



MEMORANDUM

**DATE:** November 28, 2022

**TO:** Honorable Mayor and City Councilmembers  
Dave Perrault, City Administrator

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

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

Budgeted Amount:	Actual Amount:	Funding Source:
N/A	N/A	N/A

**Council Should Consider**

Motions to approve, table, or deny the following:

- Adoption of Ordinance 2022-007 and authorize publication of summary ordinance for Planning Case 22-021 to amend ordinance language in the Zoning Ordinance applicable to all zoning districts in Sections 1325.05, Design Standards and 1325.055, Tree Preservation that would update the City’s current tree preservation ordinance to include landscaping and expand how tree replacement funds can be utilized.

*Approval of a Zoning Code Amendment requires an affirmative vote of three councilmembers.*

*Approval for authorization to publish summary ordinance requires an affirmative vote of four councilmembers.*

**Background**

At the 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. At their November 9, 2022 meeting, the Planning Commission held the required public hearing for the draft ordinance and voted to recommend approval of the Zoning Code Amendment by a 6-1 vote.

### **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

### **Additional Review**

N/A

### **Findings of Fact**

The City Council 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 of fact for consideration:

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.
6. The Planning Commission conducted a public hearing on November 9, 2022.

### **Options and Motion Language**

The Planning Commission reviewed this application at their November 9, 2022 meeting. At that time, they recommended approval of the Zoning Code Amendment by a 6-1 vote. The following are motion language options for the City Council to consider.

- Approval: Motion to *adopt* Ordinance 2022-007 and authorize publication of the summary ordinance of Planning Case 22-021 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 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 based on the findings of fact and the November 28, 2022 Report to the City Council.
- Deny: Motion to *deny* Ordinance 2022-007 of Planning Case 22-021 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 based on the findings of fact: *findings to deny should specifically reference the reasons for denial.*
- Table: Motion to *table* Ordinance 2022-007 of Planning Case 22-021 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 for the following reasons: *the City Council should identify a specific reason and/or information request should be included with a motion to table.*

### **Public Notices**

Notice was published in the *Pioneer Press* on November 17, 2022 and posted on the City’s website on November 18, 2022. The City has not received any public comments regarding this case.

### **Budget Impact**

N/A

### **Attachments**

- A. Redlined Ordinance Amendment
- B. Summary Ordinance