

Examples of Native Landscape Ordinances from Minnesota Cities

Introduction

Many cities in Minnesota and elsewhere now allow or actively promote the use of native plants and natural or naturalized residential landscaping. Landscape types include meadow, prairie, rain gardens, lake and pond shorelines, and other natural areas. The ordinance excerpts included here show the range of approaches that cities are using. Some cities require a permit for native landscaping; others require setbacks but no permit; still others allow the practice by right.

Two important disclaimers:

1. These are summaries of or excerpts from local ordinances, not the complete ordinance. Most ordinances also include detailed prohibitions and procedures for removing weeds, brush, and other unmaintained or hazardous vegetation.
2. The ordinance excerpts were current as of December, 2019. Ordinances are likely to be amended or updated over time, so be sure to check the actual city code for the most current language.

General Guidance

The [Minnesota GreenStep Cities](#) program maintains a list of [Model Ordinances for Sustainable Development](#). The model ordinance for [Landscaping and Maintenance of Vegetation](#) distinguishes native plantings and other alternatives to turf grass and defines edible landscaping as a substitute for lawns. The ordinance requires a plan, setbacks, and maintenance of native landscaping to address the nuisance concerns that typically accompany alternatives to turf. (Last updated in 2008, some of the references are out-of-date but the ordinance language is useful.)

Austin

10.13 Grass and weeds on private property.

Subd. 1. It is unlawful for any owner, occupant or agent of any lot or parcel of land in the city to allow any noxious weeds as defined in Minnesota Statutes Sections 18.77 and 21.72 or grass growing upon any such lot or parcel of land to grow to a greater height than 8 inches.

A. The following areas and types of vegetation are exempted from this provision if managed in a manner so as not to become infested with weeds or to create a stagnant, foul-smelling condition;

1. Non-noxious weeds and grass vegetation in wetland areas;
2. Non-noxious weeds, grasses and herbaceous vegetation within 50' of designated storm water ponds or within 50' of natural or altered creeks, rivers and stream corridors, including riparian buffer strips, that convey water, provided they are cut to less than 10 inches at least once per year if located within 200' of an occupied residence or developed property;

3. Non-noxious weed and grass vegetation growing on land that has been agriculturally zoned land or has a history of being ag land, including pastures, that are fenced and contain animals, provided that a buffer zone of 10 feet between the ag land and any turf grass area will be required;
4. Temporary erosion control grasses;
5. **Maintained and weeded prairie, meadow or natural landscape vegetation** [emphasis added] that does not contain noxious weed growth and that includes the cultivation of native grasses indigenous to Minnesota provided that the property owner applies for and is issued a natural landscape permit and maintains the property in a condition sufficient to maintain the permit. Natural landscape permits are required if a proposed landscape includes native grasses that exceed or are expected to exceed 8 inches in overall height. Natural landscape permit applications shall be submitted to the Park Department. No natural landscape permits will be issued unless the following requirements are fulfilled by the owner;
 - a. They are set back not less than twenty feet from the front lot line. For the purposes of this ordinance, corner lots shall be deemed to have two front yards;
 - b. They are set back not less than five feet from the side and/or rear lot lines to provide a transition zone. No set back is required on the side or rear lot lines if (1) there is a fully opaque fence at least five feet in height installed between the native plants and the side or rear lot lines or (2) the native plants abut a neighboring Native Plant Landscape Area;
 - c. The Native Plant Landscape Area is cut at least once annually between April 15 and July 15 to a height no greater than ten (10) inches;
 - d. Turf grass is eliminated and the native plants, trees and shrubs are planted through transplanting or seed by human or mechanical means. Soil erosion should be controlled while the ground is bare of plant growth that is sufficient to inhibit erosion and is the sole responsibility of the owner or occupant;
 - e. Written authorization from the City Administrator or his/her designee is obtained for work within conservation or scenic easement areas, including planting, mowing or cutting.
6. A violation of any of the requirements set forth above will result in the revocation of the natural landscape permit by the City.
7. Grass and non-noxious weed vegetation in publicly owned parks designated as natural preserves or private property so designated by the City Council or natural undisturbed areas where the land and vegetation appears not to have been graded, landscaped or otherwise disturbed by human or mechanical means in recent time;
8. Grass and non-noxious weed vegetation on natural or altered slopes steeper than 2:1;
9. Ornamental grasses; and/ or
10. Natural wooded lots.

[\[link to code\]](#)

Bloomington

Chapter 10, Article VI, Weeds and Brush

§ 10.37 Definitions

BRUSH. Includes parts of plants, such as but not limited to, twigs, tree and shrub branches. **BRUSH** does not include firewood and construction material.

WEEDS. Includes all noxious weeds as defined by the statutes of the state and all such useless and troublesome plants as are commonly known as weeds to the general public including volunteer and scrub trees or shrubs.

§ 10.38 Nuisance

(a) Weeds and grass. All weeds or growing grass upon any lot, parcel of land or adjacent right-of-way area in the city to a height greater than eight inches, or which have gone or are about to go to seed, are hereby declared to be a nuisance and a detriment to the good order of the city with the following exceptions:

- (1) Native prairie and long grass areas shown on an approved landscape plan in accordance with § 19.52;
- (2) Native prairie and long grasses within a defined landscape area on a single- or two-family residential parcel, provided that such defined landscape area:
 - (A) Occupies no more than 50% of the pervious surface area of the parcel excluding natural wooded areas, wetlands, water bodies, rain gardens, lakescaping and scenic easements;
 - (B) Is set back from property lines by at least five feet. The setback is not required where the defined landscape area abuts another similar private or public landscape area, a wetland, pond, lake or stream or if a fully opaque fence at least four feet in height is installed along the lot line adjoining the planned landscape area; and
 - (C) Is maintained at least once per year through mowing or, if appropriate permits are obtained through the City Fire Marshal, burning.
- (3) Natural wooded areas;
- (4) Wetlands, ponds or rain gardens;
- (5) Lakescaping areas as defined in § 19.03; and
- (6) Areas where mowing is prohibited by easement or law.

[\[link to code\]](#)

Burnsville

Native Plantings Ordinance

The City has language specifically related to native plantings in its ordinances. Native prairie or other native habitat plantings are referred to as meadow vegetation in this document. Native plants used in a typical manicured garden are not regulated by this ordinance.

The following is a summary of the requirements of the native planting ordinance. Native plantings will be allowed as landscaping if they meet the following criteria:

- A landscape plan is submitted to the City and approved prior to the commencement of the project. More information on landscape plan requirements is listed below.
- The prior vegetation is eliminated and the native vegetation is planted through transplanting or seed by human or mechanical means.
- If weeds cover more than 25% of the planting, it must be cut to a height of no more than 8 inches at least once per year.
- The area is clearly defined by edging, fence, or similar material. A native planting that directly abuts at least a mower's width of mowed and maintained turf grass will be considered to have adequate edging.
- If on sloped ground, the native planting must have adequate erosion control measures installed while it establishes.
- The area does not extend into the public right of way.
- 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 planting 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 10 inches square, no larger than one square foot, and no higher than 3 feet tall. The sign is no longer required when weeds cover 25% or less of the area.

Landscape Plans for Native Plantings

The City requires residents to submit a landscape plan for their native prairie planting prior to installation. Planting plans are reviewed and approved within 10-15 business days.

[Native Planting Landscape Plan\(PDF\)](#)

[\[Link to code\]](#) – see Section 7-1-9]

Minneapolis

One of the least restrictive ordinance examples is that of Minneapolis. Section 227.90 of the [Code of Ordinances](#) establishes a “right to install and maintain a managed natural landscape”, which is exempted from public nuisance regulations. Note that the ordinance applies to private parcels, not to boulevards, which do have height limits for vegetation.

(a) *In general.....* Except as part of a managed natural landscape as defined in this section, any 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.

(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 common 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 eight (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.

[\[link to code\]](#)

Rochester

Rochester's ordinance includes specific requirements for a landscape permit and for a management and maintenance plan for the transition period to the natural landscape.

Intent: The City Council also determines that a variety of properly maintained landscapes in the City add diversity and a 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 native or naturalistic plant communities is an acceptable landscape treatment in the City. However, as a protection for the larger community, this change in vegetation must be properly planned, managed and maintained, and the length of transition period must be minimized or the property is likely to create a public nuisance.

Definitions:

Subd. 5. "Native and Naturalistic Vegetation" shall mean 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.

Subd. 6. "Native grasses" shall mean grasses (Beach Grass, Wood Chess Grass, Sand Reed Grass, Wheat Grass, Bluestem Grass, Grama Grass, Brome Grass, Buffalo Grass, Switch Grass, Indian Grass, Wild Rye)) that existed in the area prior to European settlement.

Subd. 7. "Native plants" shall mean plants that existed in the area prior to European settlement.

Subd. 8. "Natural landscaping" shall mean the use of groups of plants native to the area.

Subd. 9. "Naturalistic landscaping" shall mean the use of native and nonnative plants.

Subd. 10. "Noxious weeds" shall mean plants so designated by the Commissioner of Agriculture pursuant to Minnesota Statute, those identified by Olmsted County, or USDA-APHIS.

Subd. 11. "Prairie" shall mean a plant community dominated by a diversity of native perennial herbaceous plants and grasses.

Subd. 12. "Regularly cut" shall mean mowing or otherwise cutting vegetation so that the dimension of the vegetation measured from the ground to the top of the vegetation(as extended upright) regardless if that is the blade of the vegetation or any other part of the plant does not exceed 12 inches in height.

Subd. 13. "Temporary Erosion Control Grasses" shall mean 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.

Subd. 14. "Traditional landscaping" shall mean the use of turf grasses and woody plants (shrubbery and trees) with defined areas for cultivation of annual and perennial plants.

Subd. 15. "Transitional period" shall mean the amount of time to change from one type of landscaping to another. The period should not extend three growing seasons for any specific area.

Subd. 16. "Turf grasses" shall mean bluegrass, fescue and ryegrass blends with non-woody vegetation interspersed with them commonly used in regularly cut lawns.

Subd. 17. "Weeds" shall mean prohibited noxious weeds as identified by the State of Minnesota Department of Agriculture, Olmsted County, or USDAAPHIS and any undesirable or troublesome plant that is horticulturally out of place exceeding the height limitations in this chapter. For the purposes of this ordinance, *Taraxacum* spp (common dandelion) is not considered a weed.

Exemption from nuisance regulation:

Maintained and weeded prairie, or natural/naturalistic landscape vegetation that does not contain noxious weed growth provided that the property owner applies for and is issued a natural or naturalistic landscape permit, and maintains the property in a condition sufficient to maintain the permit.

Permit requirements:

48.05. Natural or Naturalistic Landscape Permits. Natural or Naturalistic Landscape Permits are required if a proposed landscape includes grasses that exceed or are expected to exceed 12 inches in overall height. Permit applications shall be submitted to the Park Department.

48.06. Contents of Natural or Naturalistic Landscape Permit Application. The applications shall contain:

- A. The name and address of the applicant and the legal description of the property being permitted;
- B. A site plan for the area sought to be permitted. The scale of plan should be 1"=30' and include all adjacent properties and public streets and alleys;
- C. A general description of the vegetation types, plants and plant succession to be used; and
- D. A specific management and maintenance plan which shall include:
 - (1) The estimated transition period;
 - (2) The elimination of non-native or invasive vegetation;
 - (3) The replanting of the area by transplant or seeded by human or mechanical means;
 - (4) The maintenance of the area to a height of 12 inches or less if weeds cover more than 25% of the landscaped area equaling in excess of 144 square feet;
 - (5) The maintenance of all non-woody vegetation/grasses located in a buffer strip with a minimum distance of four feet from side and rear lot lines is to a height of 12 inches or less unless the

adjacent property owner has consented in writing that the buffer strip is not required, a copy of which is filed with the permit application; and

(6) Maintenance of all vegetation within 18 inches of any public street, walk, bikeway or alley to a height of 12 inches or less.

48.07. Issuance of Natural or Naturalistic Landscape Permit. The Park Department shall determine the completeness of the application and shall issue the Natural or Naturalistic Landscape Permit unless:

- A. The management and maintenance plan is incomplete or inconsistent with the application requirements; or
- B. The transition period for the area is longer than three growing seasons.

[\[link to ordinance\]](#)