

1. 1. Environmental Commission Agenda

Documents:

[1. JUNE 29, 2020 ENVIRONMENTAL COMMISSON AGENDA.PDF](#)

2. 2. 5-27-2020 Meeting Minutes

Documents:

[2. 2020.05.27 MEETING MINUTES.PDF](#)

3. 3A. Potential Amendments To Chapter 31 Tall Grass And Weed Grass

Documents:

[3A. MEMO - POTENTIAL ORDINANCE AMENDMENTS WITH ATTACHMENTS.PDF](#)

A. 3B. Tools To Promote Pollinators And Natural Landscapes

Documents:

[3B. MEMO - TOOLS TO PROMOTE NATURAL LANDSCAPES AND POLLINATOR GARDENS.PDF](#)



## ENVIRONMENTAL COMMISSION AGENDA

*Minn. Stat. § 13D.021 provides that a meeting of a public body may be conducted via telephone or other electronic means if meeting in a public location is not practical or prudent because of a health pandemic or declared emergency. Due to the declared health pandemic, this meeting of the Environmental Commission will be held through electronic means, rather than in-person.*

*You may participate in this meeting by joining the following videoconference or by calling the following telephone number at the scheduled date and time of the meeting:*

1. *Via Videoconference: <https://us02web.zoom.us/j/85057972848>  
(Note: Your computer should have a camera and a microphone. However, if you do not have a microphone and camera, you can still view the meeting on your computer and participate in the conversation via a telephone.*
2. *Via Telephone: 1-312-626-6799, meeting ID: **85057972848#** (Note: You may need to enter # twice.)*

**MONDAY, JUNE 29, 2020**

**6:00 PM**

1. Call to Order / Roll Call
2. Approve May 27, 2020 Minutes
3. Reports / Presentations
  - A. Potential Amendments to Chapter 31 Tall Grass and Weed Regulation and Potential Elimination of the Natural Landscape Permit and Fee
  - B. Tools to Promote Pollinators and Natural Landscapes
4. Routine Business
  - A. Agenda Items for July 27 Meeting
  - B. Announcements
5. Adjourn

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*Please contact the Department of Community and Economic Development at 507-334-0100 if you need special accommodations to participate in this meeting.*



## ENVIRONMENTAL COMMISSION MEETING MINUTES

*Minn. Stat. § 13D.021 provides that a meeting of a public body may be conducted via telephone or other electronic means if meeting in a public location is not practical or prudent because of a health pandemic or declared emergency. Due to the declared health pandemic, this meeting of the Environmental Commission will be held through electronic means, rather than in-person.*

**WEDNESDAY, MAY 27, 2020**

**6:00 PM**

### 1. Call to Order / Roll Call.

Chair, Roger Steinkamp called the meeting to order at 6:01 p.m.

Roll Call:

Present: Chuck Ackman, Dan Behrens, Tom Boevers, Cynthia Diessner, Emily Nesvold, Roger Steinkamp.

Not Present: Richard Huston

Others present: Lisa Reuevers, GROWS; Steve Pahs RC SWCD and Liz Hartman

### 2. Approve April 27, 2020 Minutes.

A motion was made by Ackman to approve the minutes of April 27, 2020 and seconded by Nesvold.

Roll Call:

Aye: Chuck Ackman, Dan Behrens, Tom Boevers, Cynthia Diessner, Emily Nesvold, Roger Steinkamp.

Nay: None.

### 3. Reports / Presentations

Presentations from Pollinator Organizations / Activists were given by GROWS – Emily Nesvold, Master Gardener – Lisa Reuevers and Rice County Soil and Water Conservation District – Steve Pahs.

During the presentations, many of the existing and planned pollinator gardens were identified throughout the city. Wanberg did mention that Paul Peanasky, Park and Recreation Coordinator, did offer that there is a lot of land on the east side of

the bridge off 2<sup>nd</sup> Avenue between the where the two dams come together that could also be used as a pollinator garden. Wanberg also mentioned that Peanasky is also considering a pollinator garden at new Meadows park.

Nesvold stated during her presentation that they designated April as Pollinator Month; however, their festivities surrounding this were canceled due to COVID-19 restrictions and plan to hold the same festivities for 2021. They typically have a plant sale for which the proceeds then go to buying trees.

Lisa Reuvers is a Master Gardner and is capable of teaching classes on pollination among other things.

Steve Pahs talked about some of the projects around the City. The RCSWCF offers 48 plant flats which contain 12 species of four different plants for \$60. These plants are capable of having blossoms in early, mid and late summer for pollination. They have other mixes of plant flats that also assist with the butterflies. Their plants come from the Ramsey County Correctional Facility.

As for the discussion surrounding the existing resolutions and ordinances, the board felt that the need to take a very close look at how they would like to make the necessary changes to accommodate adding in language to assist in bettering our environment. The conclusion was to stress on the Natural Landscaping Ordinance and that be a subject for our next meeting.

#### 4. Routine Business

##### A. Follow-up on Meeting Protocols.

This was discussed and will be followed in a friendly manner.

##### B. Creation of Committees.

This was discouraged due to the size of the group.

##### C. Agenda Items for June 29 Meeting.

Will focus on the Natural Landscaping Ordinance in particular what we intend on recommending to enforce. Some people are being fined for having natural landscaping but there are others that just choose not to mow their lawns. Tom Boevers would like to target specific areas in the community to recommend changed such as Alexander Park and along the river. Wanberg mentioned there is a buffer but when the natural grasses were too big the City received too many complaints of the overgrowth and narrowed it.

#### 5. **Adjournment (majority vote by roll call)**

A motion was made by Nesvold and seconded by Behrens to adjourn. Meeting adjourned at 7:53 p.m.

Roll Call Vote:

Aye: Chuck Ackman, Dan Behrens, Tom Boevers, Cynthia Diessner, Emily Nesvold, Roger Steinkamp

Nay: N/A

Respectfully submitted,

Dated: May 27, 2020

By: \_\_\_\_\_  
Kari Casper, Recording Secretary



## Environmental Commission Memorandum

**TO:** Environmental Commission  
**THROUGH:** Deanna Kuennen, Community & Economic Development Director  
**FROM:** David Wanberg, City Planner  
**MEETING DATE:** June 29, 2020  
**SUBJECT:** Potential Amendments to Chapter 31 Tall Grass and Weed Regulation and Potential Elimination of the Natural Landscape Permit and Fee

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### **Background:**

At its May 27 meeting, the Environmental Commission expressed that the natural landscape permit provisions in Chapter 31 of the City Code of Ordinances and the required City fee to acquire a natural landscape permit unnecessarily discourage property owners from installing natural landscapes (more specifically, pollinator plants) in the city. In response, this memo provides an overview of pollinator ordinances in other communities. It also provides a draft of potential ordinance revisions that may address the Environmental Commission's concerns.

### **North Mankato Survey of Pollinator Ordinances in Minnesota**

The City of North Mankato recently surveyed Minnesota cities to learn how they regulate pollinator gardens. Thirteen cities responded to the survey. The following summarizes the major findings:

1. Does your city limit the height of grass and weeds? All respondents indicated that their city limits the height of grasses and weeds. The allowable height of grasses varied from six inches to 12 inches. *Faribault limits grass and weeds to eight inches.*
2. Are pollinator gardens allowed in residential districts? Only one community responded that pollinator gardens are not allowed in residential districts. *Faribault has not prevented pollinator gardens in the city.*

3. Are there regulations related to the size of pollinator gardens? Eleven respondents stated that their city has no size regulations related to pollinator gardens. One city limits the size of a pollinator garden (or natural landscape) to 50 percent of the property area. Another city requires a pollinator garden (or a natural landscape) to have a minimum of five acres. *Faribault has not regulated the size of pollinator gardens.*
4. Are there setback regulations for pollinator gardens? Eleven respondents indicated that their city did not have specific setback requirements, but that vegetation cannot violate sight triangle ordinances. One city requires a 20-50 foot buffer from property lines. Another city requires an opaque fence in specified areas. *Faribault has not required a permit for a pollinator garden. Therefore, Faribault has not applied setback regulations to pollinator gardens. However, the natural landscape ordinance does require setbacks. The City has not proactively required pollinator gardens to have a natural landscape permit.*
5. Does the city require an application or permit for a pollinator garden? Ten respondents stated that their city does not require a permit for a pollinator garden. Three cities require a permit for a pollinator garden. *Faribault does not require a permit for a pollinator. Faribault has not proactively required pollinator gardens to have a natural landscape permit.*
6. Does your city require a maintenance plan for pollinator gardens? Of the three cities that require a permit for a pollinator garden, two cities indicated that they require a maintenance plan as a condition of permit approval. *Faribault has not required a permit for a pollinator garden. Therefore, Faribault has not required a maintenance plan.*
7. Does your city have a list of acceptable pollinator plants? Nine respondents indicated that their city provides no information on pollinator plants. Four cities indicated that they provide information on pollinator plants. *Faribault provides the public with brochures related to pollinator plants. However, the ordinance does not list acceptable pollinator plants.*

In short, like many communities, Faribault's ordinance does not specifically address pollinator gardens. However, like many communities, Faribault has allowed the installation of pollinator gardens without a permit.

## Potential Amendments to Chapter 31 of the Faribault Code of Ordinances

One could argue that Chapter 31 of Faribault's ordinance requires that a pollinator garden with native plants must have a natural landscape permit. Nevertheless, the City Planner believes the intent of Chapter 31 is to require property owners to maintain their turf grass so that it does not exceed eight inches in height. In other words, the City Planner believes the requirement for a natural landscape permit is primarily a tool to help enforce the nuisance ordinance related to unmaintained lawns.

The Environmental Commission may want to consider one of the following approaches related to Chapter 31:

1. Lessen the requirements to obtain a natural landscape permit. Amend Section 31.5 of the ordinance to make it easier to obtain a natural landscape permit. The current ordinance requires the Applicant to provide detailed information about each plant species, including the maintenance of the plants. In addition, the ordinance limits the permit to five years. The City's ordinance does not require this level of detail for conventional landscapes. If the City wishes to require a natural landscape permit, it may want to remove some of these requirements.
2. Maintain ordinance language related to natural landscapes, but eliminate the requirement for a permit. The City could amend Section 31.5 to eliminate the need for a natural landscape permit, but continue to have some language in the ordinance related to natural landscapes. The City could also amend the ordinance to make the City Planner (not the Chief of Police) the responsible party for addressing natural landscape issues. The City may want to consider an ordinance similar to Minneapolis (see attached).
3. Eliminate Section 31.5. The City could eliminate Section 31.5 and make some minor clarifications to other sections of the ordinance (see attached). This approach treats natural landscapes the same as any other landscape.

### The Fee for Natural Landscape Permit

A natural landscape permit fee in Faribault costs \$150. There is also an annual renewal fee of \$25. The Environmental Commission noted that these required fees might discourage property owners from installing natural landscapes (including pollinator plantings). The City is in the beginning stages of preparing the 2021 Fee Schedule. The City Planner submitted a request to eliminate all fees associated with a natural landscape permit.

**Requested Action:**

Provide the City Planner with feedback regarding potential ordinance amendments related to natural landscapes (and pollinator gardens).

**Attachments:**

- Minneapolis Ordinance
- Potential Revisions to Chapter 31 of the Faribault Code of Ordinances

2011-Or-\_\_

**AN ORDINANCE  
of the  
CITY OF  
MINNEAPOLIS**

**By Gordon**

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**Amending Title 11, Chapter 227 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Nuisances Generally.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 227.90 of the above-entitled ordinance be amended to read as follows:

**227.90. Offensive conditions and vegetation declared.** *(a) In general.* No owner, agent or occupant of any privately owned lands or premises shall place upon, or permit upon the owner's premises any noxious weeds as are defined in Minnesota Statutes or Minnesota Rules, dirt or rubbish, or any swill, offal, garbage (except in authorized containers), ashes, barnyard litter, manure, yard cleanings, dead animals, inoperable vehicle as defined in the Zoning Code, or any other foul or unhealthy material, or any other condition on said premises, in such a manner as to constitute a nuisance. Except as part of a managed natural landscape as defined in this section, ~~A~~ny weeds or grass growing upon any lot or parcel of land in the city to a greater height than eight (8) inches or which have gone or are about to go to seed are hereby declared to be a nuisance condition and dangerous to the health, safety and good order of the city. ~~Exception:~~ Ground cover planted and maintained above earth-sheltered buildings need not comply with the height limitation of this section; however, such ground cover shall not contain noxious weeds. Fallen trees, fallen tree limbs, dead trees, dead tree limbs, which in the opinion of the director of inspections constitute a health, safety or fire hazard, are declared to be a nuisance condition. Further, when in the opinion of the director of inspections, trees, brush and plant growth, which due to location and manner of growth constitute a hazard to the public or may cause injury or damage to persons or property when such growth is in violation of sections 244.1580 or 427.280 shall also constitute a nuisance condition.

(b) Right to install and maintain a managed natural landscape. An owner, authorized agent, or authorized occupant of any privately owned lands or premises may, consistent with this subsection and all other applicable laws, statutes, rules and ordinances, install and maintain a managed natural landscape.

(1) Definitions.

Managed natural landscape means a planned, intentional and maintained planting of native or non-native grasses, wildflowers, forbs, ferns, shrubs or trees, including but not limited to rain gardens, meadow vegetation, and ornamental plantings.

Meadow vegetation means grasses and flowering broad-leaf plants that are native to, or adapted to, the State of Minnesota, and that are commonly found in meadow and prairie plant communities, not including noxious weeds.

Noxious weed shall have the meaning assigned by Minnesota Statutes, Section 18.77, Subd. 8.

Ornamental plants means grasses, perennials, annuals and groundcovers purposefully planted for aesthetic reasons.

Rain garden means a native plant garden that is designed not only to aesthetically improve properties, but also to reduce the amount of stormwater and accompanying pollutants from entering streams, lakes and rivers.

Turf-grass lawn means a lawn comprised mostly of grasses commonly used in regularly cut lawns or play areas (such as but not limited to bluegrass, fescue, and ryegrass blends), intended to be maintained at a height of no more than (8) inches.

(2) Findings. The city council finds that the installation and maintenance of managed natural landscapes is beneficial to the city's environment and its residents and serves to further adopted city goals in that managed natural landscapes require fewer potentially harmful and costly inputs, improve stormwater retention, increase water quality and biodiversity, reduce greenhouse gas emissions, and provide habitat for wildlife such as birds, butterflies and other beneficial insects and species.

(3) Requirements.

a. Managed natural landscapes may include plants and grasses in excess of eight (8) inches in height and which have gone to seed, but may not include any noxious weeds and must be maintained so as to not include unintended vegetation.

- b. Managed natural landscapes may not include any plantings, which due to location and manner of growth constitute a hazard to the public or may cause injury or damage to persons or property when such growth is in violation of sections 244.1580 or 427.280.
- c. Managed natural landscapes shall not include turf-grass lawns left unattended for the purpose of returning to a natural state.

## Chapter 31 - TALL GRASS AND WEED REGULATION

### Sec. 31-1. - Legislative intent.

It is declared to be the purpose and intent of this chapter to protect and preserve the city's neighborhoods and the public health, safety and welfare of those who live there. The city council determines that keeping the city free of ~~tall turf~~ grass over eight inches in height and noxious weeds improves the quality of life of all residents by improving aesthetics, by eliminating harbor for rodents and insects, and by eliminating fire hazards. ~~At the same time, the city council recognizes that requiring the mowing of grasses and noxious weeds is sometimes unreasonable or impractical under certain circumstances.~~

The city council also determines that a variety of properly maintained landscaping treatments adds diversity and richness to the quality of life, and does not want to discourage the preservation, restoration and maintenance of diverse biologically stable natural plant communities or environmentally sound practices. The city council finds that the establishment of prairie, naturalistic and meadow plant communities are acceptable landscape treatments. However, as a protection for the larger community, these types of landscaping treatments must be properly planned, managed and maintained, ~~and the length of transition period must be minimized~~ or they are likely to cause a public nuisance.

(Ord. No. 2009-21, § 2, 12-22-09)

### Sec. 31-2. - Definitions.

For purposes of this chapter, the following words, terms and phrases shall have the following meanings respectively ascribed to them in this section:

*Buffer or buffer strip.* A management area used to separate differing landscapes and land uses in order to minimize the impact from adjacent land uses.

*Landscaping.* The encouragement of selected plants to grow on a site.

*Meadow vegetation.* Grasses and flowering broad-leaf plants that are native to, or adapted to, the State of Minnesota, and that are commonly found in meadow and prairie plant communities, with the exception of weeds.

*Native grasses.* Grasses that existed in the area prior to European settlement (Beach Grass, Wood Chess Grass, Sand Reed Grass, Wheat Grass, Bluestem Grass, Grama Grass, Brome Grass, Buffalo Grass, Switch Grass, Indian Grass, Wild Rye).

*Native plants.* Plants that existed in the area prior to European settlement.

*Natural landscaping.* The use of groups of native plants.

*Naturalistic landscaping.* The use of native and non-native plants.

*Natural preserve.* A natural undisturbed area designated by the city council where the land and vegetation appears to not have been graded, landscaped or otherwise disturbed by human or mechanical means in recent time.

*Noxious weeds.* Plants designated by the commissioner of agriculture as "noxious weeds" pursuant to Minnesota Statutes Section 18.77, subdivision 8.

*Prairie.* A plant community dominated by a diversity of native perennial herbaceous plants and grasses.

*Temporary erosion control grasses.* Grasses (winter wheat, oats, annual rye or regreen) that are used as single growing season cover or nurse crops to assist in the establishment of permanent vegetation.

*Transitional period.* The amount of time needed to change from one type of landscaping to another. A transitional period must not extend beyond three (3) growing seasons for any specific area.

*Turf grass.* Grass commonly used in regularly cut and maintained lawns or play areas (including, but not limited to, bluegrass, fescue, and ryegrass blends) intended to be maintained at a height of no more than eight (8) inches.

*Weeds.* All noxious weeds and any undesirable or troublesome plant that is horticulturally out of place, especially plants that grow profusely where they are not wanted. For the purposes of this chapter, Taraxacum spp (common dandelion) is not considered to be a weed.

*Wetlands.* Lands that are transitional between terrestrial and aquatic systems where the water table is near the surface. The boundary of wetlands, for purposes of this chapter, shall be determined according to the U.S. Army Corps of Engineers Wetland Delineation Manual (1987).

(Ord. No. 2009-21, § 2, 12-22-09)

Sec. 31-3. - Nuisance declared.

It shall be unlawful and a public nuisance for any person having control over any property in the city to permit or maintain on such property any:

- (1) Noxious weeds; or
- (2) Growth of turf grass or weeds in excess of eight (8) inches in height, ~~if the growth of grass or weeds occupies an area of at least one hundred forty four (144) square feet and is located within two hundred (200) feet of a residence or developed property.~~

No property owner shall permit such weeds and turf grass to be a public nuisance. Any such public nuisance must be immediately abated by the property owner by removing the weeds, cutting the turf grass and removing the clippings.

(Ord. No. 2009-21, § 2, 12-22-09)

Sec. 31-4. - Exemptions.

The following are not considered to be public nuisances:

- (1) Non-noxious weeds and grass vegetation in wetland areas;
- (2) Non-noxious weeds, grasses and herbaceous vegetation that are within fifty (50) feet of designated stormwater ponds, natural or altered creeks, rivers and stream corridors, including riparian buffer strips that convey water; ~~provided that they are annually cut to less than eight (8) inches if the area is located within two hundred (200) feet of an occupied residence or developed property;~~
- (3) Non-noxious weeds and grass vegetation growing on property located in any zoning district that is being actively farmed;
- (4) Temporary erosion control grasses;
- (5) Prairie, meadow or natural landscape vegetation that is maintained and includes the cultivation of native grasses and does not contain any noxious weed growth, ~~provided that a natural landscape permit is obtained from the city;~~
- (6) Grass and non-noxious weed vegetation growing in areas designated by the city council as a natural preserve; and
- (7) Grass, non-noxious weed vegetation and ornamental grasses growing on natural or altered slopes that are steeper than 2:1.

(Ord. No. 2009-21, § 2, 12-22-09)

~~Sec. 31-5. -- Natural landscape permits.~~

- ~~(a) — *Permit required.* A natural landscape permit must be obtained from the city by a property owner desiring to use prairie, meadow or natural landscape vegetation which is not otherwise exempted by this chapter and is expected to exceed ten (10) inches in overall height.~~
- ~~(b) — *Permit application contents.* The natural landscape permit application must contain the following information:~~
- ~~(1) — The name and address of the applicant;~~
  - ~~(2) — The legal description of the property;~~
  - ~~(3) — A site plan showing lot lines, public right-of-way, buildings and the location of the proposed landscaping;~~
  - ~~(4) — A general description of the vegetation and plant types to be used, including the Latin and common names of all of the species; and~~
  - ~~(5) — A specific management and maintenance plan that includes the following information:~~
    - ~~a. — A planting diagram showing the location and mature height of all species of vegetation;~~
    - ~~b. — Detailed information on the upkeep of each species;~~
    - ~~c. — The estimated transitional period, if applicable; and~~
    - ~~d. — The plan for elimination of any non-native vegetation.~~
  - ~~(6) — The name, address, phone number and qualifications of the person or company that will be responsible for the management and maintenance of the vegetation.~~
- ~~(c) — *Permit issuance.* The chief of police or his/her designee shall review the application and issue the natural landscape permit unless:~~
- ~~(1) — The application is incomplete;~~
  - ~~(2) — The management and maintenance plan is incomplete or inconsistent with the requirements of this chapter;~~
  - ~~(3) — The plan proposes use of non-native grasses; or~~
  - ~~(4) — The transitional period for the area to be landscaped is longer than three (3) growing seasons.~~
- ~~A natural landscape permit shall be valid for five (5) years from the date of approval.~~
- ~~(d) — *Permit denial; appeal.* If the chief of police or his/her designee denies an application for a natural landscape permit, he or she shall send written notice of the denial to the applicant. The applicant may appeal the decision to the city council by filing notice of such appeal with the city administrator within twenty (20) days of the date of the notice. Upon receipt of the notice of appeal, the city council shall set a public hearing date at which the applicant and any other party wishing to be heard may have an opportunity to present evidence as to the applicant's compliance with this chapter. If the city council determines that the applicant has complied with the provisions of this chapter, it shall direct the chief of police to issue the permit. The city council must affirm the city administrator's denial of the permit if it determines that the applicant has not complied with the provisions of this chapter.~~
- ~~(e) — *Permit revocation.* The city administrator may regularly inspect any property holding a natural landscape permit.~~
- ~~(1) — A natural landscape permit may be revoked by the city administrator for any of the following reasons:~~
    - ~~a. — Weeds are not removed;~~

- ~~b. The vegetation is not being maintained to a height of ten (10) inches or less in areas located within eighteen (18) inches of a public street, sidewalk, trail or alley;~~
  - ~~c. The vegetation is not being maintained to a height of ten (10) inches or less in areas located within four (4) feet of a side or rear lot line, unless the adjacent property owner has consented in writing;~~
  - ~~d. The property owner fails to maintain the natural landscape area in a manner consistent with the management and maintenance plan that was submitted with the permit application.~~
- ~~(2) For any property that is not in compliance, the chief of police or his/her designee shall give notice to the holder of the permit by U.S. mail stating that the property must be in compliance within thirty (30) days. Should that period pass without action by the holder of the permit, the city administrator or his or her designee shall:~~
- ~~a. Revoke the natural landscape permit;~~
  - ~~b. Remove all improperly maintained vegetation;~~
  - ~~c. Declare the property ineligible for a natural landscape permit unless sold for a period of two (2) years; and~~
  - ~~d. Assess the property for all fees associated with inspection of the property and any removal of improperly maintained vegetation in accordance with assessment provisions of this chapter.~~

(Ord. No. 2009-21, § 2, 12-22-09)

Sec. 31-~~65~~. - Violations.

- (a) *Inspection and notice.* ~~The city weed inspector~~ An authorized agent of the city shall make such inspections as are necessary to determine whether weeds and grass constitute a public nuisance as defined in this chapter and is hereby authorized to enter onto private property for the purpose of conducting such inspection. Upon finding such public nuisance, the ~~weed inspector~~ authorized agent shall send a notice to the record owner of the property by certified mail, U.S. mail or by personal service ordering the owner to abate the nuisance within ten (10) days of the date of the notice. The notice shall also state that if the owner fails to abate the nuisance, the city will abate the nuisance and the expense thereof, if unpaid by the owner, to be levied against the benefited property as a special assessment. Refusal to accept such notice by the owner of the property shall not constitute a defense that the notice was not received.
- (b) *Abatement by the city.* If such nuisance is not abated within the time required, the city may abate the nuisance. ~~The city weed inspector~~ An authorized agent of the city shall keep a record of the total cost of the abatement attributable to each property and report such information to the city clerk.
- (c) *Owner liability for cost.* As soon as the abatement has been completed and the cost determined, the city shall prepare a bill and mail it to the owner and thereupon the amount shall be immediately due and payable. If the owner fails to pay the bill, the total charges may be levied as an assessment against the property. This shall be an additional remedy and not in lieu of any other penalty provided for in the City Code or state law.

(Ord. No. 2009-21, § 2, 12-22-09)

### ARTICLE 3. - LANDSCAPING AND SCREENING

#### Sec. 4-90. - Purpose.

Landscaping and screening requirements are established to transition between uncomplimentary land uses, to screen unsightly views, to reduce noise, glare, and stormwater runoff, and to generally enhance the quality and appearance of development within the city.

(Ord. No. 99-20, § 1, 11-23-99; Ord. No. 2010-09, § 1, 6-8-10)

#### Sec. 4-100. - Landscape plan required.

- (A) *In general.* A landscape plan shall be required in support of a site plan or building permit for all new construction, remodeling, or expansion of commercial, industrial, or multi-family residential uses.
- (B) *Review.* The City Planner shall review all landscape plans for compliance with the landscaping and screening requirements outlined within this chapter. For the purposes of this section, all calculations regarding the number of required plantings shall be rounded to the nearest whole number, unless indicated otherwise.
- (C) *Plan contents.* All landscape plans submitted for approval shall contain, at a minimum, the following information:
  - (1) North point and scale.
  - (2) The boundary lines of the property with accurate dimensions.
  - (3) The location of all driveways, parking areas, sidewalks, structures, utilities, or other features, existing or proposed, affecting the landscaping and screening of the site.
  - (4) The location, size, and identification of all existing trees, shrubs, and other vegetation intended for use in meeting the planting requirements of this chapter.
  - (5) The location, common name, size, and quantity of all proposed landscape materials.
  - (6) Proposed seeding or sodding plans for all disturbed areas, including the type of ground cover and method of application.
  - (7) The location and height of any proposed earth berms, fences, or other measures used to satisfy screening requirements of this chapter.

(Ord. No. 99-20, § 1, 11-23-99; Ord. No. 2010-09, § 1, 6-8-10)

#### Sec. 4-110. - Landscape design requirements.

Landscape design shall serve to provide visually interesting open space, to reduce the potential negative impact of development on adjacent land uses, and to facilitate the preservation and reestablishment of plants native to the region. The following items are required in developing a landscape plan for submittal to the city:

- (1) The overall composition and location of landscaped areas should complement the scale of the development and its surroundings.
- (2) Plant materials should be selected and arranged to prevent blocking or obscuring of required site lighting during all stages of plant growth.
- (3) Plantings at intersections or driveway entrances shall be arranged to allow a permanently clear, safe sight distance.

- (4) Trees or shrubs shall not be planted under existing or proposed utility lines when their ultimate height may interfere with the lowest lines.
- (5) Vegetation shall be maintained to a height of eight (8) inches or less in areas located within eighteen (18) inches of a public street, sidewalk, trail, or alley.
- (6) Vegetation shall be maintained to a height of eight (8) inches or less in areas located within (4) four feet of a side or rear lot line unless the vegetation abuts similar vegetation on the adjacent property or unless it abuts a fence that is a minimum of four (4) feet high and 100 percent opaque.
- (7) Trees and shrubs shall not be placed over underground drainage and shall maintain adequate distance from storm sewers, sanitary sewers, and water lines to prevent roots from entering such facilities.
- (8) Landscaped areas should be of adequate size to promote proper plant growth and to protect plantings from pedestrian traffic, vehicle traffic, and other types of concentrated activity.
- (9) Landscaped areas and plantings should be located in a manner to prevent spread onto adjacent properties or right-of-way, and to allow adequate room for proper maintenance.
- (10) A variety of tree and shrub species should be utilized to provide visual, four-season interest. Not more than fifty (50) percent of the required number of trees or shrubs may be comprised of any one (1) species.
- (11) Final slopes greater than a 3:1 ratio will not be permitted without special approval or treatment, such as special seed mixtures or reforestation, terracing, or retaining walls.

(Ord. No. 99-20, § 1, 11-23-99)

Sec. 4-120. - Landscaping requirements, single and two-family residential uses.

A minimum of two (2) trees shall be required per single or two-family residential lot. The trees shall be placed in the front yard area at least ten (10) feet from the curb line. On corner lots and cul-de-sac lots, one of the trees may be placed in the side yard area. All remaining lot area not used for structures, parking area, or driveway shall be landscaped with turf grass, native grasses, ground cover, or other perennial flowering plants, vines, shrubs, or trees.

(Ord. No. 99-20, § 1, 11-23-99)

Sec. 4-125. - Landscaping requirements, industrial districts.

(A) *[Base number of landscape plantings.]* The base number of landscape plantings required on industrially zoned properties shall be determined by the percent of impervious surface on the property as shown in the following table. For the purposes of this section, all calculations regarding the number of required plantings shall be rounded to the nearest whole number.

Percent Impervious Surface	Base Plantings Required
0 — 19%	3 plantings/Acre
20 — 39%	4 plantings/Acre
40 — 59%	5 plantings/Acre

60 — 79%	6 plantings/Acre
80 — 100%	7 plantings/Acre

- (B) *Shrub plantings.* No more than 1/3 of the total required plantings shall be shrubs. Perennials and annuals shall not qualify as shrubs.
- (C) *Evergreen plantings.* A minimum of 1/3 of the required plantings shall be evergreen.
- (D) *Planting locations.* A minimum of fifty (50) percent of the required base plantings shall be located within the required front building setback area. If the property has more than one (1) street frontage, the plantings required within this section shall be evenly divided between the street frontages.
- (E) *Landscape transitions.* Landscape transitions are established to lessen the impact of industrial uses on certain less intense land uses, zoning districts, and Interstate 35. Such transitions are required as follows:
- (1) A fifty (50) percent increase in the base number of plantings is required for properties abutting Interstate 35. Such plantings shall be planted within the building or parking setback area adjacent to Interstate 35.
  - (2) A fifty (50) percent increase in the base number of plantings is required if the property is adjacent to a Public Park, Trail, or Open Space. Such plantings shall be planted in the setback area immediately adjacent to the Public Park, Trail, or Open Space. If a trail is located adjacent to or within the public right-of-way it is exempt from this provision.
  - (3) A fifty (50) percent in the base number of plantings is required if the property is adjacent to a residential use or zoning district. Such plantings shall be planted in the setback area adjacent to the residential use or zoning district.
  - (4) A maximum increase of seventy-five (75) percent increase in the base number of plantings shall be required on any one (1) property. In cases where two (2) or more of the above criteria are met, the plantings shall be evenly distributed and planted in the building setback area along the property line for which the increased plantings are required.
- (F) *Interior landscaping of parking lots.* In all parking areas that contain more than fifty (50) parking spaces, a landscaped island of not less than one hundred (100) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall contain one (1) tree which provides shade or is capable of providing shade upon maturity, as illustrated in Figure 4-4. The remainder of the landscaped area shall be covered with turf grass, native grasses, or other perennial flowering plants, vines, shrubs, trees, or landscape rock a minimum of one and one-half (1½) inch in size.
- (G) *Lawn coverage.* All areas, excluding those within the public right-of-way, which are disturbed by grading and not built upon, paved, retained as natural area, or covered with other landscaping materials shall be seeded or sodded to provide complete coverage. Disturbed areas located within the public right-of-way shall be sodded. Disturbed areas located within the public right-of-way unmaintained ditch areas may be seeded, subject to approval by the City Engineer.
- (H) *Screening.* When screening is required, as stated in other sections of this chapter, the following standards shall apply:
- (1) The screening shall be a minimum of six (6) feet in height.
  - (2) The screening shall have a minimum of ninety (90) percent opacity.

- (3) If landscaping is used for the screening, the plantings shall be evergreen and a minimum of six (6) in height when planted. A ninety (90) percent opacity level shall be obtained within two (2) years.
- (4) Screening shall be required when the area is visible from one (1) of the following areas:
  - a. A residential zoning district or use.
  - b. A public park, trail, or open space.
  - c. Interstate 35, a State Highway, or County Highway.

(Ord. No. 2008-09, § 1, 5-13-08; Ord. No. 2010-09, § 1, 6-8-10)

Sec. 4-130. - Landscaping requirements, all other uses.

(A) The base number of landscape plantings required for all other uses shall be determined by the percent of impervious surface on the property as shown in the following table. For the purposes of this section, all calculations regarding the number of required plantings shall be rounded to the nearest whole number.

Percent Impervious Surface	Base Plantings Required
0 — 19%	5 plantings/Acre
20 — 39%	7 plantings/Acre
40 — 59%	8 plantings/Acre
60 — 79%	10 plantings/Acre
80 — 100%	12 plantings/Acre

- (B) *Shrub plantings.* No more than one-third ( 1/3 ) of the total required plantings shall be shrubs. Perennials and annuals shall not qualify as shrubs.
- (C) *Evergreen plantings.* A minimum of one-third ( 1/3 ) of the required plantings shall be evergreen.
- (D) *Planting locations.* A minimum of fifty (50) percent of the required base plantings shall be located within the required front building setback area. If the property has more than one (1) street frontage, the plantings required within this section shall be evenly divided between the street frontages.
- (E) *Landscape transitions.* Landscape transitions are established to lessen the impact of more intense land uses on certain less intense land uses. Such transitions are required as follows:
  - (1) A fifty (50) percent increase in the base number of plantings is required if the property is adjacent to a public park, trail, or open space. Such plantings shall be planted in the setback area immediately adjacent to the public park, trail, or open space. If a trail is located immediately adjacent to or within the public right-of-way, it is exempt from this provision.

- (2) A seventy-five (75) percent increase in the base number of plantings is required if a commercial property is adjacent to an elementary school. Such plantings shall be planted in the setback area adjacent to the elementary school.
- (3) A seventy-five (75) percent increase in the base number of plantings is required if the high density residential use is adjacent to a medium density residential use or a medium density residential use is adjacent to a high density residential use. Such plantings shall be planted in the setback area adjacent to the neighboring use.
- (4) A seventy-five (75) percent increase in the base number of plantings is required if the medium density residential use is adjacent to a single- or two-family residential use or if a single- or two-family residential use is adjacent to a medium density residential use. Such plantings shall be planted in the setback area adjacent to the neighboring use.
- (5) A one hundred (100) percent increase in the base number of plantings is required if a high density residential use is adjacent to a single- or two-family use or if the single- or two-family is adjacent to a high density residential use. Such plantings shall be planted in the setback area adjacent to the neighboring use.
- (6) A one hundred (100) percent increase in the base number of plantings is required if the commercial property is adjacent to a residential use or zoning district. Such plantings shall be planted in the setback area adjacent to the residential use or zoning district.
- (7) The base number of plantings shall be adjusted by the number of stories in the building according to the table below. A story is defined as provided in Section 1-120.

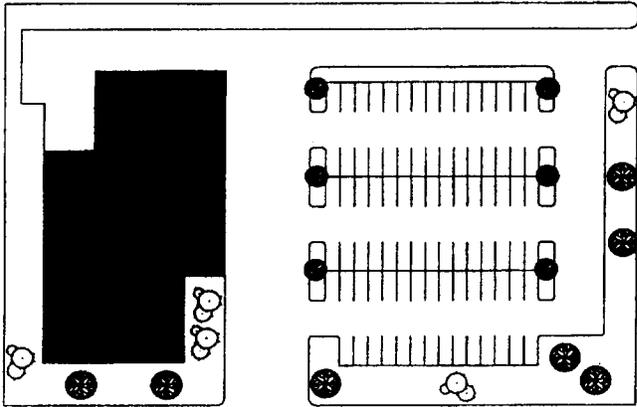
One Story	0% Increase
Two Story	25% Increase
Three Story	50% Increase
Four + Story	100% Increase

- (8) A maximum increase of one hundred fifty (150) percent in the base number of plantings shall be required on any one (1) property. In cases where two (2) or more of the above criteria are met, the plantings shall be evenly distributed and planted in the building setback area along the property line for which the increased plantings are required.
- (F) *Rain garden and bio-retention cell discount.* A discount in the total number of landscape plantings required may be allowed for properly installed and maintained rain gardens and bio-retention cells due to their ability to enhance the landscaped environment. A properly installed rain garden or bio-retention cell provides numerous plantings that are not considered trees or shrubs but add to the landscaped environment. A discount is being provided based on the square footage of the rain garden or bio-retention cell as stated below:

0 — 5000 total square feet	10% discount
5,001 — 10,000 total square feet	20% discount

10,001 + total square feet	30% discount
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(G) *Interior landscaping of parking lots.* In all parking areas that contain more than fifty (50) parking spaces, a landscaped island of not less than one-hundred (100) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall contain one (1) tree which provides shade or is capable of providing shade upon maturity, as illustrated in Figure 4-4. The remainder of the landscaped area shall be covered with turf grass, native grasses, or other perennial flowering plants, vines, shrubs, trees, or landscape rock a minimum of one and one-half (1½) inch in size.



*Figure 4-4*

(H) *Lawn coverage.* All areas, excluding those within the public right-of-way, which are disturbed by grading and not built upon, paved, retained as natural area, or covered with other landscaping materials shall be seeded or sodded to provide complete coverage. Disturbed areas located within the public right-of-way shall be sodded. Disturbed areas located within the public right of way unmaintained ditch areas may be seeded, subject to approval by the City Engineer.

(I) *Screening.* When screening is required, as stated in other sections of this chapter, the following standards shall apply:

- (1) The screening shall be a minimum of six (6) feet in height.
- (2) The screening shall have a minimum of ninety (90) percent opacity.
- (3) If landscaping is used for the screening, the plantings shall be evergreen and a minimum of six (6) [feet] in height when planted. A ninety (90) percent opacity level shall be obtained within two (2) years.
- (4) Screening shall be required when the area is visible from one (1) of the following areas:
  - a. A residential zoning district or use.
  - b. A public park, trail, or open space.
  - c. Interstate 35, a State Highway, or County Highway.

(Ord. No. 99-20, § 1, 11-23-99; Ord. No. 2008-09, § 1, 5-13-08; Ord. No. 2010-09, § 1, 6-8-10)

Sec. 4-140. - Reserved.

**Editor's note**— Ord. No. 2010-09, § 1, adopted June 8, 2010, repealed § 4-140 in its entirety. The former § 4-140 pertained to landscaped buffer areas and derived from Ord. No. 99-20, § 1, adopted Nov. 23, 1999; Ord. No. 2008-09, § 1, adopted May 13, 2008.

Sec. 4-150. - Landscaping materials.

- (A) *In general.* All plant materials must meet the standards set by the American Association of Nurserymen and be of a variety that is indigenous to the hardiness zone in which Faribault is located.
- (B) *Minimum plant size.* All plant materials shall meet the minimum size standards identified in Table 4-3. For the purposes of determining tree trunk size, the diameter shall be measured six (6) inches above ground level.

Table 4-3. Minimum plant size for landscape materials.

Plant Type	Minimum Plant Size
Trees	
Evergreen	4—5 feet in height
Deciduous	1—1½ inches in diameter
Deciduous ornamental	1 inch in diameter
Shrubs	
Evergreen	18" in height
Deciduous	18" in height

- (C) *Existing plant material.* Existing, healthy plant material may be utilized to satisfy landscaping requirements, provided it meets the minimum plant size specified in Table 4-3.

(Ord. No. 99-20, § 1, 11-23-99; Ord. No. 2010-09, § 1, 6-8-10)

Sec. 4-160. - Installation and maintenance of required landscaping.

- (A) *In general.* All landscaping materials depicted on plans approved by the city shall be considered as required elements of the project.
- (B) *Installation requirements.* All landscape material and required screening shall be installed prior to issuance of a final certificate of occupancy. A temporary certificate of occupancy may be issued

without the installation, provided a financial security shall be submitted, in an amount established by the City Council, to ensure the remaining improvements are completed. The remaining improvements shall be installed when weather conditions are favorable.

- (C) *Maintenance and care.* The landowner shall be responsible for the continued maintenance of landscape materials to remain in compliance with all requirements of this chapter. Plant material that exhibits evidence of insect pests, disease, or damage shall be appropriately treated and dead plants promptly removed and replaced within the next planting season.
- (D) *Inspection.* All landscaping shall be subject to periodic inspection by the City Planner. Landscaping that is not installed, maintained, or replaced as needed to comply with the approved landscape plan shall be considered in violation of the terms of the site plan or building permit. The landowner shall receive notice of such violation in accordance with code enforcement requirements as specified in Section 2-620.

(Ord. No. 99-20, § 1, 11-23-99; Ord. No. 2008-09, § 1, 5-13-08; Ord. No. 2010-09, § 1, 6-8-10)

**Editor's note**— Ord. No. 2010-09, § 1, adopted June 8, 2010, changed the title of § 4-160 from "Installation and maintenance of required landscaping and buffering methods" to "Installation and maintenance of required landscaping".

Sec. 4-170. - Substitutions or reductions of required landscaping.

The City Planner may approve the substitution or reduction of planting requirements where one (1) or more of the following conditions are shown to exist:

- (1) The proposal will allow site development that is more consistent with the historic nature of the area.
- (2) Existing plant materials, walls, fences, or the topography of the site and its surroundings make the required landscaping less necessary.
- (3) The required landscaping would hinder truck access and service necessary to the operation of the use or create a hazard by obstructing a motorist's view of traffic.
- (4) The required landscaping would reduce necessary surveillance of the site for security purposes.

(Ord. No. 99-20, § 1, 11-23-99; Ord. No. 2010-09, § 1, 6-8-10)



## Environmental Commission Memorandum

**TO:** Environmental Commission  
**THROUGH:** Deanna Kuennen, Community & Economic Development Director  
**FROM:** David Wanberg, City Planner  
**MEETING DATE:** June 29, 2020  
**SUBJECT:** Tools to Promote Pollinators and Natural Landscapes

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### **Background:**

Ordinances are one of many tools the City can use to promote pollinators and natural landscapes. The City can also:

- connect property owners with the Master Gardeners, the University of Minnesota Extension Department, and others,
- conduct or promote workshops,
- create and distribute brochures,
- provide information on the City's website information,
- sponsor contests or awards for quality pollinator gardens and natural landscapes,
- develop demonstration landscapes on City property, and
- other tools.

### **Requested Action:**

Provide the City Planner with direction on whether the Environmental Commission wishes to pursue other tools to promote pollinators and natural landscapes.

### **Attachments:**

- None