

*City of Falcon Heights
Environment Commission*

City Hall
2077 Larpenteur Avenue W.

Monday, October 12, 2020
6:30 p.m.

A G E N D A

Note: This meeting will be held by web conference.*

A. CALL TO ORDER: 6:30 p.m.

B. ROLL CALL: Jim Wassenberg ____ Nick Olson ____
 Martin McCleery ____ Patrick Mathwig ____
 Jordyn Bucholtz ____ Esha Seth ____
 Pedro De Filippo Vannucci ____
 Council Liaison Andrews ____ Staff Liaison Markon ____

C. APPROVAL OF MINUTES: September 15, 2020

D. AGENDA

1. Discuss edible landscaping ordinance
2. Discuss EV charging stations
3. Discuss EC corner

E. NEWS AND ANNOUNCEMENTS

F. ADJOURN

Next Meeting: October 12, 2020

* To view the virtual meeting, visit this <https://us02web.zoom.us/j/89964052047>. You can also listen to the meeting by calling 312-626-6799 and enter the Webinar ID 842 7764 9461.



The City That Soars!

ENVIRONMENT COMMISSION MEMO

Meeting Date	October 12, 2020
Agenda Item	Agenda D1
Submitted By	Ryan Krzos, WSB, Interim Community Development Coordinator

Item	Discuss Edible Landscaping Ordinance
Description	<p>The City Council approved Interim Ordinance 20-04 in May 2020 to allow the City to study gardening in Falcon Heights. Shortly after the adoption of the Interim Ordinance, the City Council directed City Staff to convene a subcommittee of City Commission members to lead the effort in drafting a new Ordinance. The Garden Subcommittee consisted of members from the Environment and Planning Commissions. The subcommittee met five times between July and September to discuss the Ordinance. In late July, staff developed a web survey to gather feedback from community members about their thoughts on gardening in the city. Over the two and a half weeks that the survey was available, 322 people completed the survey.</p> <p>The subcommittee centered discussion around two concepts; residential gardens (gardening by owners or renters within their property), and community gardens (gardening by multiple individuals not residing on the property). The current version of the Ordinance allows residential gardening of edible landscaping as an accessory use in residential and business districts. In general, the parameters for residential gardening of edible landscaping follow those that were established for native landscaping. As such, edible gardens would not be limited in overall area, but would have to follow setback requirements. The Ordinance also states that retail sales of produce from residential gardening of edible landscaping activities would not be allowed.</p> <p>The Subcommittee originally formulated an allowance for community gardening of edible landscaping which would have been required to follow a number of procedures and requirements. The subcommittee initially considered a neighborhood consent provision, but after consultation from the City Attorney’s office, removed that provision on due process grounds. The Subcommittee was also presented an option to allow community gardens as a conditional use. However, the consensus of the subcommittee was that they feel they could not formulate conditions that would universally address all circumstances. Ultimately, the subcommittee decided to remove community gardens altogether from the ordinance, thereby prohibiting the use. It should be noted that existing community gardens would be allow to continue as they do currently with legal nonconforming status.</p>

	Following Environment Commission discussion, the Planning Commission will review the Ordinance at their October 27th and hold a formal public hearing. The Ordinance would come back to the City Council for final approval.
Action(s) Requested	Staff request a final discussion on the draft ordinance and a vote to recommend approval of the ordinance to allow residential edible landscaping in the City.

ORDINANCE NO. 20-XX

**CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING CHAPTERS 54 AND 113
OF THE FALCON HEIGHTS CITY CODE**

THE CITY COUNCIL OF FALCON HEIGHTS ORDAINS:

SECTION 1 Chapter 54 – Vegetation is amended as follows. Additions are shown with an underline, and deletions are shown with a ~~striketrough~~.

Section 54-38 – Regulations for private property

- (b) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Edible landscaping means the intentional planting, caring for, or otherwise cultivating plants that could produce food that is consumed by people. These plants include fruit and nut trees, berry bushes, vegetables, herbs, or edible flowers.

Native plants are those grasses (including prairie grasses), sedges (solid, triangular-stemmed plants resembling grasses), rushes, forbs (flowering broadleaf plants), vines, trees and shrubs that are plant species native to the state of Minnesota prior to European settlement.

Noxious weeds are annual, biennial, or perennial plants that the Commissioner of Agriculture designated to be injurious to public health, the environment, public roads, crops, livestock, or other property (Minnesota Noxious Weed Law, Minn. Stat. Sec. 18.75-18.91).

Ornamental plants means grasses, flowering annual, biennial, and perennial plants, shrubs, trees, and vines that may not be native to Minnesota, but are adapted. Ornamental grasses do not include turfgrasses.

Turf grass means commercially available cultured turf grass varieties, including bluegrass, fescue and ryegrass blends, commonly used in regularly cut lawn areas.

Planned landscape area means an area where ornamental plants, or native plants are planted pursuant to a plan.

Rain garden means a shallow excavated depression (typically no more than 18 inches deep) with loosened sub-soils in which ornamental or native plants that are adapted to moist conditions and have deep roots are planted for the purpose of infiltrating and filtering rain water and reducing storm water runoff. Temporary ponding of water in rain

gardens typically occurs for no more than 48 hours after rainfall assuming no subsequent rainfall.

Residential garden means an area of edible landscaping on a lot that is conducted by the property owners or residents of that lot.

Restoration area means an area where native plants are being, or have been, intentionally re-established

Weeds are (i) prohibited noxious weeds or (ii) any volunteer plant, except trees and other woody vegetation, which is not customarily or intentionally planted. For the purposes of this definition, weeds do not include dandelions or clover.

(c) Location of restoration areas, ~~and~~ planned landscape areas, and edible landscaping areas.

(1) Setback. A restoration area, ~~or a~~ planned landscape area, or residential garden must provide the following minimum setbacks:

- a. Front lot line, corner side lot line, or rear lot line abutting a street or alley: two feet, and two feet from publicly maintained pavement or sidewalk
- b. Interior side lot line or rear lot line not abutting a street or alley: two feet; provided, however, for the exception in the required side yard or rear yard setback, as described in section 54-38(c)(2).

(2) Mitigations for reductions in side or rear yard setback. A required interior side yard or rear yard (not abutting a street or alley) setback may be reduced to zero feet for a restoration area, planned landscape area, or residential garden if:

- a. A fence at least three feet in height is installed on the lot line adjoining the restoration area, ~~or~~ planned landscape area, or residential garden; or
- b. The restoration area, ~~or~~ planned landscape area, or residential garden abuts:
 1. A restoration area, planned landscape area, or residential garden on any adjoining lot;
 2. A public park or open space;
 3. A wetland, pond, lake or stream;
 4. Natural area; or
- c. The restoration area or planned landscape area is located on slopes equal to, or greater than, three feet horizontal to one foot vertical (3:1).

(d) Maintenance Standards. Every owner of property shall maintain the vegetation growing thereon according to the minimum standards set forth in this subsection:

- (1) The setback area required by section 54-38(c) shall be composed of a soil retention cover such as mulch, regularly mowed turf grasses or groundcovers maintained at six inches or less, native or ornamental plants maintained at ten inches or less, trees or shrubs, or as may be required by the city administrator to protect the soil and aesthetic values on the lot and adjacent property.
- (2) Non-woody vegetation in a planned landscape area shall be cut at least once annually between April 15 and July 15 to a height no greater than 10 inches.
- (3) It is unlawful to plant any tree or shrub within five feet of a property lot line abutting a right-of-way of a public street or alley.
- (4) Property owners shall prune trees and shrubs located on private property so they will not obstruct pedestrian sidewalk traffic, nor obstruct the view of any traffic sign, street, alley, or intersection. Overhanging portions of trees and shrubs must be pruned to maintain a minimum clearance of eight feet over all sidewalks, and 16 feet over all streets.
- (5) Properties shall be free of blight and blighting factors, as described in section 22-19.
- (6) Properties shall be free of public nuisances, as described in section 22-47.
- (7) The city may require the owner or occupant who has planted, or has allowed to be planted, native plants or other vegetation within a drainage or utility easement to remove the native plants or other vegetation from the drainage and utility easement at no expense to the city if the city determines the native plants or vegetation interferes with the utility easement. The city will not be responsible for damage to turfgrass and/or any landscaped areas resulting from public works improvements or snow removal activities within drainage and utility easements.
- (8) Retail sales of produce from edible landscaping activities shall not occur on the property.

SECTION 2 Subsection 113-174(d) is amended as follows. Additions are shown with an underline, and deletions are shown with a ~~strikethrough~~.

Section 113-174 – One-family R-1 residential district

(d) Permitted accessory uses. No accessory structures or use of land shall be permitted except for one or more of the following uses:

- (1) Home occupations meeting the definitions and requirements of section 113-391.
- (2) Private tennis courts, provided no portion of the paved or fenced area is within a required front yard or less than ten feet from a property line.
- (3) One private garage or carport and parking space as regulated in section 113-240.
- (4) Private automobile repair or reconditioning as regulated in section 113-250.

~~(5) Gardening and other horticultural uses where no retail sale of products is conducted on the premises. Planned landscape areas and edible landscape areas, including residential gardens, as defined and regulated in section 54-38.~~

(6) Keeping of domestic pets as required in the Code.

(7) Signs as provided in subsection (g) of this section.

(8) Decorative landscape features and fences as regulated herein.

(9) Accessory buildings other than detached private garages as regulated herein. The design and placement of the accessory buildings must be approved by the planner as being in harmony with the surrounding residential neighborhood.

(10) Buildings temporarily located for purposes of constructing on the premises for a period not to exceed the time necessary for such construction (approved by zoning administrator).

(11) One composting area, or one compost structure as defined in section 113-240(l), of plant material including leaves, grass clippings, plant trimmings, fruits, vegetables and peels, but excluding animal derived materials such as bones, meat scraps and dairy products, not to cover more than 25 square feet in area and five feet in height in the rear yard. A larger composting area requires a permitted accessory use permit. A compost area must be set back at least five feet from any property line. The compost shall be maintained according to accepted composting practices for the residential yard.

(12) Garage and residential boutique sales limited to four sales each calendar year per residential unit, not to exceed ten consecutive days or two consecutive weekends each.

(13) Keeping of chickens as regulated by the Code.

SECTION 3 Subsection 113-177(e) is amended as follows. Additions are shown with an underline, and deletions are shown with a ~~strikethrough~~.

Section 113-177 – B-1 neighborhood convenience district

(e) Permitted accessory uses. The following uses shall be permitted accessory uses:

(1) Off-street parking and loading, signs, fences, and decorative landscape features as regulated herein.

(2) Temporary construction buildings (approved by zoning administrator).

(3) Accessory structures other than private garages as regulated herein. The design, placement, screening and size of the accessory buildings must be approved by the city council as being in harmony with the surrounding business district and neighborhood after review and recommendation by the planning commission.

(4) Essential service structures, provided no building shall be located within 30 feet of an abutting lot in an R district. The placement of the essential service structure must be approved by the city council as being in harmony with the surrounding business district and neighborhood after review and recommendation by the planning commission.

(5) Public telephone booths or drive-up service. The placement of the telephone booth or drive-up service must be approved by the city council as being in harmony with the surrounding business district and neighborhood after review and recommendation by the planning commission

(6) Planned landscape areas and edible landscape areas, including residential gardens, as defined and regulated in section 54-38.

(67) Other as deemed to be normal, customary, and incidental by the zoning administrator.

SECTION 4 Ordinance 20-04 is repealed in its entirety.

SECTION 5 This ordinance shall be effective upon its passage and a summary published in the official newspaper.

ADOPTED this X day of XX, 2020, by the City Council of the City of Falcon Heights, Minnesota.

Moved by:

Approved by: _____

Randall Gustafson
Mayor

GUSTAFSON
LEEHY
MIAZGA
WEHYEE
ANDREWS

____ In Favor
____ Against

Attested by: _____

Sack Thongvanh
City Administrator