

**CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA**

**ORDINANCE NO. 2023-06**

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE BY  
AMENDING THE LANDSCAPE REQUIREMENTS**

**SECTION 1. The City Council of the City of Lake Elmo hereby amends Title 105 Zoning; Chapter 105.12: Zoning Code, Section 480 Landscape Requirements is hereby amended by changing the following section (Proposed language is underlined, deleted language is shown with ~~strikethrough~~):**

**105.12.480 Landscape Requirements**

All development sites shall be landscaped, as provided in this section, in order to control erosion and runoff, promote conservation of water, moderate extremes of temperature and provide shade, aid in energy conservation, preserve habitat, provide visual softening of, especially, urban development, and generally enhance the quality of the physical environment within the city.

1. *Landscape plan required.* A landscaping plan is required for all new commercial, industrial, institutional, and multifamily development, all planned unit developments, and all subdivisions, with the exception of minor subdivisions, as defined in this chapter. The landscape plan shall be prepared by a certified landscape architect, shall be drawn to a scale identified on the plan, and include the following:
  1. The location, size, quantity, and species of all existing and proposed plant materials.
  2. Methods for protecting existing trees and other landscape material, consistent with LEC 105.12.470.
  3. The plant schedule shall depict the height and spread of each plant type at the time of planting and at the time of maturity.
  4. All existing and proposed features such as buildings, structures, parking areas, pervious and impervious pavement, signs, fences, walls, enclosures, natural features, grading, property lines, easements, utilities, and driveways shall be clearly shown on the plans.
  5. Seeding, sodding, and ground cover materials.
  6. Provisions for irrigation and other water supplies.
  7. Elevation view, details, and cross-sections of all required screening.
  8. City standard plan notes and planting details, as well as any additional planting instructions and notes.
  9. Topsoil preservation plan that includes: stockpile location, calculations that a sufficient amount of topsoil will be set aside to restore the site with a depth of four (4) inches, erosion control requirements, and a soil report prepared by an independent party verifying topsoil borrow meets or has been altered to meet the composition requirements of MN DOT Spec 3877 as modified to contain no less than 6% organic matter.
2. *Design considerations.* The following design concepts and requirements shall be considered when developing a landscape plan.
  1. To the maximum extent possible, the landscape plan shall incorporate, preserve and protect, existing significant trees and other healthy, non-invasive vegetation on the site.
  2. Landscaped areas should be of adequate size to allow for healthy plant growth, to a typical mature size without impeding on roads, walks, trails, buildings or other areas needed for service access or public safety. Planting areas should provide adequate areas for plant maintenance.

3. A variety of trees and shrubs should be used to provide visual interest year-round. No more than 50 percent of the required number of trees and shrubs may consist of any one species. A minimum of 25 percent of the required number of trees shall be deciduous shade trees, and a minimum of 25 percent shall be coniferous trees. Ornamental trees may be used when applied towards landscaping requirements. However, the number of trees shall not exceed 15 percent of the required amount.
4. Final slopes greater than 3:1 will not be permitted without special treatment such as terracing, retaining walls, erosion control blankets, or special ground covers.
5. All plant materials, except trees planted per the tree replacement schedule, shall meet the following minimum size standards in Table 6-1. Trees planted per the tree replacement schedule shall meet the minimum requirements outlined in LEC 105.12.470(c)(8)d.

Table 6-1: Minimum Size Standards for Landscape Materials

<i>Plant Type</i>	<i>Minimum Size at Planting</i>
Trees:	
Evergreen	6 feet in height
Deciduous--shade	2.5 inches caliper, measured six inches from base
Deciduous--ornamental	2 inches caliper, measured six inches from base
Shrubs:	
Evergreen	# five container*
Deciduous	# five container*
Shrubs used for screening (evergreen or deciduous)	# five container*
* Approximately five gallons.	
** See American Standards for Nursery Stock, ANSI 260.1-2004 for exact specifications.	
* This table and its requirements do not apply to the tree replacement schedule.	

6. As an alternative to the minimum standards for landscape materials, a landscape plan prepared by a qualified professional certifying that said plan will meet the intent of this section may be submitted.
7. As a general rule, trees should be planted ten feet away from all utilities including water and sewer stubs unless approved by the city's landscape architect.

3. *Landscaping of setback areas.* All required setbacks not occupied by buildings, parking, paths or plazas shall be landscaped with turf grass, native grass, trees, shrubs, vines, perennial flowering plants, and surrounding pervious ground cover.
  1. A minimum of one tree per lot or one tree for every 50 feet of street footage, lake shore or stream frontage, or fraction thereof shall be planted at the time of development. The total tree requirement will be whichever quantity is greater.
    1. Trees adjacent to streets shall be planted within the front yard and may be arranged in a cluster or placed at regular intervals to best complement existing landscape design patterns in the area.
    2. Salt tolerance, species soil compatibility, and root structure should be considered when selecting tree species adjacent to streets, sidewalks and parking areas.
    3. Where property abuts a lake or stream, trees shall be planted at intervals of no more than 50 feet along the shoreline, except where natural vegetation is sufficient to meet this requirement.
  2. In addition to the requirements of subsection (c)(1) of this section, a minimum of five trees shall be planted for every one acre of land that is disturbed by development activity. Such trees may be used for parking lot landscaping or screening as specified in subsections (d) and (e) of this section.
4. *Interior parking lot landscaping.* The purpose of interior parking lot landscaping is to minimize the expansive appearance of parking lots and provide shaded parking areas. Landscaping shall consist of planting islands, medians and borders, comprising the required planting area specified under subsection (d)(1) of this section.
  1. At least five percent of the interior area of parking lots with more than 30 spaces shall be devoted to landscape planting areas. Areas may consist of islands or corner planting beds.
  2. Shade trees shall be provided within the interior of parking lots (in islands or corner planting beds) in accordance with the following table:

Table 6-2: Minimum Required Tree Planting for Parking Lots

<i>Number of Parking Spaces</i>	<i>Minimum Required Tree Planting</i>
0--30	None required
31--100	1 tree per ten spaces or fraction thereof
101+	1 tree per 15 spaces or fraction thereof

5. *Perimeter parking lot landscaping.* Parking areas, and especially vehicle headlights, shall be screened from public streets and sidewalks, public open space, and adjacent residential properties. Where applicable an applicant may demonstrate that distance and/or finished grades would achieve this objective, whereupon this requirement may be waived by the Planning Director. The perimeter of parking areas shall be screened as follows:
  1. With the exception of VMX area, a landscaped frontage strip at least eight feet wide shall be provided between parking areas and public streets, sidewalks, or paths. If a parking area contains over 100 spaces, the frontage strip shall be increased to twelve feet in width.
    1. Within the frontage strip, screening shall consist of either a masonry wall, fence, berm, or hedge or combination that forms a screen a minimum of 3 1/2 and a maximum of four feet in height, and not less than 50 percent opaque on a year-round basis.
    2. Trees shall be planted at a minimum of one deciduous tree per 50 linear feet within the frontage strip.

2. Alongside and rear property lines abutting residential properties or districts, screening shall be provided, consisting of either a masonry wall, fence or berm in combination with landscape material that forms a screen a minimum of four feet in height, a maximum of six feet in height, and not less than 90 percent opaque on a year-round basis. Landscape material shall include trees, planted at a minimum of one deciduous or coniferous tree per 40 linear feet along the property line.

Figure A: Example cross-section view of perimeter parking lot landscape screening.

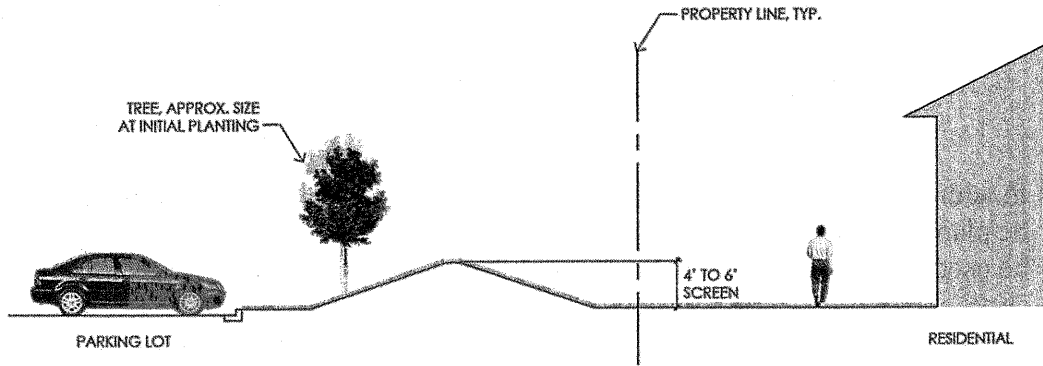
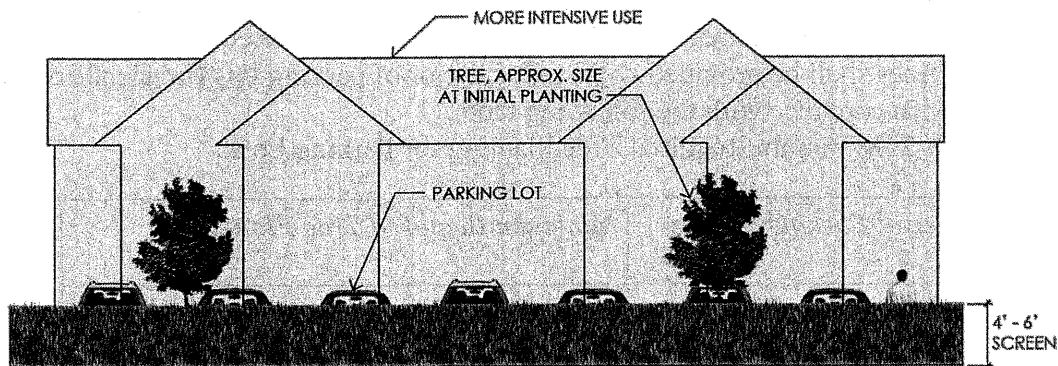


Figure B: Example elevation view of perimeter parking lot landscape screening.



6. *Screening.* Screening shall be used to provide visual and noise separation of more intensive uses from less intensive uses. Where screening is required in the City Code between uses or districts, it shall consist of either a wall or fence, or berm in combination with landscape material that forms a screen at least six feet in height, and not less than 90 percent opaque on a year-round basis. Top of wall or fence shall be a minimum of six feet above the elevation along the property line(s) from which screening of the less intensive use is required. The city may require screening at least eight feet in height were the difference in intensity of uses is greater, such as between lots planned for development with single-family attached and detached residential development and certain service uses such as self-service storage and trade shops, automotive/vehicular uses, or industrial and extractive uses. Landscape material shall include trees, planted at a minimum of one deciduous or coniferous tree per 25 linear feet along the property line. Screening trees shall be adequately sized and offset from the property line so as not to overhang adjacent properties upon reaching mature size. Additional landscape material, such as shade trees or trellises, may be required to partially screen views from above.

Figure C: Example cross-section of screening between land uses.

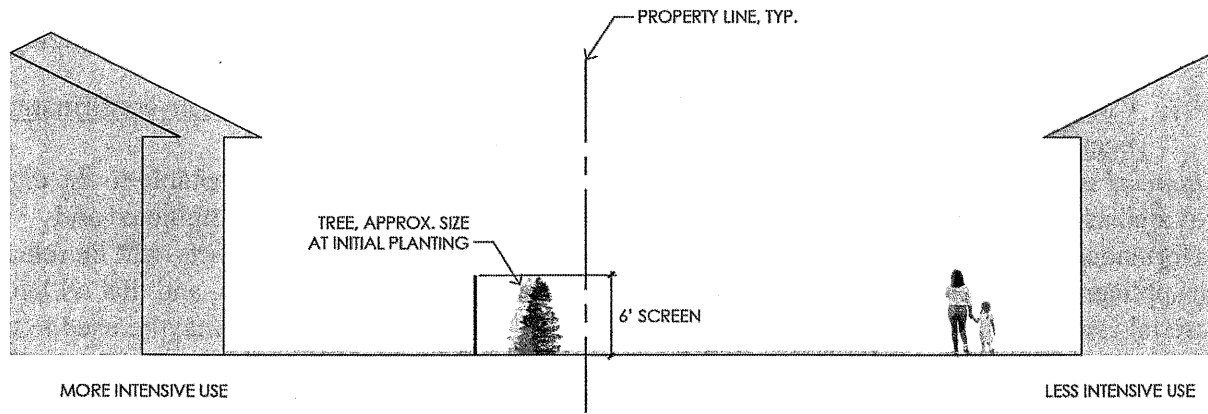
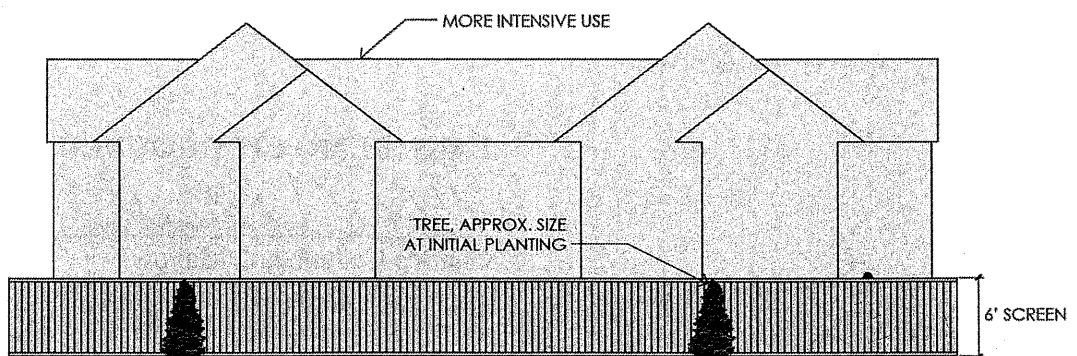


Figure D: Example elevation view of screening between land uses.



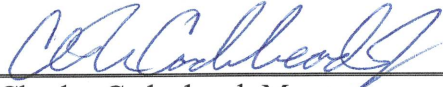
7. *Maintenance and installation of materials.* Installation and maintenance of all landscape materials shall comply with the following standards:
  1. All landscape materials shall be installed to current industry standards. Special attention must be paid to initial soil preparation, drainage, and proper initial planting of plant root mass.
  2. Irrigation or other water supply adequate to support the specified plant materials shall be provided at the time of, or immediately after, plant installation.
  3. All required landscaping and screening features shall be kept free of refuse and debris.
  4. All landscape plantings, seeded, and sodded areas shall be maintained to manage weeds and ensure establishment of intended plant materials.
  5. All landscape materials shall be guaranteed for two years. Any landscape material that dies, has a dead or broken central leader, exhibits 30% or more crown death, is damaged by construction, or becomes diseased before the end of the second year after installation shall be replaced by the developer.
  6. For nonresidential projects, continuing maintenance and replacement of landscape materials shall be the responsibility of the property owner, including after two years of initial installation. Improvements identified on the landscape plan, including non-plant materials, such as fencing, shall be maintained for the life of the project for which the plan was required.
8. *Topsoil Borrow Requirements.* Earthwork and topsoil shall comply with the following standards:
  1. The topsoil stock pile location and erosion controls shall be called out in the plan set when building permit for new residential or commercial construction is submitted to the City. All areas disturbed, outside of paved areas, shall be excavated to a depth of four (4) inches and tilled to a depth of six (6) inches to remove compaction. The depth of the topsoil borrow shall be no less than four (4) inches, not including sod depth.

2. Only topsoil borrow meeting MN DOT Spec 3877 as modified to contain no less than 6% organic matter, is to be placed as the final soil layer on a site to provide the required depth of topsoil borrow cover and to bring the entire site to grade.
3. Confirmation of topsoil depth and quality shall be submitted as written confirmation from a licensed party before a full Certificate of Occupancy is issued.
9. *Financial security.* The city will require that a financial security, in a form acceptable to the city, be provided as part of a development agreement or applicable permit to ensure compliance and performance of the landscape plan and topsoil requirements. The financial security will be released to the applicant upon verification by the city that the landscape plan was followed, and that all landscape materials are planted and in a reasonable state of health. The financial security may be used to replace any landscape materials that have become damaged or diseased after planting. Adequate security must be retained to ensure performance for at least two years after the installations have been completed.


**SECTION 2. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 3. Adoption Date.** This Ordinance 2023-06 was adopted on this 24<sup>th</sup> day of March, 2023, by a vote of 4 Ayes and 0 Nays.

**LAKE ELMO CITY COUNCIL**

  
\_\_\_\_\_  
Charles Cadenhead, Mayor

ATTEST:

  
\_\_\_\_\_  
Julie Johnson, City Clerk

This Ordinance 2023-06 was published on the 24<sup>th</sup> day of March, 2023.