

**CITY OF GEM LAKE, RAMSEY COUNTY, MINNESOTA
ORDINANCE NO. 100**

AN ORDINANCE DEFINING LANDSCAPING REQUIREMENTS FOR LOTS AND PARCELS IN BOTH RESIDENTIAL AND NON-RESIDENTIAL ZONING DISTRICTS AND REQUIRING THE CONTINUED MAINTENANCE OF ALL ESTABLISHED LANDSCAPED AREAS

THE CITY COUNCIL OF THE CITY OF GEM LAKE ORDAINS:

SECTION 1 TITLE

This ordinance shall be known, cited and referred to as the “Landscaping Ordinance” except as referred to herein, where it shall be known as “this Ordinance.”

SECTION 2 INTENT OF COUNCIL

2.1 Purpose. The purpose of this Ordinance is to clearly express the City of Gem Lake’s intent for all properties in the City to be landscaped and to have the landscaping maintained with care. Properties shall be landscaped to improve the environmental performance of all properties in the City as well as to meet the aesthetic needs of the general public.

2.2 Landscaping Goals. All landscaping must be designed to protect, preserve, and promote the aesthetic appeal and overall value of the property. The quantity and quality of the landscape design should be compatible with the described use for each parcel in a zoning area and the intended use of the property. The preservation of desirable vegetation is a goal which should be addressed prior to any new construction, land filling, land changes or expansion of existing use areas.

2.3 Landscape standards. The landscape standards set forth in the Ordinance will promote harmonious development in the City, increase the desirability of residences, encourage investment or occupation in the City, optimize use and value of land and improvements, increase the stability and value of property, and add to the conditions affecting the peace, health and welfare of the City.

Landscaping standards are essential to ensure compatible relationships between land uses within a community. All uses allowed as either permitted or conditional uses within the City’s various zoning areas shall conform to the following general provisions and performance standards.

2.4 Landscaping Maintenance. It is also important that all landscaped areas shall be properly maintained. Minimum maintenance standards for all landscaped areas are described in Section 18 of this Ordinance.

SECTION 3 DEFINITIONS

Annual. A plant, usually a flowering species, which lives for only one (1) growing season.

Berm. An earthen mound designed to provide visual interest, screen undesirable views or decrease noise.

Coniferous/Evergreen Tree. A woody plant which, at maturity, is at least thirty (30) feet in height, with a single trunk, fully branched to the ground, having foliage on the outermost portion of the branches year round. This plant also retains its green color year round and does not drop its fronds or needles in the winter.

Deciduous Tree. A woody plant which, at maturity, is at least twenty (20) feet in height, with a single trunk, un-branched for several feet above the ground, having a defined crown which loses leaves annually. This plant loses its foliage and becomes dormant during winter months.

Fire Break. An area thirty (30) feet from the edge of any primary structure in which all brush is cleared and any grasses are maintained at a height of 4 inches or lower. Single specimens of trees, ornamental shrubbery, or similar plants which are used as ground cover may be maintained within a fire break area if they do not form a means of rapidly transmitting fire from the native growth to any building or structure.

Ground Cover. Plants which are used for accents and/or soil stabilization and are typically thirty-four (34) inches or less in height.

Growing Season. The growing season shall run from May 1 through October 31.

Landscaping. The operation of designing and installing a integrated system of turf, plants, shrubs and trees into a planned design to give a sense of continuity between structures and land.

Large Evergreen Tree. Large evergreen which reaches a mature height of fifty (50) feet or greater.

Mulch. A protective covering of materials placed around plants to control weeds and moderate evaporation of moisture or freezing. Examples of mulch include organic mulch such as wood chips, shredded hardwood, or cocoa beans and inorganic mulch such as stones or rocks. Materials which create an impermeable cover shall not be considered mulch.

Native Grasses and Forbs. These are grasses and flowering board-leaf plants which are indigenous to the State of Minnesota. Native grasses include Bluestem, Indiangrass and Prairie Cordgrass.

Native Plants. These are plants which were present in Minnesota before European settlers arrived, circa 1800.

Natural Area. Any wetland and flood plain designated on the official zoning map of the City and any area of mature woodland, prairie and meadow vegetation native to Minnesota.

Natural Barrier. A tree, shrubbery or earth barrier that acts as a visual or noise barrier from roads, railroads and differing land uses.

Non-native or Exotic Plants. Plants which have been introduced into Minnesota from Eurasia, or by accident since the 1800s.

Noxious Weed. Any plant which is identified by the Commissioner of Agriculture of the State of Minnesota as a noxious weed pursuant to Minnesota Status Section 18.171, Subd.5. Noxious weeds include poison ivy, hemp and bull thistle.

Ornamental Grasses or Ground Covers. Non-native grasses and ground covers used as part of a planned landscaped area. Ornamental grasses do not include turf grasses.

Ornamental Tree. A deciduous tree with a mature height of less than thirty (30) feet.

Overstory Tree. Large deciduous shade producing trees with a mature height of over thirty (30) feet.

Perennial. A plant, usually a flowering species, having a life span of more than two (2) years. It also appears and blooms every year.

Performance Bond. A bond with good and sufficient sureties, approved by the City Council, which is conditioned upon satisfactory implementation of an approved plan and which names the City as obligee.

Planned Landscaped Area. An area where flowers, vegetables, ground covers, trees, shrubs, ornamental vegetation and native vegetation are planted as part of a design.

Planting Schedule. A listing of all plants to be installed which identifies their common name, botanical name, plant size, root type and quantity to be installed.

Restoration Area. An area in which native grasses and forbs are being or have been intentionally re-established by human means.

Screening. A natural or man-made barrier to exclude noise, light or other items from bordering areas.

Secondary Noxious Weed. Any plant which is identified by the Commissioner of Agriculture of the State of Minnesota as a secondary noxious weed pursuant to Minnesota Statutes Section 18.171, Subd. 5. Secondary noxious weeds include foxtail, ragweed and milkweed.

Shrub (Large). Deciduous shrubs with a mature natural growth of over six (6) feet in height.

Shrub (Medium). Deciduous shrubs with a mature natural growth of between four (4) to six (6) feet in height.

Shrub (Small). Deciduous shrubs with a mature natural growth of less than four (4) feet in height.

Spreading and Globe Evergreen. An evergreen which maintains a natural global or spreading shape.

Steep Slopes. A slope with greater than a 3:1 change in elevation.

Turf Grasses. Grasses commonly used in law areas, including any blue grass, fescue or rye grass blends or any other similar ground covers.

Upright Evergreen. An evergreen shrub which maintains a natural columnar or upright shape.

Weed. Any noxious weed and secondary noxious weed and any vegetation, excluding trees, not planted intentionally.

SECTION 4 LANDSCAPING REQUIREMENTS FOR NEW CONSTRUCTION IN RESIDENTIAL DISTRICTS

4.1 Where to install landscaping. All front yards, boulevards and side yards of a residential structure in any zoning area in the City shall have sod or landscaping with mulch cover properly installed. This installation shall occur within sixty (60) days after the home is constructed upon the lot, but no later than two hundred forty (240) days after first grading, excavating, or otherwise disturbing the land in furtherance of construction. If home construction is completed after the end of growing season, such landscaping shall be installed within sixty (60) days of the start of the next growing season. In rear yards, grass or mulch cover is still required, but the requirement may be met by seeding or other measures reasonably expected to provide a grassy area in lieu of installing sod. Silt fences and other methods to prevent soil erosion, as described in the Zoning

Ordinance, shall be installed and maintained on any remaining portions of the lot that are not sodded or properly landscaped until a stable ground cover is established.

All areas disturbed by grading which surround the principal building and accessory buildings which are not driveways, sidewalks or patios shall be landscaped with grass, shrubs, trees or other ornamental landscape materials.

4.2 Trees to be planted. Three (3) new trees per acre shall be installed concurrently with sodding and seeding of the required yards. At least one (1) overstory tree and either one (1) ornamental tree or coniferous/evergreen tree is required for each lot. Each acre may have two (2) overstory trees as long as they are not of identical species. Existing significant trees that are retained on each lot may be used as a credit in lieu of planting new trees, but each acre must have at least two (2) trees.

4.3 Landscaping required after land filling or reclamation. If land filling or land reclamation is done in a residential area, the requirements of 4.1 for landscaping following construction shall be followed, using the date of permit expiration in place of the date of construction completion.

SECTION 5 LANDSCAPING REQUIREMENTS FOR NEW CONSTRUCTION IN NON-RESIDENTIAL DISTRICTS

5.1 Where landscaping is necessary. For all non-residential districts, at least twenty five percent (25%) of the land area shall be landscaped with grass, approved ground cover, shrubbery and trees. All front yards, boulevards and side yards around a structure in all non-residential districts in the City shall have sod or landscaping with mulch cover properly installed. This installation shall occur within sixty (60) days after the structure is constructed upon the lot, but no later than two hundred forty (240) days after first grading, excavating, or otherwise disturbing the land in furtherance of construction. If construction is completed after the end of growing season, such landscaping shall be installed within sixty (60) days of the start of the next growing season. All areas around the structure must be finished, but seeding of large areas around the structures is allowed in lieu of sod placement. Silt fences and other methods to prevent soil erosion shall be installed and maintained on the remaining portions of the lot that are not sodded or properly landscaped until a stable ground cover is established.

5.2 Parking Area Landscaping. Any parking areas in a non-residential zone that contain one hundred (100) parking stalls or less shall include at least one unpaved landscaped island along the driving aisles that serve as primary circulation to the site. In addition, at least one landscaped island shall be provided for every two hundred and twenty five (225) feet of contiguous parking stalls.

All parking areas containing over one hundred (100) parking stalls shall include unpaved landscaped islands for every two hundred and twenty-five (225) feet of contiguous parking stalls. The islands shall be distributed evenly throughout the planned parking area space and be positioned in a way to promote effective traffic flow through the parking area.

All landscaped islands in parking areas shall contain a minimum of one hundred and eighty (180) square feet of area and shall be provided with deciduous shade trees, ornamental or evergreen trees, plus ground cover, mulch and/or shrubbery in addition to then minimum landscape requirements of this Ordinance. Interior parking landscape area trees shall be provided at the rate of one (1) tree for each fifteen (15) surface parking spaces provided or a fraction thereof. Parking area landscaping shall be contained in planting beds bordered by a raised concrete curb or equivalent approved by the Planning Commission.

5.3 Landscaping required in land filling or reclamation. If land filling or land reclamation is done in a non-residential area, the requirements of 5.1 for landscaping following construction shall be followed, using the date of permit expiration in place of the date of construction completion.

5.4. Minimum Standards in non-residential districts. In order to achieve landscaping which is appropriate in scale with the size of the building and site, these minimum standards shall apply to all non-residential districts:

- A. One (1) tree for every one thousand (1,000) square feet of total building floor area, or one (1) tree for every fifty (50) feet of site perimeter, whichever is greater. A minimum of thirty percent (30%) of the trees required shall be coniferous.
- B. One (1) ornamental tree may be substituted for every 0.6 overstory deciduous shade tree. In no case shall ornamental trees exceed fifty percent (50%) of the required number of trees.
- C. One (1) large shrub for every three hundred (300) square feet of building or for every thirty (30) feet of site perimeter, whichever is greater.

5.5 Credit for Existing Trees. The total number of new overstory trees required on a property may be reduced by the retention of existing overstory trees, provided that the following conditions are satisfied:

- A. The trees fulfill the minimum requirements of section 8 of this Ordinance as to size and species. The City Forester shall recommend to the Planning Commission the amount of credit for such existing trees based upon their location and distribution in the lot.
- B. Proper precautions to protect trees during building development shall be indicated on site grading plans submitted for plan review. The landscape performance security shall include provisions to ensure that these precautions are followed.

5.6 Irrigation System Required. As a non-residential area is developed, an underground irrigation system shall be required in all landscaped areas.

SECTION 6 GENERAL REQUIREMENTS FOR ALL DISTRICTS

6.1 Trees and Shrubs. The following nursery stock sizes shall be required at the time of planting. All measurements shall conform to the standards set forth in the current edition of the USA Standards for Nursery Stock. Larger plants may be used or specified at any time.

Overstory Trees	2-1/2 inches in diameter
Ornamental Trees	1-1/2 inch in diameter
Evergreen Trees	6 feet tall
Large Shrubs	36 inches tall
Medium Shrubs	24 inches tall
Small Shrubs	12 inches tall
Evergreen Shrubs	24 inches in diameter
Upright Evergreen Shrubs	36 inches tall

Trunk diameter shall be measured six (6) inches above the ground level for four (4) inch or less caliper trees and measured twelve (12) inches above the ground for four (4) inch caliper or larger trees.

6.2 Topsoil and Planting Soil. When topsoil or planting soil is required for landscaping, the soil shall have a pH range of 5.00 to 8.00, unless otherwise specified. All soil shall be free of sticks, stones and other debris.

6.3 Planting Schedule. All landscaping plans shall contain a planting schedule which identified all plants proposed to be installed, along with existing plants. Plants shall be identified by a planting schedule which includes:

- A. Quantity to be installed
- B. Common name
- C. Botanical name
- D. Plant size
- E. Root type (B & B, container, bare root)

6.4 Location of Plants. No plants, except flowers, ground cover or vines, shall be placed within two (2) feet of any building, driveway or parking area unless specifically noted and approved on the landscape plan.

6.5 Installation of Trees. The property owner shall be responsible for keeping new trees in a plumb position. When staking or guying is required, it shall occur so as not to create any hazards or unsightly obstacles. All wires shall be encased in hose to prevent tree damage.

SECTION 7 NATIVE LANDSCAPES

7.1 Native Landscape Alternative. A native landscape alternative to the requirements of this Ordinance is allowed in all zoning districts. Landscape plans, or portions thereof, approved as “native” are exempt from the other requirements of this Ordinance. An applicant proposing a “native landscape” shall submit a landscape plan depicting the current state of the natural area, its location on the property, and where any restoration of native area will be done. The plan must describe all features which make the planned restoration or retention of the area “native” as opposed to simply undisturbed. The plan shall also show fire breaks between the planting area and any structure.

7.2 Approval. A “native landscape” plan for restoration shall be approved if the proposed “native” area is composed of at least 80% native grasses and forbs, native plants, or a combination thereof. A plan proposing to preserve or leave undisturbed an area of the property may be approved as “native” landscaping if the specified area is composed of at least 50% native grasses and forbs, native plants, or a combination thereof.

7.3 Maintenance of Native Landscaping. Once approved, native grass areas shall be maintained in a neat and orderly manner without any noxious weeds, and mowed at least once per year.

SECTION 8 LANDSCAPING OF EXISTING USES

Existing uses shall comply with the landscaping requirements listed in Sections 4 through 6 of this Ordinance at the time any alterations are made on the buildings and premises.

SECTION 9 SCREENING REQUIREMENTS IN NON-RESIDENTIAL DISTRICTS

9.1 Parking Area Screening. Any off street parking area containing more than six (6) parking spaces, any part of which is within thirty (30) feet of an adjoining residence or residential area or across the street from any residence or residential area, and any driveway to a parking area containing at least six (6) spaces within fifteen (15) feet of an adjoining residential zone shall be completely screened to a height of at least three and one-half (3-1/2) feet above the parking grade. Such screening shall be accomplished through the use of earth berming, plant materials, or a combination of both, but not walls or fencing.

9.2 Trash areas and Accessory Structures. In all non-residential districts, all trash and trash handling equipment shall be stored within the principal structure, within an attached structure accessible from within the principal structure, or totally screened from eye level view from public streets and adjacent residential or non-residential zoned properties. If accessory structures are proposed, they shall be constructed of the same building materials as the principal structure and be readily served through swinging doors. Design shall be approved by the Fire Department.

9.3 Mechanical utilities screening. The ground level view of all mechanical utilities including roof top equipment shall be completely screened from contiguous properties and adjacent street, or designed to be compatible with the architectural treatment of the principal structure.

9.4 Loading and service area screening. The external loading and service areas accessory to buildings shall be completely screened from the ground level view from contiguous residential or non-residential properties and adjacent streets, except at access points.

SECTION 10 ADDITIONAL SCREENING REQUIREMENTS

10.1 Residential districts. In all residential districts, all waste material, debris, refuse, garbage, fuel or materials not currently in use for construction shall be stored indoors or totally screened from the eye level view from public streets and adjacent properties.

10.2 All zoning districts. In all zoning districts, mechanical equipment, utility meters, storage, service area and similar features shall be completely screened from the eye level view from adjacent properties and public streets, or designed to be compatible with the architectural treatment of the principal structure.

SECTION 11 SCREENING METHODS

11.1 Screening Wall or Fence. A fence or wall may be used for screening when plant materials are provided along the outside of the fence or wall.

11.2 Earth Berms. An earth berm shall be allowed for screening, when used in combination with plant material. A minimum of twenty five percent (25%) of the required screening must be provided by the plant material.

Final slopes on berms steeper than 3:1 will not be permitted without special approval or treatment such as terracing or retaining walls.

Earth berms used to screen parking lots and other open areas shall be of sufficient height to achieve screening but not to have slopes exceeding 3:1. A minimum of a two (2) foot berm is required.

11.3 Planting Screens. All required screening or buffering shall be located on the lot occupied by the use, building, facility or structures to be screened. No screening or buffering shall be located on any public right-of-way or within eight (8) feet of the traveled portion of any street or highway.

A planting screen shall consist of healthy, fully hardy plant materials and shall be designed to provide a minimum year round opaqueness of eight percent (80%) at the time of maturity. The plant material shall be of sufficient height to achieve the required screening.

Composition of plant material for screening shall be composed of these minimum standards:

- A. Not less than thirty-three percent (33%) coniferous
- B. Not less than twenty-five percent (25%) deciduous
- C. Not more than thirty-five percent (35%) shrubs
- D. Not more than forty-five percent (45%) of one species

Planting screens shall be maintained in a neat and healthy condition. Plants which have died shall be promptly replaced.

SECTION 12 LANDSCAPING PLANS

12.1 Content of Plans. A landscaping plan for any construction or land disturbance site shall be indicated either on the site plan and building plan, or on a separate to-scale plan drawing. The landscape plan shall address the matters raised by Sections 4 through 6, as well as visually depicting conformance with the performance standards of this Ordinance. Where streetscape plans or other landscape guidance from the Zoning Ordinance are applicable to the proposal, the landscape plan shall incorporate and visually depict compliance with those standards. When a landscaping plan is required by this Ordinance, the applicant shall submit a number of copies equal to the number of copies of site plans required for the permit or authorization (e.g. CUP, building permit) sought.

12.2 Submission - residential districts. If the construction is proposed as part of a subdivision, planned unit development, or other application requiring Planning Commission review, the landscape plan shall be submitted with the applicant's other materials for the permit or other entitlement. In other cases, the City's building official shall ensure that such a plan exists before issuing a building permit.

12.3 Submission - non-residential districts. In non-residential districts, a detailed landscaping site plan shall be submitted to the Planning Commission by the subdivider, developer, builder or property owner as part of the application for zoning entitlement or other permit. This plan must be approved at the same time as the site plan and building plan and the landscaping plan must be approved before any building, demolition, grading or filling permit is issued and construction is started. In cases where Planning Commission review is not required to issue a building permit, such as additions to or remodeling of existing structures, the City's building official shall ensure that such a plan exists before issuing a building permit.

12.4 Land filling or reclamation. Each request for a land filling or land reclamation permit in all zoning districts shall also include a landscaping plan. This plan shall be approved by the Planning Commission before a filling permit is issued and filling is started.

SECTION 13 PERFORMANCE SURETY FOR LANDSCAPING IN NON-RESIDENTIAL DISTRICTS

13.1 Requirements. All landscape plans for construction in a non-residential district shall be accompanied by an owner supplied performance security which shall provide the City with cash, corporate surety bond, approved letter of credit or other surety satisfactory to the City to guarantee the proper installation and vigorous growth of all landscape elements and screening required.

13.2 Time period surety to remain in effect. Said surety shall remain in effect for two (2) full growing seasons. The first year the amount of the surety shall be equal to one hundred ten percent (110%) of the estimated costs of plant material, installation and tree preservation. The second year the surety shall be reduced to equal twenty-five percent (25%) of the estimated costs of plant material, installation and tree preservation.

13.3 Requirements for lots with irrigation systems. Lots or sites provided with an irrigation system covering one hundred percent (100%) of the area improved with landscaping need only provide surety for one (1) full growing season.

SECTION 14 MAINTENANCE OF LANDSCAPING IN ALL DISTRICTS

14.1 Responsibility for replacing dead materials. The property owner shall be responsible for replacement of any dead trees, shrubs, ground covers and sodding shown on a landscaping plan. If any of these plant materials are not maintained or replaced, said plant materials will be replaced by the City and the cost thereof will be taken from any posted surety or, if a surety does not cover all costs, assessed to the property. In residential districts the City's replacement costs will be assessed to the property.

14.2 Responsibility for maintenance. The property owner shall be responsible for maintaining the landscaping on every lot and parcel in the City in good condition. Every occupied and unoccupied lot and parcel shall be maintained to limit the growth of weeds or poisonous or harmful vegetation. Weeds shall include all weeds, grass, brush, wildings, second growth, rank vegetation or other vegetation that is not growing in its proper place, having a greater height of ten (10) inches or spread more than ten (10) inches. . Grass must be mowed and shall not be allowed to grow more than ten (10) inches. Mowing shall occur only between the hours of 8:30 a.m. and 8:30 p.m. Every property owner shall keep all yard spaces around a residence or non-residential in a manner such that the appearance will not detract from the neighborhood

Vegetation blocking visibility on corners or along the edge of roads or street and unreasonably impeding the view of motor vehicles traveling along public roadways is expressly forbidden and vegetation that grows to cause this problem must be trimmed or removed.

SECTION 15 PENALTY

Any person violating or refusing to comply with the provisions of this Ordinance shall be guilty of a misdemeanor. Upon conviction thereof, may be punished in accordance with the statutory penalties assigned to misdemeanor offenses, as those may be changed from time to time. The costs of prosecution may also be added.

SECTION 16 ORDINANCE READ IN CONCERT WITH OTHER ORDINANCES

This Ordinance is written to complement the City of Gem Lake Zoning Ordinance, the City of Gem Lake Tree Preservation Ordinance, and the City of Gem Lake Subdivision Ordinance. In the event of conflicting requirements imposed by this Ordinance or by other Ordinances of the City of Gem Lake, the more restrictive provisions shall apply.

SECTION 17 SEPARABILITY

It is the intention of the City Council that several provisions of this Ordinance are separable. If any Court of competent jurisdiction shall adjudge any provisions of this Ordinance or application thereof to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in such judgment.

SECTION 18. EFFECTIVE DATE.

This Ordinance shall take effect and be in force upon its passage and publication.

Dated: October 21, 2008

Paul Emeott – Mayor

William Short - Clerk