

Section 86-247 Landscaping

- (a) In all classes of residential and business districts, all exposed ground areas surrounding a principal and accessory use, including street boulevards and easements, and which are not devoted to parking, drives, walks, patios, designated retail display areas or other such uses shall be landscaped except vegetation areas left in a natural state during initial construction may remain if properly maintained. Downtown district is exempted from the landscaping requirements.
- (1) Fences, bushes, shrubs, and any other landscape elements placed upon easements are subject to removal at owner's expense if required for maintenance or improvement of the utility. The city shall not be required to pay compensation for the items to be removed from a utility easement. Retaining walls shall not be placed upon easements.
 - (2) Trees planted within, or adjacent to, public right-of-way shall comply with the city tree policy.
 - (3) All landscaped areas, including vegetable, flower, and pollinator gardens, shall be kept neat, clean, uncluttered and be properly maintained. Landscaped area shall not be used for the recurring parking of vehicles, except as provided for in section 86-230 for overflow parking, or the storage or display of materials, supplies, and merchandise.
 - (4) Vegetation within a 25-foot visibility triangle of the property corner at street intersections and within a 10-foot visibility triangle adjacent to alleys and driveways shall not be taller than three feet measured from the top of the street curb. All vegetation upon, and adjacent to, boulevards shall comply with the city tree policy.
 - (5) Private vVegetable, flower and pollinator gardens are allowed in all R-1 and R-2 residence and, except vegetable gardens, in all business districts, but shall not be located in the front yard or side yards and shall not occupy more than 25 percent of the area of a rear yard; larger gardens may be allowed by an interim use permit. Vegetable gardens must not be placed on a lot where there is no permitted use main building except when such lot is adjacent to the lot where a permitted use main building is located and both lots have the same owner(s), in which case the vegetable garden can occupy 20 percent of the area of a rear yard calculated for these two lots combined. All such gardens shall not be placed closer than ten feet to all property lines or buildings, and shall have a clearly delineated physical border or edging.
 - a. On a lot where there is no permitted use principal building, flower and pollinator gardens shall not be placed closer than fifteen feet to all property lines.
 - b. Vegetable gardens occupying more than 50 percent of the rear yard or located on a lot where there is no permitted use principal building, and pollinator gardens with vegetation higher than fifteen inches may be allowed by an interim use permit.
 - c. All pollinator gardens shall have a sign advising that a pollinator garden is being established. This sign must be not smaller than eight inches square, not larger than one square foot, and have a height between two and three feet.
 - (6) Community vegetable gardens may be allowed in all business other zoning districts by an interim use permit, except interim use permit is not required in agricultural district. Such gardens shall not be located in the required yards or closer than ten feet to any building.
- (b) Landscape area shall occupy not less than 25 percent of the exposed ground area of the lot. Landscape area shall include not less than 50 percent live materials (vegetation, including flower and pollinator gardens) with the balance being permeable landscaping decorative materials such as landscape rock or mulch.
- (1) Grade slope over one-foot in three feet is prohibited unless existing site grading is unique and special measures are taken to prevent erosion.

- (2) The trees shall be planted at a rate of at least one tree per 5,000 square feet of landscaped area or one tree per 50 feet of lot street frontage, whichever is greater; existing trees protected during construction may be counted toward the total number of trees required. If more than five trees are required, at least two species shall be used.
 - (3) Overgrown vegetation and sizable broken limbs shall be trimmed; dead or severely damaged trees shall be replaced. Infected trees shall be treated in accordance with chapter 82, Vegetation.
 - (4) Elms, ash, and box elder trees shall not be used unless disease resistant species are utilized.
- (c) In all classes of business and industrial districts, yards adjoining any of the classes of residence districts or public parks shall be landscaped with buffer planting screens unless an adjacent residence district property contains a non-residential use. In R-3 and R-4 multiple family residence districts, yards adjoining lower classes of residence districts shall be landscaped with buffer planting screens unless a multiple family residence district property contains exclusively one- to four-family residences.
- (1) Buffer planting screens shall be at least 80 percent opaque year-round and six feet high. Planting screens shall be planted in such manner that, when fully grown, they remain entirely within the property boundaries. A maintenance-free opaque fence or other means deemed comparable to planting screens by the city staff may be used to substitute for the required buffer planting screens provided requirements of subsection (b) are met.
- (d) Building enlargement and expansions over 50 percent of existing building footprint area or construction of additional main use buildings on site shall cause an entire site landscaping review by city staff for ordinance compliance.
- (e) All requirements of this section shall be satisfied within one year of receiving a temporary certificate of occupancy. All new site work performed on existing occupied sites shall comply with the landscaping requirements.

(Code 1976, § 11.19(3)(A)(1); Ord. No. 687, § 1, 6-10-2014; Ord. No. 727 2nd series, § 1, 4-24-2018; Ord. No. 749 2nd series, § 1, 6-23-2020)

Outlot means a tract of land, included in a plat, which is smaller than the minimum size permitted for lots or doesn't have proper access from a street and which is thereby declared unbuildable until combined through platting with additional land; or a parcel of land which is included in a plat and which is at least double the minimum size and which is thereby subject to future platting prior to development; or a parcel of land which is included in a plat and which is designated for public or private open space, right-of-way, utilities or other similar purposes.

Owner means any person, agent, firm or corporation having a legal or equitable interest in the property.

Patio means a flat structure made of concrete, brick, wood, or other building materials, elevated above adjacent grade six inches or less from any point.

Pergola means a structure forming a shaded area and made of vertical posts or pillars that usually support cross beams and a sturdy open lattice.

Pollinator gardens, or natural landscapes, means intentionally designed and managed gardens that contain non-native plants or native species that are listed as pollinator-friendly plants by the State of Minnesota Board of Water and Soil Resources (MNBWSR) or one of MNBWSR's partner organizations with the maximum height of vegetation not to exceed fifteen inches; pollinator gardens may not include any noxious weeds or turf-grass lawns left unattended for the purpose of returning to a natural state, and shall be maintained to remove all unintended vegetation and cut at least once annually between April 15 and July 15 to a height no greater than ten (10) inches

Permit means an official document issued by the City that authorizes performance of a specified activity.

Porch, four-season, or sunroom means a heated room with the glazing exceeding 40 percent of the exterior wall area.

Porch, open, means a roofed deck surrounded by walls not higher than 42 inches, with or without window screens above.

Porch, three-season, means an unheated room with the glazing exceeding 40 percent of the exterior wall area.

Prefabricated building means a building regulated by the building code, which is newly constructed, in full or in sections, off the building site to be installed, on the building site on the permanent foundation.

PUD (planned unit development) means a special zoning district, which may include single or mixed uses and one or more lots or parcels, where one or more of the zoning or subdivision regulations, except use regulations, may be waived or altered to create a more flexible, creative and efficient approach to the use of land, and which is subject to the procedures, standards and regulations contained in this Chapter.

Recreational vehicle means a vehicle, motorized or towed, that is built on a single chassis and is designed for recreational, travel, or seasonal camping use. For the purposes of this Chapter, the term recreational vehicle shall be synonymous with the term travel trailer/travel vehicle, camper, or motor home.

Residential facility means any facility, licensed by the State of Minnesota, public or private, which for gain or otherwise provides two or more persons with care, food, lodging, training, education, supervision, habilitation, and rehabilitation for 24 hours per day. Residential facilities include, but are not limited to, foster homes, hospices, residential treatment centers, group homes, and residential programs for handicapped children. Nothing in this definition shall be construed to include jails, nursing homes, substance abuse treatment facilities, or facilities excluded by Minn. Stat. § 462.357, subd. 7.

Right-of-way means a publicly owned strip of land covered, or intended to be covered, by a public roadway or other vehicle or pedestrian path, including adjacent land, which is dedicated, designated or reserved for public use.

Roomer means a person, not part of a housekeeping unit, who rents a single room in a one- or two-family dwelling or dwelling unit on a permanent or semi-permanent basis, with no cooking privileges and no special contract for food.