

ORDINANCE NO. 884

**AN ORDINANCE OF THE CITY OF SHAKOPEE AMENDING SHAKOPEE CITY
CODE SECTION 11.60, SUBDIVISION 8 REGARDING
LANDSCAPING REQUIREMENTS**

THE CITY COUNCIL OF THE CITY OF SHAKOPEE, MINNESOTA, ORDAINS:

Section 1. Section 11.60, Subdivision 8 of the Shakopee City Code is deleted in its entirety and replaced with the following:

Subd. 8. Landscaping Requirements. Landscaping shall be required in all residential, commercial, and industrial zones.

A. Definitions:

Interior sidewalk connection is a sidewalk or trail network which is within a development project to connect multiple businesses, or parking facilities to primary entrances or privately owned open space areas.

Exterior sidewalk connection is a sidewalk or trail which connects the interior sidewalk or trail network to a required or existing public sidewalk or trail.

Sidewalk is a finished hard surface with a width of at least 5 feet.

Trail is a finished hard surface or a firm and stable natural surfacing material with a width of at least 8 feet.

Gross floor area is referring to the total floor area for every floor inside the building envelope, including the external walls, and excluding the roof.

- B.** For all single-family residential uses in the R-1A, R-1B, R-1C, R-2 and Planned Residential District, the following landscaping materials shall be provided prior to the issuance of a final certificate of occupancy; 1) placement of at least 6 inches of topsoil meeting requirements set in N. of this Subdivision, 2) each lot shall have a minimum of two non-ornamental trees (planted or preserved), in the front yard. In R-1A three non-ornamental trees (planted or preserved) must be placed in the front yard. If trees cannot be placed in the front yard due to easements or spacing, trees shall be placed in the rear yard, 3) sod shall be placed in the front yard, and 4) the side yards and rear yard shall be seeded. Native plants may be substituted for sod or seeding as long as they meet the requirements set in Section 10.73 of City Code.
- C.** For all residential uses containing 6 or more dwellings, and for all business and industrial uses, at least 15% of the lot area shall be landscaped. The landscaping shall be concentrated between the principal structure and any adjacent street right-of-way or other areas of the lot which are visible from a street.
- D.** A minimum of 3 units, as defined below, of landscaping shall be required for each 1,000 square feet of gross floor area up to 10,000 square feet. An additional 2 units of landscaping shall be required for each 1,000 square feet of gross floor area over 10,000 and up to 50,000 square feet. An additional unit of landscaping shall be required for each 1,000 square feet of gross floor area over 50,000 and up to 100,000 square feet. An additional 1 unit of landscaping shall be required for each 1,500 square feet of gross floor area over 100,000. When calculating the required landscaping, square feet shall be rounded up to the nearest 1,000.

Each of the above shall constitute 1 unit of landscaping. Not more than 50% of the landscaping units required by this Section shall be composed of shrubbery and no more than 25% of the trees may be made of ornamental species.

- I. Required trees shall be provided a minimum of 1,000 cubic feet (333 square feet if 3 feet deep) of available rooting space for a single tree or 700 cubic feet (233 square feet if 3 feet deep) per tree if space is shared with multiple trees. Available rooting space shall not be calculated as deeper than 3 vertical feet or using soils compacted beyond 80% of Standard Proctor or 200 PSI.
- J. Landscaping trees shall not be any species presently under disease or insect epidemics, considered invasive, or a species that composes a high percentage of the City's urban forest without prior written approval from the City. Recommended species can be found in the City's Forestry Specification Manual.
- K. If there are ≥ 30 trees are required, they shall be composed of no more than 10% of one species, 20% of one genus, and 30% of one family. If < 30 trees are required, one species shall make up no more than $\frac{1}{4}$ of the total and meet the requirements set in the City's Forestry Specifications Manual.
- L. Trees shall not be planted in a location that will interfere with other infrastructure or be in extreme competition for resources with other trees at maturity.
- M. If healthy landscaping of acceptable species and location exist on a site prior to development and is preserved, the City's Natural Resources staff or another position identified by the Zoning Administrator may allow credit for such landscaping to meet up to 30% of the units required for gross floor area only. Credits will be applied to an equal portion of trees and other landscaping required on the site. Credit may be given based on the following (definitions found in Subdivision 9. of this Section):
 - 1 preserved Common Significant Tree = 1 unit of new landscaping
 - 1 preserved Exceptional Significant Tree = 2 units of new landscaping
 - 1 preserved High Priority Tree = 4 units of new landscaping
- N. In Commercial and Industrial zones (B-1, B-2, BP, MR, PRD, I-1, I-2) the pedestrian sidewalk system shall meet the following standards:
 - 1. In developments with multiple businesses, sidewalk connections are required between each business.
 - 2. Interior sidewalk connections shall be required for all parking facilities which have more than 100 parking spaces.
 - a. A pedestrian island shall be provided to separate pedestrian traffic and vehicular traffic.
 - i. A sidewalk connection must provide pedestrian access spanning in a generally direct route from the business/building to the furthest row of parking within a parking facility.
 - ii. Pedestrian islands which are adjacent to handicapped (ADA compliant) parking shall provide ADA compliant pedestrian ramps or be at the same elevation as the parking and loading area.
 - iii. The pedestrian island shall be screened with vegetation in accordance with the requirements for landscape islands.

- iv. Sidewalks shall be designed to limit vehicle encroachment into sidewalk area, either by a 2 foot setback from parking lot to sidewalk edge or a physical barrier such as but not limited to, trees, shrubs, or bollards.
3. An exterior sidewalk connection is required for all sites which have existing and/or required public sidewalks, adjacent trails, parks, or greenways.
 4. Where sidewalks cross drive aisles, sidewalks/crossing areas shall be clearly designated by striping or differentiated paving material.
- O.** Topsoil in landscaped areas shall be at least 6 inches in depth and a sandy loam, silt loam, loam, or sandy clay consisting of no more than 65% sand, 1.5-10% organic matter, a pH of 4.5-6.8, soluble salts less than 2 mmhos/cm, free of chemical contaminants, and not compacted beyond 80% of Standard Proctor or 200 PSI. Subsoil shall be scarified before topsoil is spread. Soil shall be generally free of debris such as large rocks and fragments of wood.
- P.** The City shall require submission of a financial security in form of a cash escrow, or other form of security that the City deems acceptable, in the amount of 150 percent of the total tree replacement estimate, which is found in the fee schedule.

(Number of trees required x tree replacement estimate x 150%= financial security due.)

1. The financial security shall be collected at the time of building permit issuance if no Replacement Trees are required per Subdivision 9. of this Section. If Replacement Trees are required on the site, the financial security shall be collected before the grading permit is issued. In this situation, at the discretion of City Staff, the portion of the financial security required for this Subdivision may be collected at the time of building permit issuance.
2. All required landscaping plants must be warranted to guarantee survival. The warranty period shall begin upon inspection and acceptance by City staff of the installed plants for proper planting, size, species, health, and location. If at any time during the warranty period the plants are found to be unhealthy by City staff they are required to be replaced with the same size and species by the applicant at the soonest appropriate planting time.
 - a. For commercial/industrial sites and residential developers, up to 75% of the financial security may be returned upon inspection and acceptance by the City of installed plants and upon the submittal of a City approved two year warranty from the landscape contractor who installed the plants. This warranty must cover plant health issues relating to excess or insufficient water. The remaining financial security will be held by the City for two years.
 - i. When reducing the financial security, 75% will be returned unless City staff feels the trees have a heightened risk of failure.
 - b. For builders of individual residential lots in a subdivision who receive a one year warranty from the landscape contractor who installed the plants, up to 100% of the financial security may be returned upon:
 - i. Inspection and acceptance of installed plants by the City; and

- ii. Providing the lot buyer with the copy of the one year warranty from the landscape contractor and contact information to make a claim on the warranty.
3. If the financial security has not been returned in full after the inspection of the installed trees, at the end of a two year warranty period the Applicant shall schedule a final inspection with City staff. Prior to the inspection, the Applicant shall confirm the following conditions are met:
- a. All trees have one dominate leader, are free of deadwood, and injured branches;
 - b. All tree wrap is removed;
 - c. All stakes and wires are removed; and
 - d. Plants are in leaf.

At the time of final inspection the City shall decide to:

- a. Refund the financial security in full; or
 - b. Require the installation of new plants to replace what did not survive or are declared unhealthy by City staff. If 25% or more of the plants are required to be replaced, the appropriate amount of financial security may be held for an additional two years for said plants.
4. The financial security will be used by the City only if the applicant does not install the plants required in this subdivision.

Section 2 – Effective Date. This ordinance becomes effective from and after its passage and publication.

Passed in regular session of the City Council of the City of Shakopee, Minnesota held this _____ day of _____, 2014.

Mayor of the City of Shakopee

Attest: _____,
City Clerk