricken language to be deleted and new language added in red font for your review (Attachment A). The general consensus of the City Council was that the current ordinance language is narrowly focused on tree preservation. The city code defines landscaping as “*plantings such as trees, grass, shrubs.*” Under the tree preservation ordinance as written, the City Attorney confirmed that the tree fund or a fee in lieu of planting may only be used for tree related expenses. The Council noted that there are projects (i.e. parks, right-of-way) in the City that could be considered or in need of all types of landscaping as defined in the ordinance (i.e. trees, grasses, shrubs). The City Council requested Staff develop language that would be broadened the ordinance to include items, such as, landscaping or other green spaces.

The proposed amendments would add language applicable to all zoning districts that revises and updates the City’s current tree preservation ordinance to restate when a mitigation plan is required for extensive tree removal on a parcel of land, what is required of a landscape plan and the calculation of fees for tree loss when replanting on the affected site is not practical, and clarifies that those collected fees can be expended for tree and landscape purposes. To be clear, the proposed amendment is not modifying the minimum requirements for tree preservation and/or replacement. Instead, the draft language is intended to add language within the landscaping and tree preservation sections of the city code to allow for both forms of plantings to function as one “landscaping fund” in satisfaction of the ordinance going forward. It should be noted that any tree funds remaining will need to be kept separate and still need to be spent solely on tree related expenses.

The applicable Sections are as follows:

- Adding language: Section 1325.05 - Design Standards
  - Subd. 1.C.7
  - Subd. 1.D.2
- Adding language: Section 1325.055 - Tree Preservation
  - Subd. 1.A.3 and 4
  - Subd. 6.A.3.c through e

An ordinance amendment to the Zoning Code does require a public hearing before the Planning Commission.

## **Additional Review**

N/A

## **Findings of Fact**

The Planning Commission must make a finding as to whether or not the proposed application would adversely affect the surrounding neighborhood or the community as a whole based on the aforementioned factors. Staff offers the following findings for consideration:

### *General Findings:*

1. The City of Arden Hills is proposing to amend ordinance language applicable to all zoning districts that would revise and update the City’s current tree preservation ordinance to include items, such as, landscaping and other green spaces.

2. The proposed ordinance amendment will reaffirm when a mitigation plan is required on a parcel of land, what is required of a landscape plan, and the calculation of fees for tree loss when replanting on the affected site is not practical.
3. The proposed ordinance amendment clarifies that those collected fees can be expended for tree and landscape purposes.
4. The proposed ordinance will include amendments to the language of Chapter 13 – Zoning Code of the City Code.
5. Amendments to the Zoning Code regulations require a public hearing prior to action by the City Council.

### **Options and Motion Language**

Staff has provided the following options and motion language for this case.

- **Recommend Approval:** Motion to recommend *approval* of Planning Case 22-021 as presented (or as modified by Planning Commission) for Zoning Code Amendments Ordinance 2022-007 to Chapter 13 in Section 1325.05 – Design Standards and Section 1325.55 – Tree Preservation of the Arden Hills City Code to add language to revise and update the City’s current tree preservation ordinance to include items, such as, landscaping and further clarify mitigation plan requirements and that those collected fees can be expended for tree and landscape purposes as presented in the November 9, 2022 Report to the Planning Commission.
- **Recommend Denial:** Motion to recommend *denial* of Planning Case 22-021 as presented (or as modified by Planning Commission) for Zoning Code Amendments Ordinance 2022-007 to Chapter 13 in Section 1325.05 – Design Standards and Section 1325.55 – Tree Preservation of the Arden Hills City Code to add language to revise and update the City’s current tree preservation ordinance to include items, such as, landscaping and further clarify mitigation plan requirements and that those collected fees can be expended for tree and landscape purposes: *findings to deny should specifically reference the reasons for denial.*
- **Table:** Motion to *table* Planning Case 22-021 as presented (or as modified by Planning Commission) for Zoning Code Amendments to Chapter 13 in Section 1325.05 – Design Standards and Section 1325.55 – Tree Preservation of the Arden Hills City Code Ordinance 2022-007 to add language to revise and update the City’s current tree preservation ordinance to include items, such as, landscaping and further clarify mitigation plan requirements and that those collected fees can be expended for tree and landscape purposes: *the Planning Commission should identify a specific reason and/or information request should be included with a motion to table.*

### **Public Notices**

A Zoning Code Amendment requires a public hearing. Notice was published in the *Pioneer Press* on October 28, 2022. The City has not received any public comments regarding this case.

### **Attachments**

- A. Redlined Ordinance Amendment
- B. Summary Ordinance