



CASS CLAY
FOOD
PARTNERS

URBAN AGRICULTURE AND

BOULEVARD GARDENS



A BLUEPRINT DEVELOPED BY THE CASS CLAY FOOD PARTNERS
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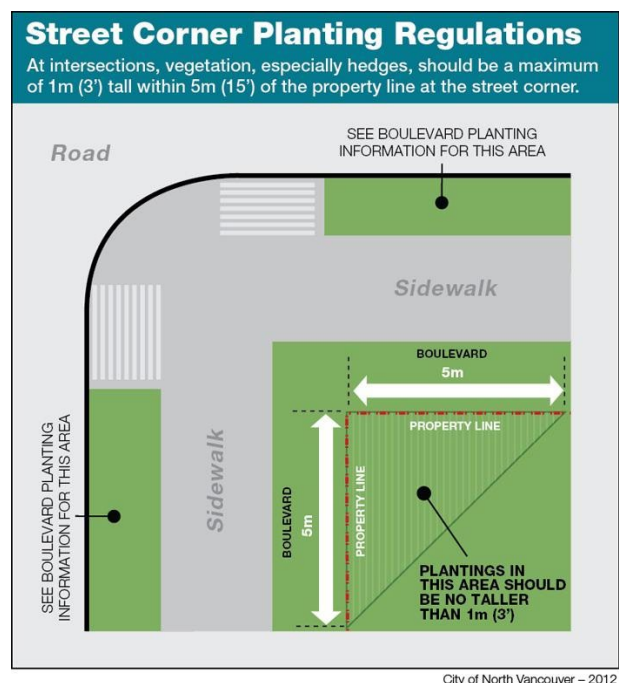
Boulevard Gardens

This issue brief will provide background information related to boulevard gardens and address the common concerns and benefits from a health, environmental, social, and economic standpoint. Appendices have been provided to share how regional jurisdictions are managing their residential gardening as well as example policy language from other jurisdictions.

Background

Since the 1940's American suburbia has been defined by white picket fences and perfectly green turfgrass lawns. It is estimated that turfgrass lawns in the United States cover more acres of land than corn, alfalfa, soybeans, orchards, vineyards, cotton, pastures, wheat, and hay combined, totaling around 40.5 million, and use more water than the top eight agricultural commodities combined.¹ Not only do turfgrass lawns use tremendous resources (water, chemicals, etc.) but they also take up space that could otherwise be used to grow food.

Allowing residents to garden in the boulevard is a way to increase gardens and reduce turfgrass in urban environments. Boulevards are the space between sidewalks and streets, and can be owned by the resident or the jurisdiction (see image to the right for sample boulevard planting information from the City of North Vancouver). Minneapolis and St. Paul allow boulevard gardening, and provide residents with a list of plants that are best suited for boulevards with considerations such as height, spreading, chance for runoff, etc. Appendix C provides a list of species that can be successfully grown in boulevards. Because the primary purpose of boulevards is as utility corridors, residents are to understand that if their provider needs to access the boulevard, the garden may be removed or damaged.



General Requirements for Residential Gardens

Whether you are gardening in the boulevard or elsewhere on your property, there are a few consistent requirements across the jurisdictions to keep in mind. This list only addresses regulations at the county and city level. Some living communities, homeowners' associations (HOAs), or covenants further regulate yard use and garden locations.

- Gardens are generally permitted for properties zoned as residential
- Lawns should be kept below a height of 8 inches unless there is a natural lawn allowance
- Noxious weeds should be removed
- Areas near street intersections or corners may have additional height restrictions

¹ Diep, Francie. 2011. *Lawn vs. Crops in the Continental US*. Science Line. URL: <http://scienceline.org/2011/07/lawns-vs-crops-in-the-continental-u-s/>

Table 1: Summary of Boulevard Garden Policies in each Local Jurisdiction

Moorhead	Allowed with approved permit. Must meet requirements related to maintenance, maximum plant height, mulching, structures, and liability insurance. Learn more and apply here: Boulevard Planting Permit - City of Moorhead . Natural lawns are also allowed, learn more here: Natural Lawn Q&A - City of Moorhead
Dilworth	Not Addressed
Clay County	Not permitted. Learn more here: Clay County Code
Fargo	Allowed; permit required for raised gardens on the boulevard. Must meet requirements related to maintenance, maximum plant height, mulching. Additional height and location requirements apply to raised beds, which cannot be made of permanent materials (ie concrete). Learn more and apply here: The City of Fargo - Boulevard Garden Program
West Fargo	Not Addressed. May be allowed depending on scale, location, and plant selections. Must follow nuisance ordinance and be approved by city forester.
Horace	Allowed with permission from the City Council. Learn more here: Title III, Chapter 3-02 - City of Horace
Cass County	Not Addressed

Table 2: Framework for Evaluating Boulevard Gardening

DOMAIN: HEALTH		
Benefits	Concerns	Mitigation Strategies
Reduced stress and improved mental health	Soil contamination from salt, motor oil, heavy metals	Plant selection and placement, soil testing and remediation
Increased physical activity and time spent outdoors	Risk of foodborne illness from pet waste	Natural deterrents (citrus peels, vinegar) and sacrificial spots.
Increased access to fresh produce and vitamin D	Location of boulevard gardens can create a safety hazard	Height restrictions and overhang removal, call 811 before digging
DOMAIN: ENVIRONMENT		
Greater diversity of flowering plants for pollinators	Soil can wash into the street during planting and maintenance	Gardens should be designed to minimize soil disturbance, planted below curb level, and covered with mulch.
Rain gardens and prairie plants can improve water infiltration		
DOMAIN: SOCIAL		
Provides more opportunity for community and neighborhood interaction	May be aesthetically unpleasing for some residents	Design and maintain gardens with intention (eg. define edges, layer plantings, remove weeds).
DOMAIN: Economic		
Can increase land used for urban food production	Jurisdiction cost of monitoring and addressing issues	Reduce administrative requirements (eg. permitting)

Additional Boulevard Gardening Resources

Incentive programs and technical assistance in the Fargo/Moorhead area:

- Minnesota [Lawn to Legumes](#) - grant funding for MN residents to install pollinator habitat
- [River Keepers](#) - education through the Resilient Yard Series through community ed
- [Cass](#) and [Clay County Soil Conservation Districts](#) - education and technical assistance for homeowners, may offer cost sharing for pollinator gardens, rain barrels, compost systems, pervious paving, pocket prairies, and some other practices.

Soil testing and remediation:

- [Best practices factsheet](#) and research for urban soil management, University of California Cooperative Extension
- [“Vegetable Selection Makes a Difference in Heavy Metal Accumulation,”](#) Michigan State University Extension

Garden design and plant selection (also see Appendix C):

- [“The Best Plants for 30 Tough Spots,”](#) University of Minnesota Extension.
- [“Tips for Planting a Boulevard Garden,”](#) Northern Gardener
- [Boulevard garden designs and photos](#), Metro Blooms

If you have questions about this blueprint, please contact Noelle Harden at University of Minnesota Extension by emailing harde073@umn.edu.

Appendix A: Residential Gardening in Regional Jurisdictions

Bismarck, ND

1. No person may dig up, remove, displace, break, or otherwise injure or destroy any public right-of-way, including any public improvement located thereon, in the City without first securing written permission, an appropriate permit as required by this code, a franchise available under this code, or an encroachment agreement from the City.
2. No person shall obstruct, encroach or place any object, thing or improvement on or over any public right-of-way in any manner without first securing written permission, an appropriate permit as required by this code, a franchise available under this code, or an encroachment agreement from the City. A person violating this section shall be guilty of an offense.

Duluth, MN

The only restriction on front yard gardening is on front yard fence height (four foot maximum). Although there is no written policy, boulevard gardening is allowed as long as it does not interfere with the city sidewalk. Residents are supposed to receive verbal permission. They do not allow residents to use large rocks for landscaping, because they can damage snow plows.

Grand Forks, ND

No front yard gardening restrictions. Boulevard gardening is not allowed.

Lincoln, NE

Residents are not allowed to have any vegetation higher than two feet six inches near the curb or pavement or in the sight triangle to keep driving views unobstructed. Only approved trees can be planted in this area, and vegetation may not extend over the sidewalk, curb, driveway, or alley.

Mankato, MN

No residential gardening restrictions. Boulevard gardening is not allowed unless approved by the city, which is rare.

Rochester, MN

Residents wishing to plant a tree or other plantings on the boulevard in front of their property must obtain a boulevard planting permit issued by the Forestry Division of the Parks and Recreation Department. The permit is free, and once the application is received, the city will visit the property to assess the planting space. It's important to note that any plantings in the boulevard, outside of turf grasses, require a natural landscape permit. For more information, you can visit the [City of Rochester's website on boulevard permits](#).

Sioux Falls, SD

No restrictions for backyard gardens. In front yard, must have 90% "living ground cover." The Planning Department usually tells people that as long as something is growing, it is acceptable. Boulevards are to be maintained by residents; they are limited to "sod, seed or other living ground cover approved by the city" (§96.010 Right-of-way Landscaping). Additionally, fences or plants three feet in height above the street grade cannot be planted within ten feet of the curb line to prevent vision obstruction (§160.158 Driveway Safety Zone).

Appendix B: Example Ordinances

Des Moines, IA

ARTICLE VII. - GARDENS AND PLANTS ON CITY-OWNED RIGHT-OF-WAY AND CITY PROPERTY

Sec. 74-201. - Garden leases.

(a) Persons or entities desiring to plant or place flowers, plants, or shrubs in a permanent structure on any city right-of-way or city real property shall execute a garden lease which identifies all areas of the proposed planting or placement, and shall abide by the terms of such lease, including insurance and indemnification responsibilities, if any, established by the city risk manager. Persons or entities executing a garden lease shall be exempt from the permit requirements of section 102-660 of this Code.

(b) The garden lease shall be denied if such plantings or placement is likely to create a public danger or nuisance or would be harmful to existing trees, shrubs, flowers, plants or facilities, as determined by the city engineer.

(c) For purposes of this article, city right-of-way means the surface and space above and below any public street, boulevard or sidewalk, but does not include the border area as defined in section 102-1 of this Code and governed by section 102-2 of this Code.

(d) Persons or entities desiring to maintain city property that abuts their property or is located on neighboring property shall execute a lease which shall set forth the duties associated with the use of the property.

(O.14,314, 14,366)

Sec. 74-202. - Administration.

The park and recreation director shall be responsible for the administration of the garden leases. The director of the park and recreation department, or his or her designee, is authorized to execute garden leases on city right-of-way and other city real property on behalf of the city and may delegate any or all of his or her duties under this article.

Toronto, Ontario, Canada (pop. 2.6 million)

Below is an excerpt to the City's front yard landscaping bylaw. Vegetables are included. They have also promoted growing food anywhere in the city except near a major arterial road. This has been done by creating a Guide for Soil Testing and several Guides to Growing and Selling Fruit and Vegetables.

Section 7 – R1 Residential Zone (R1) of Zoning By-law No. 1-83 of the former City of York, as amended, is further amended by adding the following new subsection to subsection (3):

“(q) Front Yard Landscaping and Front Yard Soft Landscaping The following front yard landscaping and front yard soft landscaping provisions shall apply to a detached dwelling house:

(i) For lots with a frontage less than 6 metres, the front yard not covered by a permitted driveway shall be maintained as landscaping.

(ii) For lots with a frontage of 6 metres to less than 15 metres, a minimum of 50% of the front yard shall be maintained as landscaping.

(iii) For lots with a frontage of 15 metres and greater, a minimum of 60% of the front yard shall be maintained as landscaping.

(iv) A minimum of 75% of the front yard not covered by a permitted driveway shall be maintained as soft landscaping.

(v) For the purpose of this subsection, landscaping means trees, shrubs, grass, flowers, vegetables, and other vegetation, decorative stonework, walkways, patios, screening, or other horticultural or landscape-architectural elements, or any combination of these. Landscaping does not include driveways or parking areas, and directly associated elements such as curbs or retaining walls.

(vi) For the purpose of this subsection, soft landscaping means trees, shrubs, grass, flowers, vegetables, and other vegetation, but does not include hard surfaced areas such as but not limited to driveways, parking areas, decorative stonework, walkways, patios, screening, or other landscape-architectural elements."

St. Paul, MN (pop. 294,873)

Chapter 105. - Care and Maintenance of Boulevards

Sec. 105.04. - Boulevard planting.²

Purpose: It is the purpose and intent of the city to allow property owners to plant and maintain the boulevard areas adjoining their property in a manner which enhances and improves the aesthetic appearance of city streets, avenues and alleys.

Definitions.

- *Boulevard* shall mean the public right-of-way lying between the property line and sidewalk, and between the sidewalk and the roadway, or where no sidewalk exists, between the property line and the roadway.
- *Boulevard plantings* shall mean plantings that do not meet the definition of boulevard rain garden.
- *Boulevard rain garden* shall mean a landscaped depressed area that can hold stormwater runoff from impervious surfaces while it infiltrates into the soil below.
- *Drip line* shall mean an imaginary vertical line that extends from the outermost branches of a tree's canopy to the ground.
- *Noxious weeds* shall mean the annual, biennial and perennial plants which are deemed by the commissioner of agriculture to be injurious to public health, environment, public roads, crops, livestock and other property, as set forth in Minn. Rules 1505.0730, including but not limited to: *Convolvulus arvensis* (field bindweed), *Cannabis sativa* (hemp), *Rhus radicans* (poison ivy), *Euphorbia esula* (leafy spurge), *Sonchus arvensis* (perennial sow thistle), *Cirsium vulgare* (bull thistle), *Cirsium arvense* (Canada thistle), *Carduus nutans* (musk thistle) and *Carduus acanthoides* (plumeless thistle).

Plantings permitted.

A property owner in the city shall be permitted to plant, care for and maintain gardens on the boulevards adjacent to their property, subject to the restrictions set forth below.

- (1) Boulevard rain gardens shall be registered as described in [chapter 116](#) and authorized by the department of public works prior to construction, except for those authorized as part of a city street reconstruction project. Rain gardens that impact existing boulevard trees or the area within the drip line shall be reviewed and approved by the department of parks and recreation-forestry.
- (2) Boulevard rain garden slopes shall not exceed twenty-five (25) percent, the bottom depth shall not exceed six (6) inches below the elevation of adjacent hard surface, and there must be a two-foot wide level grass strip between the adjacent hard surface and top of slope. Excavations shall not occur within the drip line of boulevard trees.
- (3) Plantings may not exceed thirty-six (36) inches in height. Plantings within thirty (30) feet of any intersection as measured from the property line; or within five (5) feet of any alley, or driveway approached as measured from the end of the radius or within five (5) feet of a public utility fixture may not exceed eighteen (18) inches in height. Plantings shall be limited to eighteen (18) inches in height within ten (10) feet of the curb on street

² St. Paul, Minnesota code of ordinances. *Chapter 105. - care and maintenance of boulevards section 4.* [accessed 28 November 2016].
https://www.municode.com/library/mn/st._paul/codes/code_of_ordinances?nodeId=PTIILECO_TITXIISTSIBROTPUWA_CH105CAMABO_S105.04BOPL

sections that do not have parking lanes, or on street sections or portions of street sections where "rush hour or 24-hour no parking" restrictions apply.

- (4) Plantings must be maintained in such a way that there is no overhang or encroachment onto the sidewalk, curb or street area.
- (5) Plantings may include flowers, vegetables and other plants, but in no event shall any noxious weed be planted or maintained.
- (6) No herbicides, pesticides and/or fertilizers may be used in the maintenance of gardens under this section without written approval of the city forester, which approval shall contain the type and amount of said herbicide, pesticide and/or fertilizer which is permitted.
- (7) No garden shall be planted on the boulevard without written documentation that the property owner has contacted "Gopher State One Call" for utility locations forty-eight (48) hours before digging, and has planned plantings which will not interfere with said utilities.

Appendix C: Boulevard Gardening Plant Lists

A: Noxious/toxic/invasive Plants to Avoid

- Daffodil
- Lily of the Valley
- Foxglove
- Periwinkle

B: 24"-36" Native/ Tolerant Perennials

- Daylily
- Milkweed
- Purple Coneflower
- Bearded Iris
- Walkers Low Catmint
- Peony
- Russian Sage
- Prairie dropseed grass
- Garden Phlox
- Black-eyed susan

C: 18"-24" Native/ Tolerant Perennials

- Aster
- Sedum
- Speedwell
- Yucca

D: 12"-18" Native/ Tolerant Perennials

- Yarrow (12"-30")
- Dianthus (10"-20")
- Hosta (11"-18")
- Lamb's Ear

E: Groundcover Perennials

- Pussy toes (6")
- Sedum (2"-3")
- Thyme (2"-5")
- Dwarf Bee Balm (10")
- Creeping Phlox

E: Vegetables (High, medium, low risk for heavy metals)

- Potatoes (High)
- Carrots (High)
- Radishes (High)
- Onions (High)
- Collard greens (High)

- Swiss chard (High)
- Lettuce (High)
- Mint (High)
- Cilantro (High)
- Cucumbers (Medium)
- Melons (Medium)
- Tomatoes (Low)
- Peppers (Low)
- Beans (Low)
- Zucchini (Low)

G: Alternate seed mixes for pollinator friendly lawns (<https://www.ndda.nd.gov/pollinator-and-grass-seed-mixes>)

- Pollinator/Forage Mix
 - Alfalfa-Prolific II
 - Medium Red Clover
 - Creeping Foxtail
 - Perennial Ryegrass-Forage
 - Timothy-Climax
 - Black-Eyed Susan
 - Blue Vervain
 - Foxglove Beardtongue
 - Golden Alexanders
 - Great Blue Lobelia
 - New England Aster
 - Purple Prairie Clover
 - Monkey Flower
 - Western Wheatgrass-Rosana
- Grass Mix
 - Alfalfa-Vernal
 - Medium Red Clover
 - Intermediate Wheatgrass
 - Meadow Brome
 - Tall Fescue-STF-43
 - Slender Wheatgrass
 - Western Wheatgrass-Rosanaa