

**CITY OF CHANHASSEN
CARVER AND HENNEPIN COUNTIES, MINNESOTA**

ORDINANCE NO. 667

**AN ORDINANCE AMENDING CHAPTER 18, SUBDIVISIONS, AND CHAPTER 20,
ZONING, OF THE CHANHASSEN CITY CODE**

**THE CITY COUNCIL OF THE CITY OF CHANHASSEN, MINNESOTA
ORDAINS:**

Section 1. Section 18-37(c) of the Chanhassen City Code is amended to read as follows:

(c) Upon approval of an administrative or metes and bounds subdivision, the city shall notify the applicant of the approval and within 120 days thereafter the applicant or the city attorney shall file the documents with the county recorder and furnish the city evidence of such recording. Failure to comply shall be cause for revoking the city's approval, unless a request for an extension is submitted in writing and approved by the City Council.

Section 2. Section 18-41(e) of the Chanhassen City Code is amended to read as follows:

(e) Upon approval of the final plat by the City Council, the city shall notify the applicant of the approval and within 120 days thereafter, the applicant or the city attorney shall file the final plat with the county recorder and furnish the city evidence of such recording. Failure of the applicant to comply shall be cause for revoking the city's approval, unless a request for an extension is submitted in writing and approved by the City Council.

Section 3. Section 18-61(d)(2) of the Chanhassen City Code is amended to read as follows:

- (2) Prior to the submittal of development plans, a tree survey of the site shall be prepared by a registered landscape architect, licensed forester, or other professional approved by the city. The tree survey shall reflect conditions on site at the time of submittal, or shall have been reviewed and updated no more than two years prior to the submittal date. This survey shall include the species, DBH size, condition, location of all trees over ten inches in diameter and any damaged or diseased trees on site. All significant special, damaged or diseased trees shall be tagged and identified by number on the survey. A delineation of the existing canopy coverage area(s) which outlines all areas covered by tree canopy shall be included as part of the survey. Additionally, all damaged and diseased trees shall be cataloged with the nature and extent of any damage or disease specified.
 - a. Based on this survey and either site observation and measurement or a current aerial photograph (taken within one year of the date of plan submittal) interpretation, the following shall be calculated:
 1. Base line canopy coverage.
 2. Minimum canopy coverage requirements.

- b. The following table shall be used to determine the minimum amount of canopy coverage that must be maintained or provided on-site as part of the development. It shall represent the minimum canopy coverage, consisting of existing tree canopy and/or additional trees required for the site. Existing wetland areas, bluff areas, and dedicated park land located on site shall be excluded from the calculation of site area in the determination of site coverage. If a forested area is to be dedicated to the city for park land, then this area shall not be included in the base line canopy coverage area calculation nor shall it count towards the minimum canopy coverage for the site.

Comprehensive Plan Designation	Base Line Canopy Coverage Per Acre				
	80-100%	60-79%	40-59%	20-39%	19% or less
Commercial/Industrial/Institutional	28%	25%	20%	14%	10%
High Density Residential	35%	30%	25%	20%	15%
Medium Density Residential	40%	35%	30%	25%	20%
Low Density Residential	55%	46%	35%	30%	25%
Large Lot Residential	68%	56%	43%	35%	25%

Base line canopy coverage is the canopy coverage existing at the time the development application is filed with the city. Minimum canopy coverage is determined by using the matrix.

- c. Priority shall be given to retaining stands of trees and undisturbed wooded lands over individual specimen trees that will be incorporated into the development. No more than ten percent of the canopy retention requirement may be met by an individual tree that is not included within a designated woodland area.
- d. For developments that do not meet the minimum canopy coverage, the developer shall be required to develop a forestation plan to bring the total canopy coverage up to the minimum requirement. Where existing woodlands are removed or there is a loss of trees that would otherwise be used to meet the canopy coverage retention requirement, the developer shall develop a woodland replacement plan. The replacement plan must designate an area at least one and two-tenths (1.2) times the removed canopy coverage area that shall be planted with replacement trees for those removed. These plans shall locate additional trees either as a continuation of existing stands of trees that are to be preserved or create new stands of trees in desirable locations such as along roadway corridors, on the north and west perimeters of the development, in common open areas, or adjacent to park facilities.
- e. The following criteria shall be followed in establishing minimum canopy coverage:
1. When planting trees, one tree shall be deemed to provide 1,089 square feet of required canopy coverage;

2. Trees must be from the approved list of desirable species (preference given for trees designated as native);
3. No more than ten percent of the trees may be from any one tree species, no more than 20 percent of the trees may be from any one genus, and no more than 30 percent of trees from any one family;
4. Over-story trees shall be at least 2½-inch caliper and understory trees shall be a minimum of 1½-inch caliper;
5. Conifer trees shall be a minimum of six feet in height;
6. Plant materials used for the reforestation shall be of a similar species as vegetation found on-site;
7. Trees shall be used that are appropriate to the soil conditions found on site;
8. Trees shall be from certified nursery stock as defined and controlled by M.S. §§ 18.44 through 18.61, the Plant Pest Act; and
9. Not less than 75 percent of the total trees required shall be over story species.

Section 4. Section 20-641 of the Chanhassen City Code is amended to read as follows:

Sec. 20-641. – Intent.

The intent of the "RLM" District is to provide for single-family attached or detached residential development on land guided residential-low or medium density in the city's Comprehensive Plan. The "RLM" District is intended to be used where large areas of upland will be preserved or created as permanent open space to balance the higher lot coverage permitted on individual lots.

Section 5. Section 20-651 of the Chanhassen City Code is amended to read as follows:

Sec. 20-651. – Intent.

The intent of the "R-8" District is to provide for single-family attached and multifamily residential development at a maximum net density of eight dwelling units per acre.

Section 6. Section 20-672 of the Chanhassen City Code is amended to read as follows:

Sec. 20-672. - Permitted Uses.

The following uses are permitted in an "R-12" District:

- (1) Townhouses and multifamily dwellings.
- (2) Public and private parks and open space.
- (3) Utility services.
- (4) Antennas as regulated by article XXX of this chapter.
- (5) Adult daycare, subject to the requirements of section 20-966.
- (6) Continuing care retirement facility, subject to the requirements of section 20-965.

Section 7. Section 20-675 of the Chanhassen City Code is amended to read as follows:

Sec. 20-675. - Lot requirements and setbacks.

The following minimum requirements shall be observed in an "R-12" District subject to additional requirements, exceptions and modifications set forth in this chapter:

- (1) The minimum lot area is as follows:
 - a. For a townhouse or multifamily dwelling, 3,600 square feet per dwelling unit.
- (2) The minimum lot frontage is as follows:
 - a. If a townhouse or multifamily project is located on the lot, 150 feet.
- (3) The minimum lot depth is 155 feet.
- (4) The maximum lot coverage is 35 percent.
- (5) The setbacks are as follows:
 - a. For front yards, 25 feet.
 - b. For rear yards, 25 feet.
 - c. For side yards, ten feet.
- (6) The maximum height is as follows:
 - a. For the principal structure, three stories/35 feet.
 - b. For accessory structures, one story/15 feet.

Section 8. Section 20-1183(a)(3) of the Chanhassen City Code is amended to read as follows:

- (3) *Plants.* All plant materials shall be living plants; artificial plants are prohibited. Plant materials shall meet the following requirements:
 - a. *Deciduous trees.* Shall be species having an average crown spread of greater than 15 feet and having trunk(s) which can be maintained with over five feet of clear wood in areas which have visibility requirements, except at vehicular use area intersections where an eight-foot clear wood requirement will control. Trees having an average mature spread of crown less than 15 feet may be substituted by grouping of the same so as to create the equivalent of a 15-foot crown spread. A minimum of ten feet overall height or minimum caliper (trunk diameter, measured six inches above ground for trees up to four inches caliper) of at least two and one-half inches immediately after planting shall be required. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be placed closer than 15 feet to such public works, unless the tree root system is completely contained within a barrier for which the minimum interior containing dimensions shall be five feet square and five feet deep and for which the construction requirements shall be four inches thick, reinforced concrete.
 - b. *Evergreen trees.* Evergreen trees shall be a minimum of six feet high with a minimum caliper of one and one-half inches when planted when counted as an understory tree. Over story evergreens shall be a minimum of eight feet high.
 - c. *Tree Diversity.* No more than ten percent of the trees may be from any one tree species, no more than 20 percent of the trees may be from any one genus, and no more than 30 percent of trees from any one family.

- d. *Shrubs and hedges.* Deciduous shrubs shall be at least two feet in average height when planted, and shall conform to the opacity and other requirements within four years after planting. Evergreen shrubs shall be at least two feet in average height and two feet in diameter.
- e. *Vines.* Vines shall be at least 12 inches high at planting, and are generally used in conjunction with walls or fences.
- f. *Grass or ground cover.* Grass shall be planted in species normally grown as permanent lawns, and may be sodded, plugged, sprigged, or seeded; except in swales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used, nurse-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover such as organic material shall be planted in such a manner as to present a finished appearance and 75 percent of complete coverage after two complete growing seasons, with a maximum of 15 inches on center. In certain cases, ground cover also may consist of rocks, pebbles, sand and similar materials if approved by the city.

Section 9. This ordinance shall be effective immediately upon its passage and publication.

PASSED AND ADOPTED this 22nd day of March, 2021 by the City Council of the City of Chanhassen, Minnesota

Laurie Hokkanen, City Manager

Elise Ryan, Mayor

(Summary Ordinance 667 published in the Chanhassen *Villager* on April 1, 2021)