

CITY OF FARMINGTON
DAKOTA COUNTY, MINNESOTA

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 10-6-10 OF THE
FARMINGTON CITY CODE AS IT RELATES TO LOT FRONTAGE
AND BOULEVARD TREE REQUIREMENTS**

THE CITY COUNCIL OF THE CITY OF FARMINGTON ORDAINS:

SECTION 1. Section 10-6-10 of the Farmington City Code is hereby amended as follows:

10-6-10: LANDSCAPING:

(A) Purpose: The purpose of this landscaping regulation is:

1. To provide vegetation to enhance the architecture of structures and soften and enhance the visual impact of buildings and paved areas.
2. To minimize environmental effects of a development on a particular site and surrounding area by providing shade, erosion control, air purification, groundwater recharge, oxygen regeneration and noise, glare, and heat abatement.
3. To protect and preserve the appearance, character, and value of property and thereby promote the general welfare of the city.
4. To buffer conflicting land uses and enhance the quality and appearance of the entire site. (Ord. 002-469, 2-19-2002)

(B) Landscape Plan Requirements: Plans for required landscaping in the B-1, B-2, B-3, B-4, SSC, IP and I-1 districts and for multi-family dwellings shall be submitted to the planner for approval before any permits are issued. The plan shall be based on accurate final site plans and consist of a planting plan and exterior lighting plan. A registered landscape architect, registered architect, certified arborist, horticulturist or landscape designer shall prepare the plan. (Ord. 005-526, 3-21-2005)

(C) Landscape Plan Contents: A landscape plan shall include the following information:

1. North point and graphic scale, not less than one inch (1") to one hundred feet (100').
2. The name of the project; developer; owner; and the person who prepared the plan, with their professional designation; and the date and revision dates of the plan.
3. Accurate final grades at two foot (2') contour interval.
4. The location and dimensions of all existing and proposed structures, parking lots and drives, curbs, sidewalks, refuse disposal areas, fences, storm drainage systems, freestanding electrical

equipment, recreational facilities and other freestanding structural features as determined necessary by the city.

5. The location, size, and type of all overhead, at grade, and underground utilities and structures with proper notation, where appropriate, as to any safety hazards to avoid during landscape installation.
6. The location, type, sizes and quantity of all proposed landscape materials shall be delineated on the plan. Proposed plant material shall be shown at maturity and called out on plan by common name or appropriate key.
7. All plans shall be accompanied by a list or schedule of proposed landscape material, including common and botanical name, the quantity of proposed plants and trees, their height, caliper or gallon size and any requirements during installation.
8. Location of hose connections and other watering sources including the location of irrigation systems.
9. Any existing vegetation proposed to be saved shall be identified by name, quantity and size. Methods of protecting the vegetation must be illustrated and explained. Any existing trees, twelve inch (12") diameter or larger measured at four and one-half feet ($4\frac{1}{2}$ ') aboveground that are proposed for removal, must be included on the plan.
10. Water permeability test results are required to be shown on the landscape plan. See subsection (E)2 of this section for testing techniques.

(D) General Landscaping:

1. Landscaping Required: All areas not covered by buildings, paved areas, or other acceptable improvements shall be finish graded and installed with turf grass or other acceptable plant material.
2. Developed Uses: In all residential, business and industrial districts, except in B-2, developed uses shall provide a landscaped yard along all public streets. This yard shall be free from structures, storage and off street parking, except for driveways, and shall be at least ten feet (10') in depth. (Ord. 002-469, 2-19-2002)
3. Nonresidential: Where lots or parcels in any nonresidential zoning district are within one hundred feet (100') of a residential zoning district (R-1, R-2, R-3, and R-5) a landscaped yard ten feet (10') in width installed with a one hundred percent (100%) screen (plant material, fence, etc.) shall be installed within the landscaped yard. (Ord. 002-469, 2-19-2002; amd. Ord. 009-613, 10-19-2009)
4. High Density: High density residential developments which range from seven (7) and sixty (60) units per acre shall include at least twenty percent (20%) of the parcel as landscaped open space and ten percent (10%) of the parcel must be developed for private recreation and/or common open space.
5. New Construction: New business construction in the B-1 limited business district shall maintain a minimum of ten percent (10%) of the site area as landscaped open space devoted to pedestrian use.
6. Off Street Parking: Any off street parking lot containing more than six (6) parking spaces shall be landscaped along the perimeter of the parking lot as follows:

- (a) Number Of Plant Materials: One tree and three (3) shrubs for every forty feet (40') of parking lot perimeter installed as close to forty feet (40') as possible along the parking lot frontage, allowing for utilities and intersection visibility requirements, in order to shade and enhance the appearance of the parking lot. Shrub plantings should be planted in groups of three (3) or more and installed to visually buffer the parking lot and roadway.
 - (b) Minimum Landscape Area: A continuous nonpaved area at least ten feet (10') in width, shall be located between the edge of the parking lot and the property line.
 - (c) Plant Species: Large canopy trees should be installed to provide shade for parking spaces. Evergreen trees should be used to screen parking lots and interior roadways. Visual buffers shall be a maximum of three feet (3') in height at maturity. No plant material or berm may be located so as to obstruct the sight distance of motorists entering or leaving the site.
7. Parking Lots: Any parking lot containing more than twenty (20) parking spaces shall provide landscaping as follows:
- (a) Number Of Plant Materials: A minimum of one tree and three (3) shrubs for every twenty (20) parking spaces is required. Each interior island shall have at least one canopy tree that does not impede vehicular visibility.
 - (b) Location Of Interior Islands: A minimum of one interior planting island for every twenty (20) parking spaces is required and shall be dispersed throughout the parking lot with the final layout design subject to review by the community development department.
 - (c) Interior Planting Island: The planting island shall have a minimum width of eight feet (8'), a maximum length of sixteen feet (16'), and a minimum area of one hundred twenty eight (128) square feet. A minimum of seventy percent (70%) of every interior planting island shall be planted with live plant material, such as trees, shrubs, ground cover, or turf grass. The shrubs and ground cover shall be a maximum height of three feet (3') at maturity. The remaining area of the interior planting island shall be covered with an organic mulch.
 - (d) Location Of Conduits: In cases where lighting conduits are installed within the interior planting islands, the conduits shall be located along the edge of the curb and not through the middle of the island in order to allow for the installation of plant material.
 - (e) End Islands Of Parking Aisles: The end islands of all parking aisles and corners must be a minimum width of eight feet (8') and a maximum length of sixteen feet (16') for a single parking aisle or thirty two feet (32') for double parking aisles. The end islands shall be landscaped as required above.
 - (f) Concrete Curbing: Concrete curbing is required for parking islands within the parking lot area.
 - (g) Suggested Location Of Interior Islands For Safety: Parking lots shall be designed to promote safety for automobile drivers and pedestrians. In designing parking spaces, the driving aisles should be aligned towards the major destination as permitted by topography. This allows for pedestrian traffic to move through the aisles instead of crossing parking bays. One solution to quality parking is to locate a planting island between parked cars and install a sidewalk for easy access to the major destination as permitted by topography. Plantings may be located along the sidewalk to promote an aesthetic approach towards the building.

8. Screening Of High Activity Uses: All loading docks; commercial facilities with drive-through services; automotive repair and service; car washes; and other similar high activity uses associated with the building, adjacent to residential districts, shall be screened from adjacent property or street right of way by a six foot (6') opaque fence or masonry wall.
9. Screening Of Storage Yards: In industrial and commercial districts, no outside storage areas shall be allowed nor shall any articles, goods, materials or storage tanks be kept in the open or exposed to public view or view from adjacent buildings, without prior approval of the city. If outside storage is given city approval, all materials and/or containers and equipment, shall be screened one hundred percent (100%) from view. Required screening shall include: a) a six (6) to eight foot (8') high opaque wooden fence and landscaping; b) landscaping and berms; or c) a combination of both to fully screen the outdoor storage.
10. Screening Of Double Frontage Lots Adjacent To Collector And Minor Arterial Roadways: All subdivided land, included in all districts, which backs up to a collector or minor arterial street, either at right angles or parallel to the collector or arterial, shall provide for each double frontage lot an additional twenty feet (20') from the edge of the right of way line towards the property in order to allow space for buffering/screening along the back lot line. The developer shall be required to install the screening and this area may be screened by either a six foot (6') high wood fence with landscaping located between the fence and the property line, a berm with landscaping, a hedgerow, or an opaque landscaped screen. The plantings should be installed in order to provide one hundred percent (100%) screening of rear buildings from the collector or minor arterial street.

(E) Planting Requirements:

1. Specifications: The minimum planting sizes for all plant material is the following:
 - (a) Evergreen trees: Six feet (6') in height as specified by the American Association of Nurserymen, except for the true dwarf varieties.
 - (b) Ground cover plants: Crowns, plugs, containers, in a number as appropriate by species to provide fifty percent (50%) surface coverage after one growing season. The species must provide seventy five (75%) to one hundred percent (100%) surface coverage after two (2) growing seasons.
 - (c) Medium and large deciduous shade trees: Two inch (2") caliper, as measured six inches (6") above the ground as specified by the American Association of Nurserymen.
 - (d) Shrubs (deciduous and evergreen, including spreader and globe tree forms): Twelve (12") to eighteen inches (18") in height.
 - (e) Small deciduous or ornamental trees: Minimum caliper of one and one-half inches (1½") as specified by the American Association of Nurserymen, except for the true dwarf varieties.
 - (f) Sod: As required to provide coverage and soil stabilization. Sod is required in the street side yard or front yard and seeding may be planted within other areas of the yard.
 - (g) Turf and native grass: Seeding as appropriate to provide complete coverage within the first growing season.

2. Soil Specifications: The landscape plan must contain results of a water permeability test. A water permeability test is required in order to determine the type of soil the plant material is planted in. This requires a sharp shooter spade dug eighteen inches (18") into the ground. Fill the hole with water and if after eighteen (18) hours the hole still retains the water, the soil is determined to be too poor for planting.
3. Poor Soil Remedies: If the soil is determined to be too poor for planting, the following two (2) possible remedies are recommended. The first remedy is to install a ten foot (10') wide raised planting bed in order to provide acceptable planting soil. The height of the bed is the amount of soil it takes to cover the root ball of the plant to a level of two inches (2") above the ball. The bed must be covered with four inches (4") of mulch to provide for moisture retention. A second remedy is to excavate the soil to the depth of the root ball, allowing the root ball to rest on the clay soil. Excavate an area five (5) times the size of the root ball and replace the soil with quality planting soil. This will allow the tree roots to spread into adequate soil and provide an established root system before spreading into the poorer soil. (Ord. 002-469, 2-19-2002)

(F) Lot Frontage Tree And Boulevard Tree Species:

1. In no cases shall prohibited species be planted as boulevard trees. Prohibited species are defined as the following trees:

Ginkgo (female only)

Box elder

Silver maple

Ash species

Non-disease-resistant elm species

Non-hybrid cottonwood species

Evergreens

In no cases shall prohibited species be planted as lot frontage trees. Prohibited species are defined as the following trees:

Box elder

Silver maple

Ash species

Non-disease-resistant elm species

Non-hybrid cottonwood species

(a) Landscape Plan: Developers of new developments must submit a landscape plan to the planning division. The planning division will be responsible for approving appropriate lot frontage and boulevard tree plantings. The lot frontage trees are required in the front yards of lots in new developments. Boulevard trees in new developments shall only be installed on city approved boulevard tree routes. The only exception would be if an agreement is made with a homeowners' association or other such organization where the responsibility to maintain the trees is that of the named organization in perpetuity.

(a) Spacing For Lot Frontage And Boulevard Trees:

- (1) Lot frontage trees in new developments shall be installed on private property in the front yard at a minimum spacing of one tree for every forty feet (40') of lot frontage or one tree per lot if forty feet (40') is not feasible. The developer is responsible for installing the lot frontage trees per the landscape plan as required by the development contract. Special planting designs for lot frontage trees need to be approved by the planning division.
- (2) Boulevard trees in new developments shall be located on city approved boulevard tree routes and be installed at a minimum spacing of one tree for every forty feet (40') of boulevard frontage or one tree per boulevard frontage if forty feet (40') is not feasible. The developer is responsible for installing the boulevard trees per the landscape plan as required by the development contract.

(b) Location For Lot Frontage And Boulevard Trees:

- (1) Lot frontage trees in new developments shall be planted by the developer per the development contract on private property eight feet (8') from the front property line and shall be installed in a parallel line to the front lot line.
- (2) Boulevard trees in new developments shall be planted by the developer per the development contract on city approved boulevard tree routes in the center of the city boulevard width between the property line and curb or the sidewalk and curb. The distance trees may be planted from curbs, sidewalks, trails, or pavement shall be no closer than four feet (4').

(c) Distance From Street Corners And Fire Hydrants: No lot frontage tree, boulevard tree, replacement tree, landscape material or fences shall be located within the triangle of visibility, which is the area within a triangle created by measuring from a point on the curb or edge of the street closest to the center of the intersection, down the front curb lines or edge or intersecting streets thirty feet (30'), and connecting their end points with a straight line. No lot frontage tree, boulevard tree, or replacement tree shall be planted closer than ten feet (10') from any fire hydrant.

(d) Utilities: No lot frontage tree, boulevard tree, or replacement tree may be planted within ten (10) lateral feet of any underground water line or sewer line (sanitary or storm) and two feet (2') from any other underground utility. Gopher State One shall be called to request locations of utilities.

(G) Tree Maintenance:

1. The natural resources program is designed to prescribe various levels of maintenance to city boulevard trees located within city boulevards.
 - (a) Planting Requirements: The natural resources division will review all planting of trees and shrubs within "city boulevards", defined as the area between property lines on either side of all streets, avenues, or ways within the city.
 - (b) Replacement Of Trees:
 - (1) The city shall be responsible for removing existing boulevard trees that have died, are dying, or sustained severe damage. The city shall replace trees on designated boulevard tree routes.
 - (2) The owner of any lot of record may, at his or her own risk, replace a dead boulevard tree in the front yard of the home outside of side yard drainage and utility easements at eight feet (8') from the property line in front yard drainage and utility easements.
 - (c) Trimming Requirements: The city will be responsible for all trimming of boulevard trees. As these trees are on city property, and are essentially and legally city property, they must be maintained by the city to ensure that they are properly trimmed for structural integrity and disease control measures.
 - (d) Responsibility For Maintenance Of Trees:
 - (1) The city will inspect and trim boulevard trees.
 - (2) The homeowner shall be responsible for trimming lot frontage trees or any other trees on private property.
 - (e) Height Standards: Trimming height standards must maintain a ten foot (10') clearance above any walkway and fourteen feet (14') above the roadway. These requirements provide clearance for walkers, snow removal equipment and solid waste vehicles.
 - (f) Brush From Pruning: The city will not collect any brush resulting from pruning or removal of trees or brush from private property.
 - (g) Emergency Collection Of Brush: An emergency brush situation would occur when the public safety officer declares one to exist. Then and only then will the city collect brush generated by residents on private property, as a onetime emergency service. (Ord. 008-582, 5-5-2008)

(H) Tree Topping:

1. It shall be unlawful as a normal practice for any person to top any street tree, park tree or other tree on public property except as allowed in section [8-6-10](#) of this code. "Topping" is defined as the severe cutting back of limbs to stubs larger than three inches (3") in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this subsection at the determination of the natural resources division. (Ord. 006-563, 9-18-2006)

(I) Pruning, Corner Clearance:

1. Prune branches so that such branches shall not obstruct the view of any street intersection and so that there shall be a clear space of ten feet (10') above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs that constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic control device or sign. (Ord. 002-469, 2-19-2002)

(J) Dead Or Diseased Tree Removal On Private Property:

1. The city shall have the right to cause the removal of any dead or diseased trees on private property within the city in accordance with [title 7, chapter 6](#) of this code when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees in the city. The natural resources division will notify, in writing, the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal on the owners' property tax notices. (Ord. 006-563, 9-18-2006)

(K) Removal Of Stumps:

1. All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(L) Tree Protection In Construction Zones:

1. Specifications: Existing trees and vegetation that are to be saved shall be protected from all construction activities, including earthwork operations, movement and storage of equipment, and materials and dumping of toxic materials. A minimum protection zone shall be established by the installation of temporary fencing around existing vegetation to be preserved, placing the fencing no closer to the trees than their drip lines, and this information shown and noted on the plans. Protective fencing shall be maintained throughout the construction period. Alternative protection measures may be approved by the zoning officer. Construction details which indicate special techniques that will be employed to save trees are required for all existing trees for which credit is desired. Existing trees will be counted as fulfilling the landscaping requirements of this section. Trees counted shall be all existing deciduous trees with a trunk size of four inches (4") or larger, measured at four and one-half feet (4^{1/2}') above the ground and all existing evergreen trees measuring five (5) vertical feet or more in height.
2. Replacement: If any of the trees required to be retained or trees planted as part of the landscaping plan should die within a period of eighteen (18) months after completion of the activities associated with construction of the site, the owner of the property must replace the trees within six (6) months at a ratio of one to one (1:1) with an approved tree having a minimum diameter of two inches (2") measured at a point six inches (6") above the natural grade. Shrubbery or other plantings which die within eighteen (18) months of completion of the activities shall be replaced in kind within six (6) months. (Ord. 002-469, 2-19-2002)

(M) Overhead Utility Line Planting Requirements:

1. Location: Overhead utility lines must be located on the landscape plan. In order to allow for maintenance of the lines, if an overhead utility line is located in the rear yard along the property line, the buffer plantings required in the buffer yard shall be installed following guidelines set below. If the overhead utility line is located in the rear yard, but five feet (5') to ten feet (10') from the property line, the screening and buffer yard plantings shall be installed along the property line with city staff approval.
2. Species: The following guidelines must be considered when planting near overhead utility lines. Considerations should be given to soil conditions, drainage, exposure, growth patterns, and local experience when selecting plant materials.

Shrubs (Maximum Of 15 Feet In Height)

Plant under overhead lines

Small Trees (Over 15 Feet, But Under 30 Feet In Height)

Plant at least 15 feet from overhead utility line

Medium Trees (30 - 70 Feet In Height)

Plant at least 35 feet from overhead utility line

Large Trees (Over 70 Feet In Height)

Plant at least 45 feet from overhead utility line

(Ord. 008-589, 10-20-2008)

(N) Landscape Guarantee:

1. Guarantee: All new plantings shall be guaranteed for two (2) full years from the time planting has been completed. Plants not alive at the end of the guarantee period shall be replaced.
2. Surety: Prior to approval of the landscape plan, the applicant shall submit surety acceptable to the city administrator in the amount of the established costs of complying with the plan. The aforesaid surety shall be provided for guaranteeing completion and compliance with the plan.
3. Completion Or Bond: A certificate of occupancy shall not be issued until either the landscaping is completed or a bond has been filed. (Ord. 002-469, 2-19-2002)

SECTION 2. Effective Date. This ordinance shall be effective upon its passage and publication according to law.

ADOPTED this 6th day of September 2016, by the City Council of the City of Farmington.