

ORDINANCE NO. 2023-07

AN ORDINANCE AMENDING CHAPTER 30 OF THE EDINA CITY CODE CONCERNING VEGETATION, ARTICLE III. LANDSCAPING

THE CITY COUNCIL OF EDINA ORDAINS:

Section 1. Chapter 30, Article III of the Edina City Code is amended as follows:

DIVISION 1. GENERALLY

Sec. 30-91. Purpose.

It is the purpose of this article to prohibit the uncontrolled growth of vegetation, while permitting the planting and maintenance of landscaping or garden treatments which add diversity and a richness to the quality of life. There are reasonable expectations regarding the proper maintenance of vegetation on any lot or parcel of land. It is in the public's interests to provide standards regarding the maintenance of vegetation because vegetation which is not maintained may threaten public health, safety and order, and may decrease adjacent property values. It is also in the public's interests to encourage diverse landscaping and garden treatments, particularly those which restore native vegetation which requires less moisture and place a lower demand on the public's water resources. Replacing lawns with native grasses and wildflowers is consistent with a naturally occurring Midwestern American landscape that combats climate change and provides shelter and food for songbirds and other small mammals. Compared to the typical lawn, native grasses improve water quality, reduce air pollution, provide habitat restoration and protection, and increase carbon sequestration. The city enacts this article to balance these competing interests.

Sec. 30-92. Definitions.

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

Garden means a cultivated area dedicated to growing vegetables, fruits, flowers, ornamental grasses, groundcovers, shrubs and similar plants that were planted in a well-defined location.

~~Native grasses and forbs means grasses, including prairie grasses and flowering broadleaf plants, which are indigenous to the state.~~

Native plants are those grasses (including prairie grasses), sedges (solid, triangular-stemmed plants resembling grasses), forbs (flowering broadleaf plants), trees and shrubs that are plant species native to or naturalized to the state of Minnesota, excluding prohibited exotic species, as defined by Minnesota Statutes Chapter 84D. Native plants do not include noxious weeds.

Natural area means any wetland or floodplain designated by chapter 36, or any area of mature woodland, prairie and meadow vegetation native to the state.

Ornamental grasses and ground covers.

- (1) The term "ornamental grasses and ground covers" means grasses and ground covers not indigenous to the state.
- (2) The term "ornamental grasses and ground covers" does not include turf grasses.

Planned landscape area means an area where plants have been intentionally established and managed. ~~ornamental grasses and groundcovers or native grasses and forbs are planted pursuant to a plan.~~

Restoration area means an area where native grasses and forbs are being, or have been, intentionally re-established.

Turf grasses means grasses commonly used in lawn areas, including any blue grass, fescue or rye grass blends or any other similar grasses.

Weed means:

- (1) Any plant which is identified by the state commissioner of agriculture as a noxious weed or secondary noxious weed pursuant to Minn. Stats. § 18.75 et seq.; or
- (2) Any volunteer plant, except trees and other woody vegetation, which is not customarily or intentionally planted.

Sec. 30-93. Where planted.

- (a) *Ornamental grasses and ground covers.* Ornamental grasses and groundcovers shall be planted only in a planned landscape area.
- (b) *Native grasses and forbs.* Native grasses and forbs shall be planted only in a planned landscape area or a restoration area.

Sec. 30-94. Location of restoration areas and planned landscape areas.

- (a) *Setback.* A restoration area or a planned landscape area must provide the following minimum setbacks:

- (1) Front street or side street (as measured from the traveled portion of the street): 520 feet.
- (2) Side yard or rear yard: five feet;

provided, however, for the exception in the required side yard or rear yard setback, as shown in subsection (b) of this section.

- (b) *Mitigations for reductions in front, side or rear yard setback.* A required front yard, side yard or rear yard setback may be reduced to zero feet if:

- (1) A fully opaque fence at least five feet in height is installed on the lot line adjoining the restoration area or planned landscape area;
- (2) The restoration area or planned landscape area abuts:
 - a. A restoration area on any adjoining lot;
 - b. A public park or open space;
 - c. A vacant lot;
 - d. A wetland, pond, lake or stream;
 - e. Natural area; or
- (3) 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).
- (4) The restoration area or planned landscape area within the 5-foot setback is cut or otherwise controlled to a height no greater than 12 inches.

- (c) *Composition of setback area.* The setback area required by subsection (a) of this section shall be composed of pavement, rock, gravel, wood chips, regularly mowed turf grasses, trees or shrubs.

DIVISION 2. MAINTENANCE STANDARDS

Sec. 30-117. Owner's responsibility.

Every owner of property shall maintain the vegetation growing thereon according to the minimum standards set forth in this division.

Sec. 30-118. Turf grasses.

~~Except for the period from May 1 to June 15 each year for residential properties, t~~Turf grasses shall be regularly cut such that no individual plant shall exceed, at any time, ~~twelve ten~~ inches in height or length, as measured from its base at the ground to the tip of each stalk, stem or blade; provided, however, that turf grasses:

- (1) Located on slopes equal to, or steeper than, three feet horizontal to one foot vertical (3:1); or
- (2) Within ~~3020~~ feet of a wetland, pond, lake or stream, need not be maintained in accordance with this section.

Sec. 30-119. Weeds.

~~Except for the period from May 1 to June 15 each year for residential properties, w~~Weeds shall be regularly cut or controlled such that no individual plant shall exceed, at any time, ~~twelve ten~~ inches in height or length, as measured from its base at the ground to the tip of each stalk, stem, blade or leaf. Noxious weeds, as defined by the state commissioner of agriculture, shall be eradicated.

~~**Sec. 30-120. Planned landscape areas and restoration areas.**~~

- ~~(a) Planned landscape areas and restoration areas shall be cut at least once between May 1 and August 1 of each year to a height no greater than ten inches; provided, however, that planned landscape areas and restoration areas:~~
- ~~(1) Located on slopes equal to, or steeper than, three feet horizontal to one foot vertical (3:1); or~~
 - ~~(2) Within 20 feet of a wetland, lake, pond or stream, need not be cut as required by this article.~~
- ~~(b) No person shall permit ornamental grasses and ground covers growing on the person's property to invade adjoining properties.~~

Sec. 30-121. Nonconforming planned landscape areas and restoration areas.

Any planned landscape area or restoration area which lawfully existed prior to the effective date of the ordinance from which this article is derived may continue to exist and need not comply with the requirements of section 30-94, but shall comply with sections 30-117 through 30-120. Any expansion or addition to a nonconforming planned landscaped area or restoration area shall comply with all provisions of this article.

Sec. 30-122. Exemption.

Parks and natural areas owned by the city and rights-of-way owned by the county and state shall be exempt from the requirements of this article.

DIVISION 3. ABATEMENT OF CERTAIN CONDITIONS

Sec. 30-143. Nuisance.

Any vegetation which does not meet the requirements of this article is declared to be a nuisance.

Sec. 30-144. Conditions allowing inspector to enter property.

Entry by the weed inspector or assistant weed inspector for the purpose of cutting, removing, destroying or eradicating vegetation shall be done only after written notice is served upon the owner, and the occupant if other than the owner, of the property to be entered, and failure of the owner or occupant to cut down, remove, destroy or eradicate vegetation declared to be a nuisance, within the time, and in such manner, as the weed inspector or assistant weed inspector shall designate in the notice. The notice shall be given in the manner prescribed by Minn. Stats. § 18.271, subd. 2, and shall allow a minimum of seven days for the property owner or occupant to comply with requirements of the notice.

Sec. 30-145. Owner's responsibility for costs incurred.

- (a) The costs and expenses incurred by the city in connection with entering a property pursuant to section 30-144 and cutting, removing, destroying and eradicating vegetation declared to be a nuisance, shall be paid by the owner or occupant of the property entered pursuant to a notice containing the information and served as prescribed by Minn. Stats. 18.271, subd. 4.
- (b) If the city is not paid the amount stated in the notice within 30 days or before the following October 1, whichever is later, such amount shall become a lien in favor of the city and a penalty of eight percent shall be added to the amount due as of that date and the total cost, expenses and penalties shall be certified to the auditor of the county for entry as a tax upon such property for collection as other real estate taxes are collected, all pursuant to the provisions of Minn. Stats. 18.271, subd. 4.

This ordinance is effective upon adoption.

First reading: May 16, 2023

Second reading: June 6, 2023

Published:

Attest: _____
Sharon Allison, City Clerk

James B. Hovland, Mayor

PLEASE PUBLISH IN THE EDINA SUN CURRENT.

SEND ONE AFFIDAVIT OF PUBLICATION
BILL TO EDINA CITY CLERK.