



The City That Soars!

REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date	July 24, 2012
Agenda Item	Workshop
Title	Ordinance amending the Falcon Heights code to regulate natural landscaping.
Submitted By	Deborah Jones, Staff Liaison

Description	The Falcon Heights Environment Commission recommends adoption of an ordinance allowing and regulating varied landscaping styles in Falcon Heights, including prairie gardens, meadow gardens and rain gardens. The Planning Commission has been asked by the Council to review the proposed ordinance for possible impact in areas where the Planning Commission has authority, namely, zoning and planning and the comprehensive plan.
Background	<p>On the basis of the Environment Commission's recommendations, the city attorney created a draft ordinance based on one from the City of Minnetonka. This was submitted to the City Council on May 9. The proposed ordinance provides a significant addition to Chapter 54 Vegetation and removes parts of the nuisance and blight ordinance in Chapter 22 that would now be covered by the new sections in Chapter 54.</p> <p>The City Council had concerns about neighborhood impacts from the proposed ordinance as written and decided to refer the matter to the Planning Commission for study and recommendation, with special attention to potential impacts on neighborhood character and implications for the comprehensive plan.</p> <p>Due to an unusual amount of other business over the summer, discussion of this topic has continued over several workshops.</p>
Budget Impact	Unknown
Attachments	<ul style="list-style-type: none"> • Proposed ordinance • "Vision, Values and Objectives" and "Natural Resources" sections of the Comprehensive Plan • Staff requests that Commissioners review the material provided in their previous workshop packets and bring that reference material to the meeting. Please notify staff if new copies are needed.
Action(s) Requested	<ul style="list-style-type: none"> • Provide feedback and recommendations to the City Council

ORDINANCE NO. 12-04
CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA

**AN ORDINANCE AMENDING CHAPTERS 22 AND 54 OF
THE CITY CODE CONCERNING VEGETATION**

THE CITY COUNCIL OF FALCON HEIGHTS ORDAINS:

SECTION 1. Chapter 54 of the Falcon Heights City Code is amended by adding Section 54-41 to provide as follows:

Sec. 54-41. Vegetation Maintenance.

(1) Intent and Purpose. The city council finds that there are a variety of landscapes in the city that add diversity and richness to the quality of life. Certain areas in the city have been left, or allowed to go, unmaintained. These have been accepted by the vast majority of the city residents as appropriate and as part of the unique quality of life in this community. There are community expectations, however, that once an area has been disturbed, landscaped, or otherwise maintained, that area will continue to be maintained in a consistent manner. When vegetation in that area is not continually maintained, it becomes aesthetically unpleasing and violates community standards. Property that appears neglected may decrease the value of adjacent properties. In addition, if vegetation is not properly maintained, there may be the following adverse impacts on public health, safety, and welfare:

- a. undesirable vegetation such as common buckthorn, quackgrass, and other weeds may invade and threaten to supplant other more desirable vegetation;
- b. vegetation that causes allergic reactions, such as ragweed, may develop; and
- c. tall vegetation along driveways and public roads may impair visibility when entering or exiting public roads.

The city council also finds that it is in the public interest to allow citizens to choose the type of landscaping on their properties and to make changes in that vegetation. As a protection for the larger community, however, this change in vegetation must be properly managed and maintained and the length of the transition period must be minimized.

The council finds that the establishment of prairie and meadow plant communities is an acceptable landscape treatment in the city. This requires special consideration, however, because weeds will grow during the first few years of transition before the new vegetation predominates and will appear like neglect. Therefore, the council finds that this type of vegetation is acceptable if it is properly maintained to shorten the transition period and if notice is given of the intended result.

In contrast, the transition to trees and other woody species does not require special consideration because untended grass or weeds are not a necessary part of that transition period. Rather, the transition period is shortened by eliminating competition around the seedlings through such techniques as organic mulch.

The city council enacts this section to balance the public interest in a variety of vegetation with the public need to ensure proper maintenance of that vegetation. The council finds that establishing a height limitation for certain vegetation is in the best interest of the public health, safety, and welfare as outlined above and is a reasonable maintenance standard.

(2) Definitions. For purposes of this section the following words have the meanings specified below.

a. "Meadow vegetation" is 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, except weeds.

b. "Noxious weeds" are those plants so designated by the state of Minnesota under Minn. Stat. § 18.171, subd. 5.

c. "Regularly cut" means mowing or otherwise cutting the vegetation so that it does not exceed 6 inches in height.

d. "Turf grasses" are grasses commonly used in regularly cut lawn areas, such as bluegrass, fescue and rye grass blends, and non-woody vegetation interspersed with them.

e. "Weeds" include all noxious weeds, buffalobur, burdock, common cocklebur, jimsonweed, quackgrass, common and giant ragweed, and velvetleaf. Weeds also include anything that is horticulturally out of place. For example, a tree seedling is a weed in a vegetable garden. A property owner may establish that a plant or plants are not horticulturally out of place by providing a written landscape plan to the City for the area in question, complete with a listing and locations of plant species. The plants specifically listed above may not be included within the landscape plan. Vegetation that does not comply with this plan are weeds.

(3) Maintenance standard. The maintenance standard in this section applies to property that has been developed with a building as defined in the building code,

including vacant property combined with developed property for tax purposes, and a parcel of property that has been completely or partially disturbed by demolition, grading or other means in preparation for development or redevelopment.

a. All turf grasses and weeds must not exceed a height of 6 inches, measured from the base at ground level to the tip of each stalk, stem, blade, or leaf.

b. This requirement does not apply to the following:

(1) a wetland or floodplain designated in the zoning ordinance and wetland buffers voluntarily created by a private land owner when compatible with the character of the neighborhood;

(2) a drainage pond or ditch that stores or conveys stormwater;

(3) an area in which the land and vegetation appears not to have been graded, landscaped, mowed, or otherwise disturbed by human or mechanical means at any time. Determination of what constitutes this type of area will be based on a reasonable judgment of the present appearance of the area. The recent history of the area may be relevant to this determination; and

(4) an area established with meadow vegetation if:

(a) the prior vegetation is eliminated and the meadow vegetation is planted through transplanting or seed by human or mechanical means;

(b) the area is cut at least once per year to a height of no more than 6 inches;

(c) a sign is posted on the property in a location likely to be seen by the public, advising that a meadow or prairie is being established. This sign is required only if the meadow vegetation is in an area likely to be seen by the public. This sign must be in addition to any sign permitted by the sign ordinance but must be no smaller than ten inches square, no larger than one square foot, and no higher than three feet tall; and

(d) the area is set back a minimum of 10 feet from the street curb.

(4) Declaration of public nuisance. The following are public nuisances subject to abatement under this chapter:

a. noxious weeds; and

b. vegetation that does not meet the maintenance standard specified in paragraph 3 above.

SECTION 2. Subsection 22-19, Subdivision 4 of the Falcon Heights City Code is amended to provide as follows:

No owner agent or occupant of any premises shall permit upon his or her premises fallen trees, dead trees, tree limbs or items which are a fire hazard or otherwise detrimental to the health or appearance of the neighborhood.

SECTION 3. Effective Date. This ordinance shall take effect from and after its passage.

ADOPTED this _____ day of _____, 2012, by the City Council of Falcon Heights, Minnesota.

CITY OF FALCON HEIGHTS

BY: _____
Peter Lindstrom, Mayor

ATTEST:

Bart Fischer, City Administrator/Clerk

2. VISION, VALUES AND OBJECTIVES

The City of Falcon Heights' chief goal is to create and maintain a high quality of life in a community that is an aging, inner ring, fully developed suburb adjacent to St. Paul and within two miles of Minneapolis. By funding good public services and investing prudently in rebuilding and maintaining infrastructure, the City seeks not only to keep those qualities valued by today's residents but to be attractive for future reinvestment, redevelopment and renewal by residents, businesses and public institutions. This comprehensive plan is about shaping that future: a well-balanced community for all age groups to grow and prosper and to lead healthy, fulfilling lives.

Preserving and enhancing the urban/rural character valued by our residents.

Of all responses Falcon Heights residents made when asked what they value about living in the city, "open space" was by far the leader. Falcon Heights is uniquely advantaged among fully developed inner ring Twin Cities suburbs in that it includes a high proportion of open space, thanks to the University of Minnesota's extensive agricultural research land and golf course. Future redevelopment should honor this history by finding creative ways to maintain the rural/urban character of the city while accommodating the expected growth in households and population. Future development should also embrace every opportunity to build connections between the open spaces and the City's neighborhoods, commercial areas and public spaces, so that this valued open space is not just a "view" but a living part of the community.

Maintaining our traditional neighborhoods in this central Metro location, with opportunities for all our generations to stay in the City.

Falcon Heights residents delight in their convenient location close to both central St. Paul and Minneapolis and their proximity to so much of what the Metro area has to offer. Residents prize their attractive, well-maintained neighborhoods, each of which has a distinct identity and some of which are on the threshold of becoming historically significant. Reinvestment in these neighborhoods must be sensitive to the style and character of these older homes and respectful of the green space and urban forest surrounding them and the open land adjacent to them. Finally, residents have also expressed a hope that they can remain in Falcon Heights as they age, that the City can continue to be home to an economically and culturally diverse population, including the young people who grow up here as they form households of their own.

Building connections and community identity on the Larpenteur and Snelling Avenue corridors

“Where is Falcon Heights?” Many residents said their acquaintances from other cities do not know where Falcon Heights is located, even when they drive through it every day. In fact, even some residents themselves did not have a very clear idea of the city boundaries. The two major traffic arteries that quarter the City, Larpenteur and Snelling Avenues, serve a vital local role in giving residents easy access to nearby St. Paul, Minneapolis and Roseville for work and shopping. Built to encourage vehicle rather than pedestrian traffic, Larpenteur and Snelling also function as significant barriers between neighborhoods, fragmenting city identity. Yet these major thoroughfares offer enormous potential to become the keys to a stronger civic identity, a sense of arrival and welcome, connection and community. In-depth study of these corridors is needed in order to formulate corridor framework plans to guide public and private development aimed at realizing this potential.

“Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”

The United Nations World Commission on Environment and Development.

Becoming a sustainable, energy efficient community

The climate crisis and rising cost of energy present all cities with an extraordinary challenge. Local action is a critical part of global solutions to these problems. Individuals, businesses, public institutions and local governments all have an important role to play in making wise choices that ensure the health and viability of our communities for future generations. By establishing policies that balance social, economic and ecological needs, encourage wise stewardship of natural resources and incorporate environmental responsibility into future development, Falcon Heights can remain a community where people want to live and work for generations to come.

Becoming a healthier, more active and livable community.

The open agricultural research fields in Falcon Heights contribute to the community’s rural feel that residents have cited as one of its most prized qualities. This asset offers high motivation and potential for active living and for implementing a number of healthy community “best practices”. On the other hand, the two busy highways constitute major obstacles to pedestrian and bicycle travel and offer a considerable challenge to the city in implementing some changes that could make the community a healthier place to live. Another challenge is lack of essential neighborhood retail businesses residents would walk to if they could. It has been years since Falcon Heights has had a grocery store or deli within its boundaries. Small businesses that provide necessities close to home – this is the only kind of business expansion residents said they would like to see in the community.

Maintaining the property tax base.

Falcon Heights' geographic boundaries include the east portion of the University of Minnesota's Twin Cities campus and the Minnesota State Fair. This unique land use composition creates an interesting community that is appreciated by residents and visitors alike. However, it results in 66% of the city's land area being both tax-exempt and statutorily out of the City's land use control. In addition, one quadrant of Falcon Heights central commercial core, the Snelling/Larpenteur business district, was acquired in 2000 by TIES (formerly Technology Information Education Services), a non-profit corporation, taking another 6.3 acres out of the City's tax base, although city land use controls still apply.

Unlike many university cities, Falcon Heights tax base does not reflect the commercial or private research facilities that many university communities enjoy. Given the city's location by the university and within a few minutes of both downtowns, the city is increasingly attractive to tax exempt property owners. Since maintaining the tax base is critical to being able to pay for services that continue to make Falcon Heights an attractive community, the city must evaluate all land use proposals for their relationship to the tax base as well as their planning value to the community.

Celebrating and developing the relationship with the University of Minnesota and the Minnesota State Fair.

The city works very hard to develop and maintain good communication with its two major landholders and institutions, the University of Minnesota and the Minnesota State Fair. The City is a participant in the University of Minnesota Master Plan Steering Committee, which is currently developing a plan for both Twin Cities campuses. The City is also represented on the Campus Coordinating Committee, which includes members of the University administration and representatives from Falcon Heights, Lauderdale and St. Anthony Park. The expected move of the Bell Museum of Natural History to a site across Larpenteur Avenue from the Gibbs Museum will be an opportunity to promote the growing civic, cultural and recreational precinct in the Larpenteur/Cleveland area, within walking distance of City Hall and two of the City's parks and to re-imagine the campus entry and the Larpenteur streetscape between Fairview and Cleveland.

V. NATURAL AND HISTORIC RESOURCES

1. NATURAL RESOURCES

The City of Falcon Heights has no lakes, streams or protected wetlands and only a relatively few manmade ponding areas, many of which are located on University owned lands. It has no woodlots other than residential street trees and it has relatively little topographic relief. This is not to say that the City is devoid of character, only that its most significant resources are not water based thus requiring considerably less regulation. The City also has virtually no privately owned vacant land that is environmentally sensitive or possessing aesthetic character to warrant consideration for public acquisition for public use. Certain privately owned lands, however, may require protective action, such as the garden lots north of Lindig Street. Falcon Heights already provides for protection of solar access in the city code and will take the protection of solar access into consideration in any future development or redevelopment.

GOALS AND POLICIES

Environmental Protection Objectives

1. To conserve unique and essential natural resources.
2. To protect people and property from excessive noise, pollution and natural hazard.
3. To improve the health of residents and those who work within the city.

Environmental Protection Policies

1. Minimize runoff velocities from newly developed sites.
2. Require stormwater management and erosion control plans for all new developments.
3. Encourage retention of precipitation as practicable by providing additional storage either on-site or through the construction of a comprehensive retention area with new development or redevelopment.
4. Minimize storm water run-off from single-family residential properties by limiting impervious coverage and encouraging practices and technologies that retain precipitation on site.
5. Encourage the removal and replacement of diseased trees on street rights-of-way and on private property.
6. Identify and encourage preservation of trees in excess of 50 years old, whenever possible.

7. Maintain wildlife populations.
8. Monitor air quality at Snelling/Larpenteur Avenues and upgrade the intersection to assure that ambient pollution levels are not substantially increased.
9. Continue to provide solar access protection by ordinance, updating the existing ordinance as needed.
10. Consider solar access protection and the use of vegetation to facilitate summer shading and winter solar gain when reviewing plans for existing development, new development and redevelopment.
11. Provide for open transitional space between new development and existing neighborhoods, to preserve the urban/rural character of the City and to improve opportunities for active living.
12. Encourage “green building” best practices in new development by providing regulatory incentives to develop in environmentally friendly ways.
13. Support a metropolitan-wide integrated waste management program comprised of waste reduction, resource recovery, recycling and limited landfilling.
14. Continue to promote a curbside recycling program and encourage on-site management and/or recycling of yard wastes.
15. Maintain open space views especially along the south side of Larpenteur Avenue as a means to protect the urban/rural character of the City.