

ORDINANCE NO. 847

AN ORDINANCE AMENDING THE MONTICELLO CITY CODE TITLE IX: GENERAL REGULATIONS, CHAPTER 92: PROPERTY MAINTENANCE, TITLE XV: LAND USAGE, CHAPTER 152: SUBDIVISION, AND CHAPTER 153: ZONING ORDINANCE REGULATING THE PLANTING AND MAINTAINING OF TREES AND TREE CANOPY

THE CITY COUNCIL OF THE CITY OF MONTICELLO ORDAINS:

SECTION 1. TITLE IX: CHAPTER 92 TREES AND SHRUBS is hereby amended as follows:

§ 92.XX DEFINITIONS

BOUNDARY TREE. A tree that has been planted or naturally grown such that the boundary line(s) between two or more properties passes through any portion of the trunk at the point where the trunk emerges from the ground. The owners of the properties whose boundary line(s) pass through the trunk shall be equally responsible for maintaining, and be considered joint owners of the tree.

BOULEVARD. "Boulevard" in reference to the strip of unpaved ground between the sidewalk and street.

CITY FORESTER. The "Tree Care Manager/City Forester" is a person or persons certified by the Minnesota Commission of Agriculture to plan, direct, and supervise all requirements for controlling shade tree diseases and general tree maintenance throughout the City. The Parks, Arts and Recreation Director or designee shall be the City Forester.

CRITICAL ROOT ZONE. ~~The area inside the dripline of a tree that contains its roots.~~ The distance from the trunk that equals one foot for every inch of the tree's diameter.

DBH (diameter at breast height). Tree diameter measured at 4.5 feet above soil level.

MAINTAIN, TREE. "Maintain" in reference to trees shall refer to but not be limited to pruning, trimming, watering, application of fertilizers, pesticides and other chemicals, installation of cabling and bracing systems, and performing other actions that may impact a tree's growth.

PUBLIC TREES. "Public Trees" are trees, shrubs, bushes, and all other woody vegetation whose trunk is located wholly or partially on Public Property, including but not limited to boulevard strips, public building grounds, and public easements and rights-of-way.

PARK TREES. "Park Trees" are trees, shrubs, bushes, and all other woody vegetation in public parks having individual names, and all areas owned by the City or to which the public has free access as a park.

PRIVATE TREES. “Private Trees” are trees, shrubs, bushes, and all other woody vegetation whose trunk is located wholly or partially on Private Property, including but not limited to yards, common grounds, side lots, parking lots and green spaces owned by private citizens, businesses, or HOAs located or operating within the City of Monticello.

SHADE TREE FUND. A fund established by the City into which fees collected from tree preservation plan enforcement are placed, used to finance City planting and maintenance of shade trees on public lands.

STREET TREES. “Street Trees” are trees, shrubs, bushes, and all other woody vegetation which have been or will be planted in a public right-of-way by the City at the direction of the City Forester.

TREE SAVE AREA. The area around a specimen tree defined as either the CRZ (critical root zone) or the area that extends one linear foot around the tree's dripline.

TREE SIZES. A “Small Tree” is any plant material that will grow to a height and/or spread of thirty (30) feet; a “Medium Tree” is any plant material that will grow to a height and/or spread of thirty-one to and including fifty (50) feet; a “Large Tree” is any plant material that will grow to a height and/or spread of over fifty (50) feet.

TREE, SIGNIFICANT. Any tree over 6” DBH for hardwood trees, over 8” for softwood trees, or over 12’ in height for conifers.

TREE, SPECIMEN. Any canopy tree with a DBH of ~~36~~²⁴ inches or more and any understory or ornamental tree with a DBH of ~~ten~~ ^{eight (8)} inches or more that is not exempted as a specimen tree by this chapter, rated in fair or better condition and not of a species listed under ‘Prohibited Trees For Planting’ in the City of Monticello’s Tree Manual.

UNPERMITTED TREE. Any tree on Public Property, including but not limited to boulevard strips, public building grounds, and public easements and rights-of-way, planted without a properly issued permit or as part of a Landscape Plan approved by the City of Monticello, or not planted by City of Monticello staff, for which the City does not hold responsibility.

WOODLAND. A grouping or cluster of coniferous and/or deciduous trees with contiguous crown cover, occupying 15,000 or more square feet of property, and composed of deciduous trees of 6 caliper inches or more, coniferous trees over 12 feet in height, and primarily of species not on the Prohibited Trees for Planting list. Whether a grouping or cluster of trees with populations or stands of species on the Prohibited Trees for Planting list meets the definition of “woodland” shall be determined by the City Forester.

§ 92.46 PROHIBITED TREES.

It is lawful to plant only highly disease resistant species not of a species listed under 'Prohibited Trees For Planting' in the City of Monticello's Tree Manual within the city limits with the approval of the City Forester.

§ 92.47 ORDER TO TREAT OR REMOVE.

The city may order the trimming, treatment, or removal of trees or plants upon public or private property when they shall determine that the action is necessary to the public safety or necessary to prevent the spread of disease or of insects harmful to trees and shrubs. All tree work shall be performed in accordance with ANSI A300 standards. In the case of Boundary Trees, all parties considered joint owners of the tree(s) shall be considered equally responsible for maintenance.

§ 92.48 REGULATIONS FOR PLANTING IN PUBLIC PLACES.

(A) *Approval required.* No tree shall be planted or placed on public property or right-of-way without the approval of the City Forester.

(B) *Permits.*

(1) No person shall plant, ~~or~~ remove or otherwise maintain (including but not limited to chemical treatments and cabling/bracing) trees or shrubs in public places without first filling out an application and obtaining a permit from the city. All work shall be performed according to the standards outlined in the City of Monticello's Tree Manual.

(2) The following provisions apply to the issuance of permits where required for planting in public places.

(a) *Application data.* The application required herein shall state the number of trees or plants to be planted or set out, the location, and specific name of each tree or plant.

(b) *Standards for issuance.* A permit shall be issued if it is found that the proposed plantings will be in the best interest of the community.

(3) Any tree on Public Property, including but not limited to boulevard strips, public building grounds, and public easements and rights-of-way, planted without a properly issued permit or as part of a Landscape Plan approved by the City of Monticello, or not planted by City of Monticello staff, shall be considered an Unpermitted Tree.

(a) If an Unpermitted Tree is found to have been planted or maintained in such a way that violates the City of Monticello's standards as set forth in the Tree Manual and section 153.060 LANDSCAPING AND SCREENING., the city shall take no responsibility for the maintenance or liability of the Unpermitted Tree.

If Unpermitted Trees are brought to the city's attention, the city may order their trimming, treatment, or removal.

(Prior Code, § 8-3-4) (Ord. 661, passed 2-13-2017) Penalty, see § 92.99

§ 92.49 REQUIREMENTS APPLICABLE TO TREES IN NEW SUBDIVISIONS.

(A) In new subdivisions, on lots with frontage on a single right-of-way, it is required that two trees be planted per platted lot if no significant trees are in existence in the yard adjoining the right-of-way. For lots with frontage on more than one right-of-way, it is required that four trees be planted per platted lot if no significant trees are in existence in the yard adjoining the right-of-way. ~~Two~~ The required trees must be planted in the boulevard adjoining each yard having street frontage, if adequate boulevard width exists in accordance with the standards set forth in the Tree Manual. All plantings shall be done in accordance with the standards established in § 153.060 LANDSCAPING AND SCREENING of the City of Monticello municipal code of ordinances. All landscape plant materials shall conform to the latest version of the American Standard of Nursery Stock (ANSI Z60.1, as amended). Plant material shall be of standard quality or better, true to name and type of species or variety.

~~(B) In subdivision plantings: not less than two or more than three species of trees shall be planted in any block, and neither less than 20% nor more than 50% of the total trees planted in a block may be of the same species. Only trees listed in §92.46 shall be planted.~~

1. When fewer than 20 trees are required on a site, at least four different species shall be utilized, in roughly equal proportions.
2. When more than 20 but fewer than 40 trees are required to be planted on site, at least six different species shall be utilized, in roughly equal proportions.
3. When 40 or more trees are required on a site, at least eight different species shall be utilized, in roughly equal proportions.
4. Nothing in this division shall be construed so as to prevent the utilization of a larger number of different species than specified above.
5. All plantings shall be done in accordance with the standards established in § 153.060 LANDSCAPING AND SCREENING of the City of Monticello municipal code of ordinances.

(C) Required trees shall be planted in the boulevard at a location ranging from four feet to ten feet from the curb. Precise location within this range to be determined by the city.

(D) Required subdivision trees must have a trunk diameter of at least two inches at one foot above the ground.

(E) Required subdivision trees must be protected and supported by tree guards of approved type.

(F) No required subdivision tree shall be planted in soil too poor to ensure the growth of the tree unless 27 cubic feet (three feet x three feet x three feet) of soil is removed and replaced with suitable loam.

(Prior Code, § 8-3-5) (Ord. 267, passed 3-27-1995; Ord. 287, passed 3-24-1997)

§ 92.50 SHADE TREE DISEASE AND INSECT CONTROL.

(A) *Forester duties.* The powers and duties of the City Forester as set forth in this code are hereby conferred upon the ~~Park Superintendent~~ Parks, Arts and Recreation Director or their designee. It is the duty of the Forester to coordinate, under the direction and control of the City Council, all activities of the municipality relating to the control and prevention of shade tree disease. The City Forester shall recommend to the Council the details of a program for the control of shade tree disease and perform the duties incident to such a program adopted by the Council.

(B) *Program.* It is the intention of the City Council to conduct a program of plant pest control pursuant to the authority granted by M.S. § 18G13, as it may be amended from time to time. This program is directed specifically at the control and elimination of Dutch elm disease fungus, elm bark beetles, oak wilt, emerald ash borer and other tree diseases; and is undertaken at the recommendation of the Commissioner of Agriculture and the Council in the conduct of this program.

(C) *Nuisance declared.* The prevention, control, and abatement of Dutch elm disease, oak wilt disease, emerald ash borer, and other tree diseases is necessary for the protection, preservation, and conservation of public and private lands and the investment and benefit therein, and to protect and promote the general welfare of the public and this community. Therefore, the following conditions are hereby found and declared to be a public nuisance wherever they exist in the city:

(1) Any living or dead elm tree or part thereof infected to any degree with the Dutch elm disease fungus *Ceratocystis ulmi* (Buisman) Moreau or which harbors any of the elm bark beetles *Scolytus multistriatus* (Eichhh) or *Hylurgopinus rufipes* (Marsh);

(2) Any dead elm tree or part thereof, including logs, branches, stumps, firewood, or other elm material from which the bark has not been removed or burned;

(3) Any living or dead oak tree or part thereof infected to any degree with the oak wilt fungus (*Ceratocystis fagacearum*); and/or

(4) Any living or dead *fraxinus* spp tree or part thereof infected to any degree with the insect emerald ash borer (*Agrilus planipennix*) or any other tree species infected with a disease.

(D) *Prohibition.* It is unlawful for any person to permit any public nuisance as defined in divisions (C)(1) through (C)(4) above to remain on any premises owned or controlled by such

person within the city. The nuisances may be abated in the manner prescribed by this subchapter.

(E) *Inspection and investigation.*

(1) The Forester shall inspect all premises and places within the city as often as practicable to determine whether any condition declared in division (C) above to be a public nuisance exists thereon.

(2) All reported incidents of infestation of Dutch elm fungus, the presence of elm bark beetles, of infection by the oak wilt fungus or the presence of emerald ash borer, or other tree infestations shall be promptly investigated.

(F) *Entry on private premises.* The Forester or his or her duly authorized agents may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned him or her under this subchapter, in accordance with § [10.20](#).

(G) *Diagnosis.* The Forester shall, upon finding conditions indicating Dutch elm disease or other infestation, immediately send appropriate specimens or samples to the Commissioner of Agriculture for analysis or take other steps for diagnosis as may be recommended by the Commissioner. Except as provided in division (J) below, no action to remove infected trees or wood shall be taken until positive diagnosis of the disease has been made.

(H) *Abatement generally.* No action to remove, destroy and dispose, or require the removal, destruction, and disposal of elm trees, wood infected with Dutch elm fungus, oak trees infected by oak wilt fungus or fraxinus spp (ash) trees or fraxinus spp (ash) wood harboring emerald ash borer shall be taken until a reasonably certain diagnosis of the disease has been made. When such reasonably certain diagnosis has been made, the infected tree or wood shall be removed, destroyed, and disposed of in a manner which will effectively destroy and prevent as fully as possible the spread of the Dutch elm or oak wilt disease fungus, or the spread of emerald ash borer populations or other tree diseases will be handled by the recommendations of the Commissioner of Agriculture.

(1) *Presence of elm bark beetles or emerald ash borer.* When the presence of elm bark beetles has been discovered in or upon any living elm tree but the presence of Dutch elm disease fungus is not then or thereafter diagnosed, the tree shall be treated in a manner which will effectively destroy and prevent as full as possible the spread of the elm bark beetle. When the presence of emerald ash borer has been discovered in or upon a living fraxinus (ash) tree, the tree shall be treated in a manner which will effectively destroy and prevent as full as possible the spread of the emerald ash borer. If the treatment is not or, because of the extent of infestation, cannot be effective, the tree shall be removed, destroyed, and disposed of.

(2) *Dead elm or fraxinus (ash) trees, logs, stumps, and the like.* Standing dead elm trees, elm logs, branches, stumps, firewood, or other raw material from which the bark has not been removed and which are not infected with Dutch elm disease fungus, shall have the bark removed, destroyed, and disposed of or shall be treated in a manner which will effectively destroy and prevent as fully as possible the spread of the elm bark beetle, emerald ash borer or other diagnosed tree diseases. If the treatment is not effective, or, because of the extent of infestation, cannot be effective, the trees, logs, branches, stumps, firewood, or other raw elm material shall be removed, destroyed, and disposed of.

(3) *Specifications and procedures.* The City Forester shall establish specifications and procedures for the removal, destruction, and disposal of trees and wood infected with Dutch elm disease fungus, oak wilt fungus, or emerald ash borer for treating live elm or fraxinus (ash) tree infested with elm bark beetles or emerald ash borers, and for removing, destroying, and disposing of elm or fraxinus (ash) trees, logs, branches, stumps, firewood, and other raw elm material. The specifications and procedures shall be consistent with current specifications and procedures designated or approved by the Commissioner of Agriculture.

(l) *Abatement on private or government property.*

(1) Whenever a nuisance as defined in division (C) above is found to exist on private property outside any public way in the city, or upon property owned and controlled by a governmental unit other than the city, or in the case of Boundary Trees, the owner(s) or person(s) in control of the property shall be notified in writing by mail or by personal delivery that the condition exists. If the Forester finds that the danger is not imminent, he or she shall make a written report of his or her findings to the City Council prior to notifying the owner or person in control of the property. If the Forester finds that danger is imminent, the Forester shall notify the property owner first as soon as practicable. Once the letter is received by the property owner, it is their responsibility to contact ~~Public Works Department~~ City Hall and arrange actions for removal. The notice states that if the nuisance is not abated by the owner or person in control of the property within ~~20~~30 days after receipt of the notice, in the manner prescribed by the City Forester, the city by and through its City Council may enter upon the premises and abate the nuisance in accordance with § 10.20 ENFORCEMENT. The notice further states that the property owner shall be held liable for the cost of abatement plus an amount determined by the Council to reimburse the city for its cost of inspection and eradication in accordance with § 92.50(K).

(2) If the owner or person in control of any private premises upon which a nuisance exists does not abate or eliminate the same within 30 days after receipt of notification, the City Council, its officers, employees, and agents shall proceed to have the nuisance properly abated or eliminated. The owner or occupant has the right to appeal the determination that a public nuisance exists by submitting a request in writing to the city clerk within seven (7) days after

service of the notice, or before the date by which abatement must be completed, whichever comes first. In cases of immediate danger, the city may provide for abatement without following the notice and hearing process.

(J) *Abatement on city property.* Nuisances as defined in division (C) above which exist upon property owned or controlled by the city, including public street rights-of-way, shall be abated or eliminated by the City Council forthwith in accordance with established specifications and procedures.

(K) *Cost of abatement.* If, pursuant to division (I) above, the City Council orders the removal or abatement of a nuisance, the City Forester shall report the cost of the removal or abatement to the Council and the expense thereof plus an amount determined by the Council to reimburse the city for its cost of inspection and eradication shall be assessed by the Council upon the lot or lots on which the nuisance was located, notice being first given by publication in the official paper of the time and place that the assessment shall be made. The assessment procedure shall be as prescribed by M.S. § 429.101, as it may be amended from time to time, and the assessment shall be a lien on the lot or lots, and shall be returned and collected in the same manner as other city taxes.

(L) *Procedures for removal of infected trees and wood.*

(1) Whenever the Forester finds with reasonable certainty that infestation defined in division (C) above exists in any tree or wood in any public or private place in the city, he or she shall proceed as follows:

(a) If the Forester finds that the danger of infestation of other elm trees is not imminent because of elm dormancy, he or she shall make a written report of his or her findings to the City Council which shall proceed by:

1. Abating the nuisance as a public improvement under M.S. Ch. 429, as it may be amended from time to time; or
2. Abating the nuisance as provided in division (L)(2) below.

(b) If the Forester finds that danger of infestation of other elm trees is imminent, the Forester shall notify the property owner by mail and/or by leaving notice at the property and that the nuisance will be abated within a specified time, not less than ~~five~~ 30 days from the date of mailing of the notice. The Forester shall immediately report the action to the City Council; and after the expiration of the time limited by the notice, the Forester may abate the nuisance in accordance with § 10.20 ENFORCEMENT.

(2) Upon receipt of the Forester’s report required by division (L)(1)(a), the City Council shall by resolution order the nuisance abated. Before action is taken on a resolution, the Council shall publish notice of its intention to meet to consider taking action to abate the

nuisance. This notice shall be mailed to affected property owners and published once not less than one week prior to the meeting. The notice shall state the time and place of the meeting, the streets affected, action proposed, the estimated cost of the abatement, and the proposed basis of assessment, if any, of costs. At the hearing or adjournment thereof, the Council shall hear property owners with reference to the scope and desirability of the proposed project. The Council shall thereafter adopt a resolution confirming the original resolution with the modifications as it considers desirable and provide for the doing of the work by day labor or by contract.

(3) The Forester shall keep a record of the costs of abatements done under this section and shall report monthly to the City Clerk all work done for which assessments are to be made stating and certifying the description of the land, lots, and parcels involved and the amount chargeable to each.

(4) On or before September 1 of each year, the City Clerk shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this subchapter. The City Council may then spread the charges or any portion thereof against the property involved as a special assessment under M.S. § 429.101, as it may be amended from time to time, and other pertinent statutes for certification to the County Auditor and collection the following year along with current taxes.

(5) The City Council has determined that the health of the trees within the municipal limits is threatened by a fatal disease known as Dutch elm disease, oak wilt, or emerald ash borer, or other fatal tree disease. It has further determined that the loss of these trees growing upon public and private property would substantially depreciate the value of property within the city and impair the safety, good order, general welfare, and convenience of the public. It is declared to be the intention of the Council to control and prevent the spread of this disease, and this subchapter is being enacted for that purpose. It is declared to be the intention of the Council to establish a policy for sharing in the cost of replacement tree(s) ~~in the amount of up to \$50 per property.~~ The City will provide two replacement trees per city lot during the spring tree sale. Residents will need to arrange a final tree inspection with the City Forester to ensure the health of the trees and confirm their planting.

(M) *Spraying elm trees.* Whenever the Forester determines that any elm tree or elm wood within the city is infected with Dutch elm fungus, the Forester may treat all nearby high value elm trees with an effective elm bark beetle destroying concentrate. Treating activities authorized by this section shall be conducted in accordance with technical and expert opinions and plans of the Commissioner of Agriculture and under the supervision of the Commissioner and his or her agents whenever possible.

(N) *Transporting elm wood prohibited.* It is unlawful for any person to transport within the city any bark-bearing elm wood without having obtained a permit from the Forester. The Forester shall grant permits only when the purposes of the subchapter will be served thereby.

(O) *Interference prohibited.* No person shall prevent, delay, or interfere with the Forester or the Forester's agents while they are engaged in the performance of duties imposed by this subchapter.

§ 92.51 ABUSE OR MUTILATION.

No person shall damage, cut, carve, kill, or injure the bark of any tree or plant on any public property; attach any rope, wire, or other contrivance to any tree or plant on public property; dig in or otherwise disturb public grass areas, or in any other way injure or impair the natural beauty or usefulness of any area or public property; cause or permit any wire charged with electricity or any gaseous, liquid, or solid substance harmful to trees or plants to come in contact with them.

Violation of this Section shall be punishable in accordance with Minn. Stat. 561.04. Damages for violation of this Section shall include the value of the damaged, injured, or removed tree, plants and native grasses assessed according to *Guide for Plant Appraisal, 10th Edition, Second Printing by the Council of Tree & Landscape Appraisers* or a fine equivalent to the cost of damage mitigation work performed as deemed necessary by the City Forester.

SECTION 2: TITLE XV: CHAPTER 152: SUBDIVISIONS is hereby amended as follows:

§ 152.040 PRELIMINARY PLAT.

The owner or subdivider shall prepare and submit a preliminary plat together with any necessary supplementary information.

(A) *Contents.* The preliminary plat shall contain the following information:

(1) Proposed name of subdivision; names shall not duplicate or too closely resemble names of existing subdivisions;

(2) Location of boundary lines in relation to a known section, quarter section, or quarter-quarter section lines comprising a legal description of the property;

(3) Names and addresses of the record fee owner;

(4) Scale of plat not less than one inch to 100 feet;

(5) Date and north point;

(6) Project narrative; and

(7) Certificate of survey signed by a registered land surveyor and current within six months of plat application to include legal description, all public utilities including pipe size, material type, depths, location, and detail of private utilities or easements, any other easements of record.

(B) *Existing conditions plan.*

(1) Boundary line of proposed subdivision clearly indicated and to a close degree of accuracy;

(2) Existing zoning classifications for land within and abutting the subdivision;

(3) Location right-of-way width, and names of existing or planned streets, or other public ways, parks, and other public lands, permanent buildings and structures, easements, school districts, section and corporate lines within the plan and to a distance 350 feet beyond shall also be indicated;

(4) Boundary lines of adjoining unsubdivided or subdivided land, within 350 feet, identified by name and ownership, including all contiguous land owned or controlled by subdivider;

(5) Topographic data, including contours at vertical intervals of not more than two feet and all surface features and structures. Watercourses, marshes, rock outcrops, delineated wetlands, power transmission poles and lines, size, location, and elevation of all appurtenances of existing public utilities and all quasi-public utilities, including the name and operating authority of each utility, and other significant features shall be shown. U.S.G.S. data shall be used for all

topographic mapping where feasible. (1929 sea level data shall be used for all topographic mapping.) The flood elevation of all lakes, river, and wetlands shall also be shown;

(6) An accurate soil survey of the subdivision prepared by a qualified person;

(7) Location and size of existing sewers, water mains, culverts, storm sewer, or other underground facilities within the tract and to a distance of 100 feet beyond the tract. Such data as grades, invert elevations and locations of catch basins, manholes, and hydrants shall be shown only on request;

(8) A survey prepared by a qualified person identifying tree coverage in the proposed subdivision ~~in terms of type, weakness, maturity, potential hazard, infestation, vigor, density, and spacing. Deciduous trees that are less than six inches in diameter at a point five feet above natural grade, or trees that are diseased or invasive as defined by the Department of Natural Resources may be exempted from this survey;~~ and shall be prepared. Any significant tree on the property to be platted shall be inventoried and tagged with a unique identification number. This number will be used to depict the tree locations on a map at the same scale as the grading plan. The unique identification numbers shall be keyed to a chart showing location, species, condition, size (DBH), and critical root zone (CRZ) of every significant tree on the property. Total DBH inches of all inventoried trees shall be tallied and provided on the chart. In addition to trees on said property, significant trees on adjacent property which have CRZs overlapping onto said property must be inventoried. The chart and map shall specify which trees are to be removed or preserved and reasoning for the decision. The map shall be provided as both a separate sheet and as an overlay atop the grading plan. Special considerations and preservation measures for trees to be preserved shall be described in the tree preservation plan and depicted on both versions of the map. All significant Trees shall be noted.

(9) Wetland data report shall be required and must consist of a wetland delineation report which identifies all wetlands, ponds, lakes, waterways, floodplains, and shorelines, and a wetland functional assessment summary. The wetland data report must be submitted with the preliminary plat.

(C) *Proposed design features.*

(1) A proposed grading plan showing the present and existing contours at two-foot contour interval, together with off-site existing contours depicting drainage patterns entering the proposed site, within 200 feet or more of the proposed subdivision is required unless waived by the City Engineer. If determined to be necessary by the City Engineer, one-foot contours may be required for proposed grading plans in order to ensure property drainage. High and low point elevations and emergency overflow elevations and routes shall be provided. The proposed grading plan shall demonstrate a design for the subdivision that respects the natural topography, and preserves existing trees, wetlands, and other natural features;

(2) Layout of proposed streets showing the right-of-way widths, centerline gradients, typical cross-sections, and proposed names of streets. The name of any street heretofore used in the county or its environs shall not be used unless the proposed street is a logical extension of an already named street, in which event the same name shall be used. Street names conform to the master street name and numbering system as adopted;

(3) Locations and widths of proposed streets and pathways;

(4) Layout, numbers, and preliminary dimensions of lots and blocks and dimensions of street frontage;

(5) Tabulation of the acreage of the full subdivision;

(6) Tabulation statement of the approximate square footage and dimensions of the individual lots;

(7) Minimum front and side street building setback lines. When lots are located on a curve, the width of the lot is measured at the building setback line;

(8) For each lot, specify building type, finished floor elevations, and lowest opening elevations.

(9) Areas, other than streets, alleys, pathways, and utility easements intended to be dedicated or reserved for public use, including the size of the area or areas in acres;

(10) Proposed location and routing of proposed sewer lines and identification of gravity mains or forcemains;

(11) Proposed location and routing of proposed water mains;

(12) ~~A vegetation preservation and protection plan that shows these trees proposed to be removed, those to remain, the types and locations of trees, and other vegetation that are to be planted.~~ A landscaping and vegetation plan prepared per the requirements of 153.060(D) and (E) and a tree protection plan prepared per the requirements of 153.061.

(13) A stormwater management plan and erosion and sediment control plan in accordance with the requirements of the city's Design Manual and per zoning ordinance Chapter 4.10; and

(14) Open space and landscaping plan.

(D) *Other information.*

(1) The applicant shall supply proof of title in a form approved by the City Attorney and the legal description of the property for which the subdivision is requested and, as applicable, supply documented authorization from the owner(s) of the property in question to proceed with the requested subdivision;

(2) Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units and type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, and congestion of population;

(3) If any zoning changes are contemplated, the proposed zoning plan for the areas;

(4) (a) Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Planning Commission shall require that the subdivider submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision; and

(b) In any event, all subdivisions shall be shown to relate well with existing or potential adjacent subdivision.

(5) Where structures are to be placed on large lots (over 30,000 square feet), the preliminary plat shall indicate placement of structures so that lots may be further subdivided;

(6) Where potential subdivision and use of excessively deep (over 300 feet) lots exist, the preliminary plat shall indicate placement of structures so that lots may be further subdivided;

(7) A copy of all proposed private restrictions and covenants; and

(8) Other information as may be requested by the engineer, surveyor, or Planning Commission.

SECTION 3: TITLE XV: ZONING ORDINANCE is hereby amended as follows:

§ 153.012 DEFINITIONS.

CITY FORESTER. The “Tree Care Manager/City Forester” is a person or persons certified by the Minnesota Commission of Agriculture to plan, direct, and supervise all requirements for controlling shade tree diseases and general tree maintenance throughout the City. The Parks, Arts and Recreation Director or designee shall be the City Forester.

CRITICAL ROOT ZONE. ~~The area inside the dripline of a tree that contains its roots.~~ The distance from the trunk that equals one foot for every inch of the tree's diameter.

DBH (diameter at breast height) . Tree diameter measured at 4.5 feet above soil level.

SHADE TREE FUND. A fund established by the City into which fees collected from tree preservation plan enforcement are placed, used to finance City planting and maintenance of shade trees on public lands.

STREET TREES. “Street Trees” are trees, shrubs, bushes, and all other woody vegetation which have been or will be planted in a public right-of-way by the City at the direction of the City Forester.

TREE SAVE AREA. The area around a specimen tree defined as either the CRZ (critical root zone) or the area that extends one linear foot around the tree's dripline.

TREE SIZES. A “Small Tree” is any plant material that will grow to a height and/or spread of thirty (30) feet; a “Medium Tree” is any plant material that will grow to a height and/or spread of thirty-one to and including fifty (50) feet; a “Large Tree” is any plant material that will grow to a height and/or spread of over fifty (50) feet.

TREE, SIGNIFICANT. Any tree over 6” DBH for hardwood trees, over 8” for softwood trees, or over 12’ in height for conifers rated in fair or better condition and not of a species listed under “Prohibited Trees for Planting” list within the City of Monticello’s Tree Manual.

TREE, SPECIMEN. Any canopy tree with a DBH of ~~36-24~~ inches or more and any understory or ornamental tree with a DBH of ~~ten~~ eight (8) inches or more that is not exempted as a specimen tree by this chapter, rated in fair or better condition and not of a species listed under ‘Prohibited Trees For Planting’ in the City of Monticello’s Tree Manual.

WOODLAND. A grouping or cluster of coniferous and/or deciduous trees with contiguous crown cover, occupying 15,000 or more square feet of property, and composed of deciduous trees of 6 caliper inches or more, coniferous trees over 12 feet in height, and primarily of species not on the Prohibited Trees for Planting list within the City of Monticello’s Tree Manual. Whether a grouping or cluster of trees with populations or stands of species on the Prohibited Trees for Planting list meets the definition of “woodland” shall be determined by the City Forester.

§ 153.060 LANDSCAPING AND SCREENING.

(C) *General requirements for landscaping.*

(1) *Applicability of landscaping standards.*

(a) *General.* Except as exempted by § [153.060\(C\)\(1\)\(b\)](#) below, the standards in § [153.060](#) shall apply to all development in the city.

(b) *Exemptions.* Development in the CCD shall be exempt from the perimeter vehicular use area landscaping standards in § [153.060\(F\)\(3\)](#).

(c) *Landscape plan.* To ensure compliance with the standards of this section, a landscape plan demonstrating how landscaping will be planted on a development site shall be included as a part of any application when required by the Community Development Department.

(2) *Planting standards.* Plantings provided in accordance with this section shall comply with the following standards:

(a) Deciduous canopy or shade trees shall be a minimum of two caliper inches in size at the time of planting, as determined in the American Standard for Nursery Stock, ANSI Z60.1-2004, as amended.

(b) Evergreen canopy trees shall be a minimum of six feet in height above ground level at the time of planting.

(c) Understory or ornamental trees shall have a caliper of one-and-one half inches at time of planting, as determined in the American Standard for Nursery Stock, ANSI Z60.1-2004, as amended.

(d) Deciduous or evergreen shrubs shall be upright in nature and be a minimum of 24 inches in height at the time of planting.

(e) In cases where an aggregate caliper inch (ACI) requirement is utilized to derive a required amount of vegetation, and the ACI figure includes a fraction, an applicant may:

1. Utilize a tree or trees with a caliper inch measurement exceeding the minimum size at time of planting standard of § [153.060\(C\)](#) in order to meet the required ACI; or

2. Round the ACI figure upwards until the figure corresponds with a whole number of trees meeting the minimum size at time of planting standard. When trees exceeding the minimum size at time of planting standard are proposed, the minimum calipers of such trees shall be clearly noted on the Landscaping Plan.

(f) In cases where application of landscaping requirements result in a fraction in the number of shrubs to be provided, the minimum number of shrubs or trees to be provided shall be rounded upwards to the next highest whole number.

(g) All landscape plant materials shall conform to the latest version of the American Standard of Nursery Stock (ANSI Z60.1, as amended). Plant material shall be of standard quality or better, true to name and type of species or variety.

(h) The use of native, drought tolerant vegetation is encouraged to reduce dependency upon irrigation.

(i) To curtail the spread of disease or insect infestation in a plant species, new tree plantings shall comply with the following standards:

1. When fewer than 20 trees are required on a site, at least ~~two~~four different species shall be utilized, in roughly equal proportions.

2. When more than 20 but fewer than 40 trees are required to be planted on site, at least ~~three~~six different species shall be utilized, in roughly equal proportions.

3. When 40 or more trees are required on a site, at least ~~four~~eight different species shall be utilized, in roughly equal proportions.

4. Nothing in this division shall be construed so as to prevent the utilization of a larger number of different species than specified above.

(j) *Required species.*

1. All trees used in site developments shall be indigenous to the appropriate hardiness zone and physical characteristics of the site.

2. All deciduous trees proposed to satisfy the minimum requirements of this policy shall be long-lived hardwood species.

3. No species listed under 'Prohibited Trees For Planting' in the City of Monticello's Tree Manual shall be planted.

(3) *Existing vegetation.*

(a) It is the policy of the City of Monticello to preserve the natural forest and woodland areas throughout the city; and with respect to specific site development, to retain, as far as practicable, substantial tree stands which should be incorporated into the site. Areas meeting the definition of Woodland as outlined in section 153.012 DEFINITIONS shall be subject to the guidelines set forth in 153.061 (2)(a) Woodland Preservation.

(b) Existing healthy, well-formed canopy and understory trees as well as healthy shrubs shall be credited toward the requirements of this section, provided the vegetation meets the minimum size standards of this chapter, is protected before and during development of the site in accordance with § 153.061(B), Tree Protection During Construction, and is maintained thereafter in a healthy growing condition.

(4) *Stabilization.* All required landscape planting areas and required yards shall be stabilized and maintained with lawn, ground covers, mulches, or other approved materials to prevent soil erosion and allow rainwater infiltration.

(5) *Berms.*

(a) The slope of all berms shall not exceed a two-to-one ratio (horizontal to vertical), shall have a top width at least one-half the berm height, and a maximum height of four feet above the toe of the berm.

(b) All berms, regardless of size, shall be stabilized with a ground cover or other suitable vegetation.

(c) Berms proposed to be placed along street right-of-way shall be designed and constructed to provide adequate sight distances at intersections and shall not impair safe operation of vehicles.

(d) Berms shall in no case damage the roots or trunks of existing healthy vegetation designated to be preserved.

(6) *Easements.* Nothing except groundcover shall be planted or installed within any underground or overhead utility, drainage, gas easement, or within three feet of a fire protection system without the consent of the utility provider, easement holder, or the city, as appropriate.

(7) *Ground cover when no landscaping or site plan is required.* All areas not otherwise improved in accordance with approved site or landscaping plans shall be seeded or sodded with lawn cover, except for managed natural landscapes as defined in M.S. § 412.925. Other exceptions to this criterion may be approved by the Community Development Department as follows:

(a) Undisturbed areas containing existing viable natural vegetation which can be maintained free of foreign and noxious plant materials.

(b) Areas designated as open space or future expansion areas properly planted and maintained with prairie grass.

(c) Use of mulch materials such as bark, rock mulch over four mil poly, and wood chips in support of shrubs and foundation plantings.

(D) *Landscaping plan requirements.*

(1) Detailed landscape plans shall be required as specified in this chapter and in all cases where site plan approval is specified by either this chapter or the subdivision ordinance.

(a) The landscape plan should illustrate planned development on the site; and

(b) The landscape plan shall be produced on a separate sheet or sheets from other required plans such as grading, drainage, and utility plans.

(2) Detailed landscape plans shall include the following information:

(a) *In general.*

1. Name and address of developer/owner.
2. Name and address of architect/designer.
3. Date of plan preparation.
4. Dates and description of all revisions.
5. Name of project or development.
6. Scale of plan (engineering scale only, at one inch equals 50 feet or less).
7. North point indication.

(b) *Site analysis.*

1. Boundary lines of property with dimensions based upon certified survey.
2. Name and alignment of proposed and existing adjacent on-site streets.
3. Location of existing and proposed utility rights-of-way, easements, and lines (water, gas, electric).
4. Location of existing and proposed building.
5. Topographic contours of the minimum interval of two feet, extending at least 100 feet beyond the site boundaries.
6. Location of existing and proposed parking facilities, including curbing detail and traffic island delineators.
7. Location of existing and proposed water bodies.
8. Location of existing and proposed sidewalks, trail corridors, and fire lanes.
9. Other existing or proposed conditions which would be expected to affect landscaping.
10. Percentage of gross site area not covered by structures and pavement and percentage of gross site area covered by pervious and impervious surfaces.

(c) *Landscape data.*

1. Planting schedule (table) containing symbols, quantities, common names, botanical names, sizes of plant material, root specification (b.r., B & B, potted, etc.) and special planting instructions.
2. Existing trees and shrubbery, locations, common names, and approximate size.
3. Planting detail (show all species to scale at normal mature crown diameter or spread for local hardiness zone).
4. Typical sections in details of fences, tie walls, planter boxes, tot lots, picnic areas, berms, and the like.
5. Typical sections of landscape islands and planter beds with identification of materials used.
6. Details of planting beds and foundation plantings.
7. Note indicating how disturbed soil areas will be restored through the use of sodding, seeding, or other techniques.
8. Delineation of both sodded and seeded areas with respective areas in square feet.
9. Coverage plan for underground irrigation system, if any.
10. Exterior lighting plan (as applicable).

(E) *Standards for site landscaping.*

(1) *Purpose and intent.* Site landscaping material is intended to soften the visual impact of building foundations and provide for the even dispersal of trees across a development site.

(2) *No exceptions.* The site landscaping provisions of § [153.060](#)(H) shall be required for all development.

(3) *Distinguished from other required landscaping.* Site landscaping, for the purpose of this section, is exclusive of required perimeter buffer and screening landscaping. Plantings required to meet vehicular use area and perimeter vehicular use area landscaping standards can be counted towards meeting site landscaping requirements.

(4) *Site landscaping standards.* Site landscaping shall be supplied in the amounts identified in Table 4-4: Required Site Landscaping Plantings. Site landscaping shall meet the minimum size standards for new planting specified in § [153.060](#)(C)(2), Planting Standards.

<i>TABLE 4-4: REQUIRED SITE LANDSCAPING PLANTINGS</i>	
<i>Use Type [1]</i>	<i>Required Plantings Per Site [2][3][4]</i>

TABLE 4-4: REQUIRED SITE LANDSCAPING PLANTINGS

Use Type [1]	Required Plantings Per Site [2][3][4]
General Standards	
Single-family detached and Multi-family dwellings with less than five (5) units [5] [6]	4.0 ACI of canopy trees <u>per street frontage per unit</u> OR [7]
Multi-Family Dwellings with five (5) or more units	16.0 ACI of canopy trees (including at least 3 evergreen trees) per acre + at least 2 shrubs per each 10 feet of building perimeter, or as may be otherwise specified in the zoning district
Civic & Institutional Uses	14.0 ACI of canopy trees (including at least 2 evergreen trees) per acre + at least 1 shrubs per each 10 feet of building perimeter
Office & Commercial Uses	10.0 ACI of canopy trees (including at least 1 evergreen tree) per acre + at least 2 shrubs per each 10 feet of building perimeter
Industrial Uses	4.0 ACI of canopy trees (including at least 1 evergreen tree) per acre + at least 1 shrub per every 10 feet of a building wall facing a public right-of-way
District Specific Standards	
TN District lot standards (all plantings must be in the front or side yards, and all shrub and flower plantings must be in the front yard)	See § 153.060(J)(2)
CCD lot standards	See § 153.060(J)(3)
IBC District lot standards	See § 153.060(J)(4)
<p>NOTE: ACI = Aggregate Caliper Inches</p> <p>[1]: See Table 5-1, Uses By District.</p> <p>[2]: At least ½ of the required shrubs shall be of an evergreen variety.</p>	

[3]: Each evergreen tree meeting the minimum size standards of this section shall count as two caliper inches towards the total number of required canopy tree caliper inches.

[4]: Credits towards required landscaping are available for the retention of non-specimen trees per the provisions of § [153.61](#)(D), Tree Preservation Incentives.

[5]: Required landscaping trees shall be planted within the boulevard.

[6]: Lots in the T-N District shall not adhere to these standards, but instead to the specific standards listed in § [153.61](#)(J)(2).

[7]: Required Plantings for corner lots shall be double the listed requirements (8.0 ACI of canopy trees)

§ 153.061 TREE PROTECTION.

(A) *Purpose.* The purpose of this section is to preserve existing natural resources of the community and to encourage the greening of the city. The City Council finds that the preservation of trees and other vegetation, where practicable, is in the best interest of city residents' health and welfare. To that end, the City Council has found it necessary and desirable to establish regulations to ensure the city preserves its most significant trees and clusters of exiting trees throughout the city.

(B) *Protection of specimen trees.*

(1) *Applicability.*

(a) *In general.* All development in the city, except that exempted in accordance with § [153.061](#)(B)(1)(b) below, shall be required to protect specimen trees in accordance with this section.

(b) *Exemptions.* The following development shall be exempt from these standards:

1. Development on land within the CCD zoning district ~~and all other commercially and industrially zoned properties;~~

2. Development on land containing an existing single-family detached residential dwelling on a lot-of-record which cannot be further subdivided.

(2) *Separate plan required.* ~~The location, species, and size of all specimen trees to be retained in accordance with this section shall be depicted on a separate inventory and protection plan clearly depicting all required information.~~ Every significant tree on the property where the permit is being applied for shall be inventoried and tagged with a unique identification number. This number will be used to depict the tree locations on a map at the

same scale as the grading plan. The unique identification numbers shall be keyed to a chart showing location, species, condition, size (DBH), and critical root zone (CRZ) of every significant tree on the property. Total DBH inches of all inventoried trees shall be tallied and provided on the chart. In addition to trees on said property, significant trees on adjacent property which have CRZs overlapping onto said property must be inventoried. The chart and map shall specify which trees are to be removed or preserved and reasoning for the decision. The map shall be provided as both a separate sheet and as an overlay atop the grading plan. Special considerations and preservation measures for trees to be preserved shall be described in the tree preservation plan and depicted on both versions of the map. All significant trees shall be noted.

(a) Woodland Preservation - Significant trees to be preserved in areas meeting the definition of "woodland" shall be exempt from inventory requirements except where removal is proposed in which case specimen trees shall be inventoried as described above, as well as any significant trees whose CRZ will be impacted by development. If more than 50% of the total area of woodland is to be cleared, specimen and significant trees shall be replaced according to the guidelines set forth in § 153.061 (B)(5) Replacement trees required.

(3) *General requirement.*

(a) No specimen tree may be removed, and no more than 50% of the total significant tree DBH inches inventoried shall be removed for residential developments, and no more than 75% for commercial or industrial developments, except in accordance with § 153.061(B)(4), Removal of a Specimen Tree ("specimen tree" is defined in § 153.012). Removal of a specimen tree or significant tree shall be subject to the following requirements ("specimen tree" and "significant tree" is defined in § 153.012).

(b) All specimen trees and significant trees shall have the following protections, whether located on public or private land:

1. *Cutting, removal, or harm prohibited.* Specimen trees and significant trees shall not be cut, removed, pushed over, killed, or otherwise harmed.

2. *Paving or soil compaction prohibited.* The area within the dripline of any specimen tree and significant trees shall not be subject to paving or soil compaction greater than 10% of the total area within the dripline, or within 12 feet of the tree trunk.

(4) *Removal of a specimen tree or significant tree.* Specimen trees and significant trees may be removed if the landowner demonstrates to the Community Development Department that one of the following sets of conditions is met:

(a) *Removal of a healthy specimen tree or significant tree beyond the allowable removal allotment.* A specimen tree or significant tree that is in healthy condition may only be removed if ~~all~~either of the following standards are met:

1. The specimen tree or significant tree prevents development of a lot platted prior to the effective date of this chapter as denoted in § 153.004 in a way that limits building area to less than otherwise allowed, or hinders compliance with the standards in §§ 153.040 through 153.047, §§ 153.060 through 153.072, and §§ 153.090 through 153.093.

2. Mitigation is provided in accordance with § 153.061(B)(5), Replacement/Mitigation of Specimen Trees and Significant Trees. Such mitigation shall be counted toward the landscaping and screening requirements required by this ordinance for the development.

(b) *Removal of a severely diseased, high risk, or dying specimen tree or significant tree.* A specimen tree or significant tree that is certified as being severely diseased, high risk, or dying by ~~a certified arborist~~ an ISA Certified Arborist® may be removed without required mitigation.

(5) *Replacement/mitigation of specimen trees and significant trees.* Those causing the destruction or removal of a healthy specimen tree or significant tree, unless exempted by this chapter, shall be responsible for the following mitigation:

(a) *Replacement trees required.*

1. Each healthy specimen tree or significant tree removed or destroyed shall be replaced ~~with three or more replacement trees equaling or exceeding a total of 18 aggregate caliper inches~~ at a rate of 1:1 aggregate caliper inch (ACI) to removed DBH inches, e.g. removal of a 24" DBH tree shall require planting of 12 x 2" caliper trees. All plantings shall be done in accordance with the standards established in § 153.060 LANDSCAPING AND SCREENING of the City of Monticello municipal code of ordinances. In cases where the ACI figure includes a fraction, an applicant may follow the guidelines in section 153.06(C)(2)(e).

2. The required replacement trees shall be planted within 12 months of the removal or destruction of the specimen tree.

3. Boulevard trees removed or destroyed shall be replaced at a 1:1 ratio (one new tree for each tree removed) due to planting space restrictions. If replanting sites available are found to violate the standards for boulevard tree plantings set forth in the Tree Manual or are otherwise unsuitable, alternative plantings sites may be required. Planting in a location where a stump was recently removed should be avoided, if possible. Pending approval by the City Forester replanting requirements may be substituted with the payment of a fee equivalent to the replanting cost of trees and labor, to be paid to the City Shade Tree Fund.

(b) *Location of replacement trees.* Replacement trees shall be either planted on the parcel of land from which the specimen tree was removed if sufficient space is available, or placed on

nearby lands in accordance with § [153.060\(E\)](#), Alternative Landscape Plan. If soil quality is determined to be non-conductive to tree root development by the City Forester, soil replacement or improvement measures may be required. Pending approval by the City Forester, replanting requirements may be substituted with the payment of a fee equivalent to the replanting cost of trees and labor, to be paid to the City Shade Tree Fund.

(c) *Establishment period.* Replacement trees shall be maintained through an establishment period of at least two complete growing seasons. The applicant shall guarantee the survival and health of all replacement trees during the establishment period and guarantee any associated replacement costs. If the replacement trees do not survive the establishment period, the applicant shall purchase and install new replacement trees.

(C) *Tree protection during construction.*

(1) *Owner's responsibility.* During development, the owner or developer shall be responsible for the erection of any and all barriers necessary to protect any existing or installed vegetation from damage both during and after construction.

(2) *Tree protection fencing and tree save areas.*

(a) *Where required.* Specimen trees, significant trees, and other existing trees being used for credit towards landscaping requirements shall be fenced with a sturdy and visible fence before grading or other development activity begins. Fencing shall be erected no closer than one linear foot to the tree's dripline or CRZ. The Community Development Department shall consider the existing site conditions in determining the exact location for tree protection fencing. Areas located inside of tree protection fencing are considered "tree save areas".

(b) *Inspection.* All tree protection measures shall be inspected and approved by the city prior to start of any land disturbing activities. Failure to have tree protection measures approved prior to the commencement of construction is a violation of this chapter.

(c) *When required.* No construction, grading, equipment or material storage, or any other activity shall be allowed within the tree save (fenced) area without the approval of an ISA Certified Arborist® or the City Forester. Fencing shall be maintained until after the final site inspection.

(3) *Encroachments into tree save areas.* Encroachments into specimen tree save areas shall occur only when no other alternative exists. If such an encroachment is anticipated, the following preventive measures shall be employed with the approval of an ISA Certified Arborist® or the City Forester:

(a) *Soil compaction.* Where compaction might occur due to construction traffic or materials delivery through a tree save area, the area must first be mulched with a minimum

four inch layer of wood chips. Equipment or materials storage shall not be allowed within a tree save area.

(b) *Fill.* No fill shall be placed within a specimen tree save area without adequate venting to allow air and water to reach the roots.

(c) *Chemical contamination.* Trees located within a specimen tree save area shall be protected from chemical contamination from liquids or other materials, including but not limited to paint, chemical solvents, gasoline, oil, diesel fuel, hydraulic fluid, concrete spoils, or rinse water from vehicle cleaning, including rinsing of concrete truck tanks and chutes.

(d) *Paving limitations.* Except for driveway access points, sidewalks, curb, and gutter; no paving shall occur within five feet of a specimen tree save area unless authorized through an alternative landscaping plan [See § [153.060](#)(E), Alternative Landscaping Plan].

(D) *Tree preservation incentives.*

(1) *Tree preservation credits.* In order to encourage the preservation of as many healthy trees as practical on a development site, credit towards the minimum landscaping requirements shall be applied to all existing trees retained on a site that are not specimen trees that comply with the credit standards of this division. Credits are offered only for trees that are not required to be retained by other sections of this chapter. Credits shall be granted in accordance with the following standards:

(a) *Credit amount.* A credit of one-and-one-quarter multiplied by the aggregate caliper of trees that are not specimen trees shall be credited and applied towards the landscaping standards in § [153.060](#), Landscaping and Screening, when the trees that are saved comply with the following minimum size standards:

1. *Canopy trees.* Canopy trees, whether deciduous or evergreen, of seven inches in caliper or greater, measured six inches above ground level.

2. *Understory/ornamental trees.* Understory or ornamental trees, whether deciduous or evergreen, of four inches in caliper or greater, measured four inches above ground level.

(b) *Credit applied towards required plantings.* The credit shall be applied to the aggregate tree caliper inch standards for landscaping. In no case shall credits substitute for more than 75% of the required landscaping material.

(c) *Exclusions to credit provisions.* Dead, dying or diseased trees shall not be used towards crediting.

(2) *Reduction in the minimum number of required parking spaces.* Up to a 5% reduction in the number of off-street parking spaces required on a development site shall be allowed if the reduction in the amount of required pavement will preserve the root zones of existing healthy

specimen trees. The amount of reduction can be determined only after taking into consideration any unique site conditions and the impact of the reduction on parking needs for the use, and must be agreed upon by both the applicant and the Community Development Department. Alternative paving materials may be required by the Community Development Department in cases where required parking areas encroach upon root zones.

SECTION 4. The City Clerk is hereby directed to make the changes required by this Ordinance as part of the Official Monticello City Code, Title IX, Chapter 92 Property Maintenance, Title XV, Chapter 152, Subdivision Ordinance, Title XV, Chapter 153, Zoning Ordinance, and to renumber the tables and chapters accordingly as necessary to provide the intended effect of this Ordinance. The City Clerk is further directed to make necessary corrections to any internal citations that result from said renumbering process, provided that such changes retain the purpose and intent of the Zoning Ordinance as has been adopted.

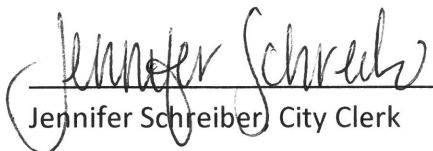
SECTION 5. This Ordinance shall take effect and be in full force from and after its passage and publication. The ordinance in its entirety and map shall be posted on the City website after publication. Copies of the complete Ordinance and map are available online and at Monticello City Hall.

Adopted by Monticello City Council the 28th day of April, 2025.



Lloyd Hilgart, Mayor

ATTEST:



Jennifer Schreiber, City Clerk

AYES: Gabler, Hilgart, Hinz, and Martie

NAYS: Christianson