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**Date:** February 12, 2014

**To:** Planning Commission

**From:** Cary Teague, Community Development Director

**Re:** Zoning Ordinance Amendment Consideration – Tree Preservation

Based on the discussion at the Planning Commission meeting of January 22, 2014, and recommendations from the city attorney; attached is a revised ordinance regarding tree preservation. Revisions are highlighted in green. The Planning Commission is asked to again discuss the ordinance, and make recommendations.

A public hearing has been scheduled for February 26, 2014.

**ORDINANCE NO. 2014-\_\_**  
**AN ORDINANCE AMENDMENT REGARDING TREE PRESERVATION**

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The City Council Of Edina Ordains:

**Section 1.** Chapter 10, Article III of the Edina City Code is amended to add Division 3 as follows:

**DIVISION III. TREE PROTECTION**

**Sec. 10-82. Preservation, protection and replacement of Protected Trees:** This ordinance applies to all demolition permits; building permit applications for a structural addition; and building permits for accessory structures including a garage, deck or a pool.

(1) Purpose: Edina is fortunate to have a robust inventory of mature trees that form an integral part of the unique character and history of the city, and that contribute to the long-term aesthetic, environmental, and economic well-being of the city. The purpose of the ordinance is to:

- a. Preserve and grow Edina's tree canopy cover by protecting mature trees throughout the city.
- b. Protect and enhance property values by conserving and adding to the distinctive and unique aesthetic character of Edina's tree population.
- c. Protect and enhance the distinctive character of Edina's neighborhoods
- d. Improve the quality of life for all stakeholders, including city residents, visitors and wildlife.
- e. Protect the environment by the filtering of air and soil pollutants, increasing oxygen levels and reducing CO2; managing erosion and stormwater by stabilizing soils; reducing heat convection; decreasing wind speeds; reducing noise pollution and decreasing the urban heat island effect.
- f. Protect and maintain healthy trees in the development and building permit processes as set forth herein; and prevent tree loss by eliminating or reducing compacted fill and excavation near tree roots.

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Added text – XXXX

(2) Definitions:

- a. Protected Tree: Any tree of the birch, balsam fir, black walnut, buckeye, cedar, elm, hemlock, hickory, ironwood, linden, locust, maple (except silver maple), Norway pine, oak, spruce and white pine varieties.
- b. Removable Tree. Any tree not defined as a Protected Tree.

(3) Demolition and building permit applications must include a certified tree inventory plan indicating where Protected Trees are located and, their species, caliper, and approximate height and canopy width. The plan must show how Protected Trees are preserved and protected during construction. The plan must also show if any Protected Trees are proposed to be removed and the location, species and size of all replacement tree(s).

(4) If a Protected Tree is less than five inches (5") in caliper it must be moved to another location on the property, if impacted by areas in paragraph (7) below, subject to review of the city forester. The caliper of Protected Trees shall be measured at four and one-half feet (4.5') above the ground.

(5) If a Protected Tree is removed, except as allowed for in paragraph (7), it must be replaced with two (2) trees, subject to the following conditions:

- a. Replacement trees must be varied by species and are limited to the species listed above in (2) Definitions.
- b. Replacement trees must not be subject to known epidemic diseases or infestations. Disease or infestation resistant species and cultivars are allowed.
- c. Replacement trees must be at least two and one-half inches (2.5") in caliper for deciduous trees and a minimum of seven feet (7') tall for coniferous trees.
- d. Replacement tree plans are subject to approval by the City Forester before implementation.
- e. If a replacement tree location cannot be found on the property, it must be placed in a public area, subject to approval by the City Forester.

(6) Protected Trees may be removed, in the following areas:

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Added text – XXXX

a. Including, and within a ten-foot (10') radius of, the building pad of a new or remodeled building.

b. Within driveways and parking areas.

Protected Trees removed in subparagraphs a. and b. above must be replaced with one (1) tree, subject to the species listed above in (2) Definitions and the conditions listed in subparagraphs a. through e. of paragraph 5 above.

(7) Removable trees may be removed for any development or building permit, without replacement. If a Protected Tree is dead, diseased or hazardous it must be approved by the City Forester before removal.

(8) During the demolition and building permit processes, the permit holder shall not leave any Protected Tree without sufficient guards or protections to prevent injury to the Protected Tree, in connection with such construction. The survey must indicate how the Protected Tree would be protected during construction, subject to staff review and approval. City staff monitoring is required for all projects with affected Protected Trees and/or replacement trees to ensure that all such trees are properly established and maintained for three (3) years. Tree protection during construction is subject to the city's Construction Management Plan (CMP).

(9) If Protected Trees were removed within one (1) year prior to the date the development, demolition and building permit applications were submitted, these Protected Trees are also subject to the replacement policy set forth in paragraph (4) above.

**Section 2.** This ordinance is effective immediately upon its passage and publication.

First Reading:

Second Reading:

Published:

ATTEST:

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Debra A. Mangen, City Clerk

James B. Hovland, Mayor

Please publish in the Edina Sun Current on:

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Send two affidavits of publication.  
Bill to Edina City Clerk

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina do hereby certify that the attached and foregoing Ordinance was duly adopted by the Edina City Council at its Regular Meeting of \_\_\_\_\_, 2014, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_

City Clerk

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