



City of Nowthen
PLANNING & ZONING COMMISSION MEETING
TUESDAY, SEPTEMBER 27, 2022
A G E N D A
7 PM

Called to Order

- Pledge of Allegiance
- Roll Call
- Approve/Amend tonight's meeting agenda of September 27, 2022.
- Approve/Amend meeting minutes of July 26, 2022.

1. 7:00 PM:

PUBLIC HEARING: Consider a Variance request at 20885 Engen Blvd. to allow a new residence 100 feet from the OHWL of Bear Lake (50 foot variance)

2. 7:20 PM:

Discussion: Consider Zoning Ordinance Changes to Fencing, Screening and Landscaping Requirements

Upcoming Projects at Future Meetings:

- Gustafson 4-lot Plat on Engen Blvd.
- Toft Final Plat on St. Francis Blvd.
- Shermer 5-lot plat on Twin Pkwy.
- Amended CUP for cell tower at 5606 Verde Valley Rd.

Motion to Adjourn

MINUTES
PLANNING AND ZONING COMMISSION MEETING
JULY 26, 2022

CALL TO ORDER

Chair Ames called the meeting to order at 7:05pm.

Those assembled recited the pledge of allegiance.

Present: Carlson, Haapala, Jorgensen, Lewis, Pearo

Absent: Bies

Also Present: Liaison Pilon, Planner Stockman, and Interim City Administrator Boyles

MOTION BY PEARO SECOND BY HAAPALA TO APPROVE THE AGENDA MINUS THE JUNE 28, 2022, MINUTES. MOTION CARRIED. SIX AYES.

1.PUBLIC HEARING REGARDING ORDINANCE 2022-02 REGARDING ARCHITECTURAL AND DESIGN STANDARDS FOR COMMERCIAL INDUSTRIAL USES.

Chair Ames stated that tonight's hearing is to solicit public input on the architectural standards that the commission has been reviewing for months now. Planner Stockman provided the staff report by reviewing the changes proposed in the ordinance and the rationale.

No changes made in exterior materials. Commercial is to be 65% grade A exterior and 35% can be grade B or C. Industrial may have up to 50% metal. From a color perspective, 80% can be earthtones with 20% contrasting colors. For multi-tenant buildings there should be on visually significant side. Windows can break up the mass. as can roof lines.

Planner Stockman indicated she had received one call asking what the new standards apply to. She confirmed that it is only to new buildings. The Planning and Zoning Commission received Grant Rademacher's letter, and it was read aloud at the meeting as requested. There was discussion of the adequacy of parking for short term versus long term parking. Future lot sizes must be such so there is adequate parking. There was discussion on whether one standard could be universal. Parking standards for office, warehouse and commercial are different.

Pearo asked about buffering, for example, between Bill's and public land adjacent to it. She also believes that cameras, microphones, and similar forms of security should be encouraged in these situations. There was a clarification that security materials should

not be diminished. The buffer between the two properties is on the back side. Hours of operation help to mitigate the necessity for buffers.

Ames asked if notifications have been made. Confirmation was forthcoming. Haapala suggested that electronics be as unobtrusive as possible. Carlson wanted clarification on application of the new standards. Pearo expressed concern about building expansion. Pilon commented that a building destroyed over 50% would have to comply with the new standards.

MOTION BY HAAPALA SECOND BY CARLSON TO APPROVE ORDINANCE 2022-02 AMENDING SECTIONS 11-2, 11-5, AND 11-6 OF THE NOWTHEN CITY CODE TO DEFINE MORE DETAILED ARCHETECTURAL STANDARDS AND SITE DESIGN FOR COMMERCIAL AND INDUSTRIAL USES.MOTION CARRIED. SIX AYES.

MOTION BY PEARO SECOND BY AMES TO ADJOURN. MOTION CARRIED. SIX AYES.

The meeting was adjourned at 8:25pm.

Chairperson

Dale Ames

Interim City Administrator

Frank Boyles



3601 Thurston Avenue
Anoka, MN 55303
763.231.5840
TPC@PlanningCo.com

PLANNING REPORT

TO: Nowthen Mayor and City Council
Nowthen Planning & Zoning Commission

FROM: Elizabeth Stockman

DATE: September 20, 2022

RE: Nowthen – Polgreen Variance – 20885 Engen Boulevard NW
(PID 17-33-25-31-0003, 17-33-25-42-0003)

FILE NO: 122.02 – 22.11

BACKGROUND

Patricia Polgreen, property owner, and son Ben Polgreen have requested approval of a shoreland setback variance to allow a new home to be located 100 feet from the OHWL of Bear Lake, rather than the required 150 feet. Their 11.25-acre property is irregular in shape and is located within the Shoreland District of Bear Lake. The site also contains numerous wetlands and an existing shared driveway with the neighbors to the south. The existing home on the property is a non-conforming use and would be removed upon approval of the current request. The property is zoned RRA, Rural Residential Agriculture, within which single family residential structures are permitted uses.

EXHIBITS

Exhibit A – Variance Application (3 pages)
Exhibit B – Consultant Review Form (2 pages)
Exhibit C - Site Location
Exhibit D – Site Survey
Exhibit E – Detailed Survey
Exhibit F – House Plans (4 pages)
Exhibit G - Findings of Fact

CONSIDERATIONS & ANALYSIS

Zoning. The property is zoned RRA, Rural Residential Agriculture. Single family homes are permitted uses within this zoning district. The proposed residence would be consistent both with the low-density residential land uses guided by the City's Land Use Plan and with other properties in the City in similar zoning districts/adjacent uses.

Variance Review Criteria. The purpose of the Variance is to provide the City with an opportunity for amelioration of unnecessary hardships resulting from the rigid enforcement of its Zoning Ordinance. This Variance provision authorizes the City Council to permit a particular property to be used in a manner not allowed for by the Ordinance by varying the terms of this Chapter. Variances shall pertain only to the physical characteristics of the land or structures to be built thereon, such as area, height, setback requirements, and density. Specifically, the City Council may grant only non-use or area Variances and shall not grant use Variances.

Under the terms of the City's Zoning Ordinance regarding Variances, Section 11-11 of the Nowthen City Code, the property owner must show that the circumstances for which the Variance is requested are unique to the property and a reasonable use afforded to other property owners. A Variance request shall not be approved unless a finding is made by the City Council that failure to grant the Variance will result in practical difficulties.

1. "Practical difficulties" means that the property owner proposes to use the property in a reasonable manner not permitted by this Chapter and include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

Comment: The City Council must find that the proposed addition represents a reasonable use of the property, and that despite not meeting the setback will not have a negative influence upon the neighborhood in which it's located.

2. The application for Variance shall also demonstrate that the request satisfies the following criteria:

- a. That the Variance would be consistent with the Comprehensive Plan.

Comment: The low-density residential use of the property is consistent with the City's Comprehensive Land Use Plan and the proposed use is permitted under the terms of the City Code.

- b. That the Variance would be in harmony with the general purposes and intent of the City's Zoning Ordinance.

Comment: Other than the setback for which the Variance is requested, the proposed structure meets all size requirements and design standards and is

therefore in harmony with the intent of the Zoning Ordinance. While it is not unlike many other properties in the community, given the unique configuration of the Polgreen property, the home is also required to meet setbacks from the wetlands north and east of the house.

Setbacks are typically required to maintain separation of structures from neighboring properties, to allow adequate air and light, proper access and to uphold aesthetic qualities of a neighborhood. The proposed Polgreen house is placed more than 50 feet from all adjoining lot lines.

- c. That the plight of the landowner is due to circumstances unique to the property not created by the landowner.

Comment: The request for a Variance is based upon preexisting conditions where the shoreland lot, wetlands, woods and the irregular lot configuration may justify deviation from the strict application of Zoning Ordinance regulations.

- d. That the purpose of the Variance is not an exclusively economic consideration.

Comment: The applicant's request for a Variance is unrelated to economics. The condition of the existing home to be removed is poor and that home is located at or about 93 feet from the OHWL, so the proposed home at a 100-foot setback is an improvement.

- e. That the granting of the Variance will not alter the essential character of the neighborhood in which the parcel of land is located.

Comment: The single-family neighborhood within which the property is located will not be negatively impacted by the home. The proposed Polgreen house is placed more than 50 feet from all adjoining lot lines (minimum required setback for side yards is 20 feet).

- f. That the requested Variance is the minimum action required to eliminate the practical difficulty.

Comment: The City Council shall make a determination as to whether the request for a setback Variance seems reasonable given the circumstances and physical configuration of the site.

Department of Natural Resources. The proposed Variance on this parcel is subject to review and approval by the DNR since it is located within the 1,000 foot Shoreland Boundary of Bear Lake. Applicable Shoreland requirements have been outlined below:

- A. A building permit is required for the construction of buildings or building additions. The Building Official shall issue a certificate of zoning compliance for each activity requiring a permit.
- B. A permit authorizing construction of a conforming septic system will be required prior to issuing the permit for building construction.
- C. In considering a variance request, the City Council must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.
- D. The OHWL of Bear Lake is 931.2. It is a Natural Environment Lake with an OHWL setback of 150 feet.
- E. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.
- F. The height of the home may not exceed 25 feet.
- G. Streets, driveways, and parking areas must meet structure setbacks and must not be placed within shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.
- H. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
- I. Impervious surface coverage of lots must not exceed 25 percent of the lot area. *The existing house and addition conform with this requirement.*

SUMMARY

In granting any Variance, the City Council may impose conditions to ensure compliance with the City Code and to protect adjacent and affected properties. The City Council may motion one of three ways following consideration of the factors outlined herein:

- Motion to **approve** the Variance for the OHWL setback of 100 feet based on demonstration that practical difficulties exist and the request's consistency with Comprehensive Plan and Zoning Ordinance regulations, subject to the conditions (as may be amended) attached in the findings of fact.
- Motion to **deny** the application based on a finding that the request does not demonstrate practical difficulties or meet Zoning Ordinance criteria.
- Motion to **table/continue** the public hearing until the next meeting.

C: Scott Lehner, City Administrator
Wes Saunders-Pierce, DNR
Patricia and Ben Polgreen



VARIANCES & APPEALS

8188 199TH AVENUE NW, NOWTHEN, MN 55330
(763) 441-1347

RETURN TO: PERMITS@NOWTHENMN.NET

<input checked="" type="checkbox"/> VARIANCE <input type="checkbox"/> APPEAL	<p>***FOR OFFICE USE ONLY *** FOR OFFICE USE ONLY***</p> <p>Date Application Received: <u>8/16/22</u></p> <p>Date Application Complete: <u>8/16/22</u> <small>(60-day review period starts from this date)</small></p> <p>Public Hearing Date: <u>9/27/22</u></p> <p>City Council Approval/Denial Date: <u>10/11/22</u></p> <p>60-Day Review Period Ends: <u>10/16/22</u></p> <p>60-Day Extension: <u> </u> Yes <u> </u> No Expires On: <u> </u></p> <p>Received By: <u>U3 Storkman</u></p>
	<p>Base Fee: \$200</p> <p>Escrow: \$1,000</p> <p>Public Hearing Fee: \$250</p> <p>Recording Fee: \$30</p> <p>Total Amt. Due: \$1,480</p> <p>Amt. Paid: <u>\$1480.00</u></p> <p>CC/Check# <u>285</u></p> <p><i>Rec'd 8/16/22</i></p>

Instructions: Please read carefully and answer all questions thoroughly. Only complete applications will be accepted after validation by the Zoning Administrator, and prior to acceptance of required processing fees and escrows.

Property Information Street Address: 20885 Engen Blvd Elk River MN 55330

Property Identification Number (PID#): 17-33-25-31-0003, 17-33-25-42-0003

Type of Business or Use Requested: Single Family Home Residential

Legal Description (Attach full description of Metes & Bounds if necessary):
See attached

Applicant Information

Name: Ben Polgreen Business Name: _____

Mailing Address: 177 Highwood Dr

City: Chaska State: MN Zip Code: 55318

Telephone: (763) 244 5366 Cell Phone: _____ Work: _____

e-mail: benpolgreen@gmail.com

Property Owner Information (If other than applicant):

Name: Trish Polgreen Business Name: _____
Mailing Address: 20885 Engen Blvd Elk River MN 55330
City: Elk River State: MN Zip Code: 55330
Telephone: (763) 242-0182 Cell Phone: _____ Work: _____
e-mail: trishpolgreen@aol.com

Description of Request (attach additional sheets as necessary)

Existing Use of Property: Single Family Residence

Description of Proposed Use: New Home

Reason(s) to Approve Request: Due to irregular lot configuration and the presence of wetlands throughout, it would not be possible to construct a new home while obeying the 50' lake setback. A variance of 50' (i.e. 100' setback from lake) would be feasible.

Please describe any previous applications pertaining to the subject site:

Project Name: None Date of Application: _____

Nature of Previous Request: _____

Required Submittal Information:

Site Survey or Site Plan, drawn to scale with detailed information including all primary and accessory structures, patios/decks, fences, driveways, well, and septic system. If a Certificate of Survey is not provided, property lines may have to be marked by registered surveyor so that the Zoning Administrator can verify required setbacks.

Detailed building/construction plans including floor plans, elevation drawings, materials and construction specifications.

APPLICATION FEES AND EXPENSES: We the applicant and undersigned property owner agree to provide to the City, in cash or certified check, for deposit in an escrow fund, the amount of \$ 1480.00 as partial payment for all fees and estimated future City administrative, planning, legal and engineering fees incurred in processing this request. If the escrow amount is depleted, I agree to furnish additional monies as requested by the City within 10 days of such request. I understand that any amounts not utilized from this escrow fund shall be returned to me, without interest, when all financial obligations to the City have been satisfied. **All fees and expenses are due whether the application is approved or denied.**

I understand and agree that all City-incurred professional fees and expenses associated with the processing of this request and enforcing the terms of this agreement including, but not limited to, attorney's fees are my responsibility as the property owner and will be promptly paid by myself upon billing by the City in the event the escrow fund is depleted. I further understand and agree that as the property owner I must make said payment within 10 days of the date of the invoice. Bills not paid within the 10 days of request for payment by the City shall accrue interest at the rate of 6% per year. Further, if I fail to pay said amounts when due, then the City may certify such costs against any property owned by me within the City limits for collection with the real estate taxes and/or take necessary legal action to recover such costs and I agree that the City shall be entitled to attorney's fees and other costs incurred by the City as a result of such legal action. I knowingly and voluntarily waive all rights to appeal said certification of such expenses against my property under any applicable Minnesota Statutes.

Applicant: [Signature] Date: 8/15/22

Property Owner: [Signature] Date: 8-15-22

I, the undersigned, hereby apply for the considerations described above and declare that the information and materials submitted in support of this application are in compliance with adopted City policy and ordinance requirements and are complete to the best of my knowledge.

I understand that this application will be processed in accordance with established City review procedures and Minnesota Statutes 15.99 at such time as it is determined to be complete. Pursuant to Minnesota Statutes 15.99, the City will notify the applicant within fifteen (15) days from the filing date of any incomplete or other information necessary to complete the application. Failure on my part to supply all necessary information as requested by the City may be cause for denying this application.

Signature of Applicant: [Signature] Date: 8/15/22

Signature of Property Owner: [Signature] Date: 8-15-22

Signature of Property Owner: _____ Date: _____

Signature of Property Owner: _____ Date: _____



CONSULTANT FEES CHECKLIST & ACCEPTANCE STATEMENT

8188 199TH AVENUE NW, NOWTHEN, MN 55330
(763) 441-1347

RETURN TO: PERMITS@NOWTHENMN.NET

Starting Aug. 1, 2019, Minnesota Statute § 471.462 requires all cities to provide, upon request, a nonbinding estimate of consulting fees in connection with applications for permits, licenses, or other approvals relating to real estate development or construction. An application is not complete until all four requirements of the statute in the checklist below are met.

Minnesota Statute § 471.462 does not apply unless (1) the application is for a permit, license, or other approval related to real estate development or construction, and (2) the applicant requests that the city provide a nonbinding estimate of consultant fees to be charged to the applicant. When applicable, the application is not complete until the following four requirements are met:

- The city has provided the estimate of consultant fees to the applicant. The estimate of consultant fees must be based on information available to the city at that time.
- The city has received, from the applicant, all the required application fees.
- The city has received a signed acceptance of the fee estimate from the applicant.
- The city has received a signed statement that the applicant has not relied on the estimate of fees in its decision to proceed with the final application.

Minnesota Statute § 15.99 requires that cities must approve or deny written land use applications within 60 days (the "60-Day Rule"). An application is not complete for purposes of the 60-Day Rule until all four requirements of Minnesota Statute § 471.462 are met.

PROJECT: Variance 50' for house in Shoreland zone

PROPERTY ADDRESS: 20885 Engen Blvd, Elk River, MN 55318

PID NUMBER: 17-33-25-31-0003, 17-33-25-42-0003

NAME & ADDRESS OF APPLICANT:

Ben Polgreen
177 Highwood Dr
Chaska, MN 55318

B



CONSULTANT FEES CHECKLIST & ACCEPTANCE STATEMENT

**8188 199TH AVENUE NW, NOWTHEN, MN 55330
(763) 441-1347**

RETURN TO: PERMITS@NOWTHENMN.NET

SIGNED ACCEPTANCE & NON-RELIANCE STATEMENT

I, on behalf of Ben Polgreen, understand that in connection with an application for Lake Setback Variance, Ben Polgreen requested the City of Nowthen provide a written, nonbinding estimate of the consultant fees to be charged, relating to the application.

Based on the information available to the City, the City estimated it would charge \$ 1480 in consultant fees. I acknowledge that I have received the written estimate of consultant fees and accept the fee estimate.

Furthermore, I acknowledge that I, on behalf of Ben Polgreen, have not relied on the City's estimate of consultant fees in my decision to proceed with the final application for Lake Setback Variance.

APPLICANT: [Signature]

DATED: 8/15/22

TITLE: _____

ON BEHALF OF: _____

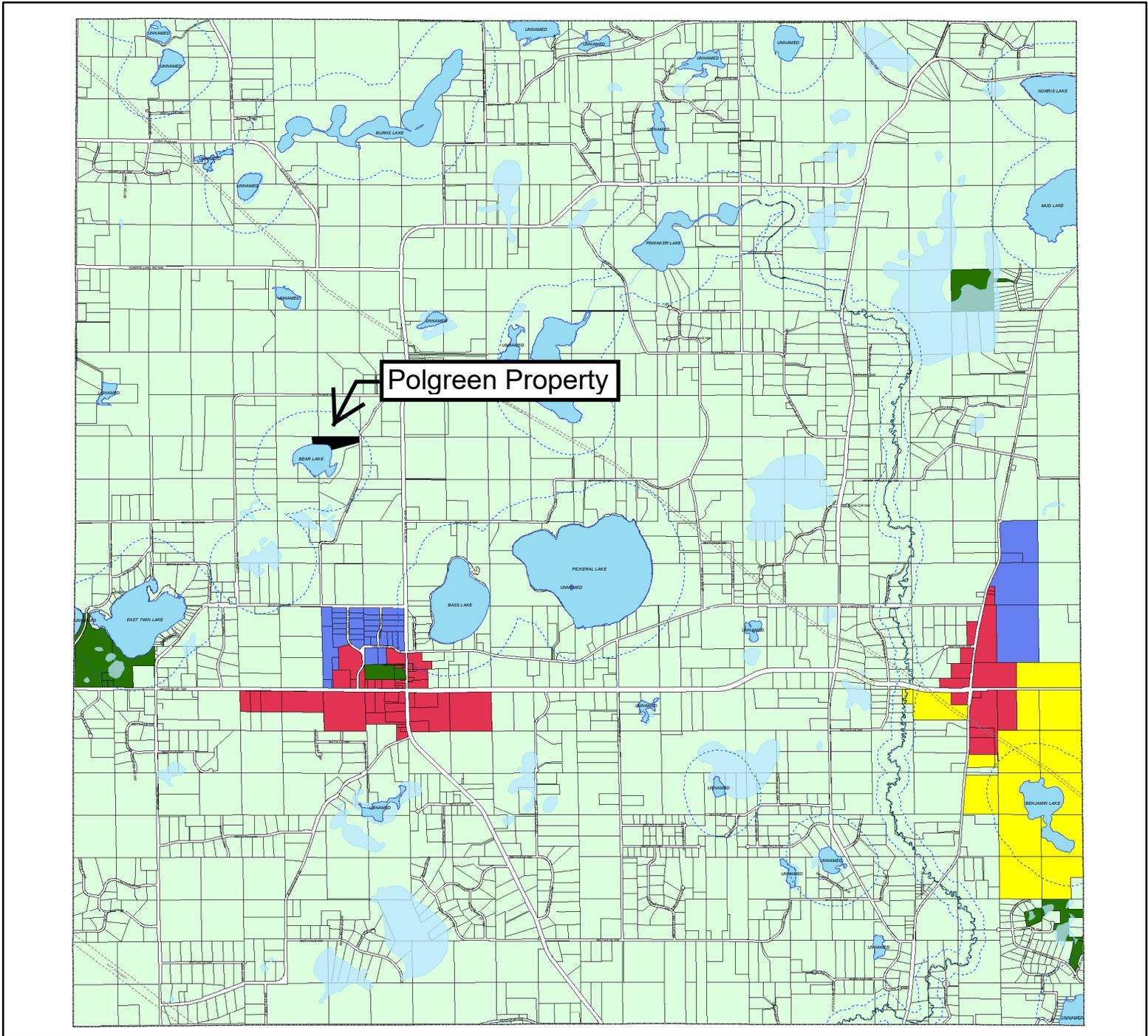
THE CITY OF NOWTHEN
RECEIVED BY: [Signature]

DATED: 8/16/22

NOTICE: City files must be consulted to verify the zoning classification of property in addition to this map.

CITY OF NOWTHEN

Zoning Map



ZONING

- C-1 - Commercial District (370 acres / 1.74%)
- I-1 - Industrial District (220 acres / 1.04%)
- CON - Conservancy District (156 acres / 0.74%)
- RRA - Rural Residential Agriculture (19,897 acres / 94.20%)
- RRT - Rural Residential Transition (478 acres / 2.26%)
- Shoreland Overlay District

C

TPC
The Planning Company



SOURCES: CITY OF NOWTHEN, ANOKA COUNTY, MN DNR, HAA, TPC

Adopted: Aug 11, 2020

K:\GIS\Projects\Municipal\NT901\2019\LandUse2040

Certificate of Survey

for
Ben Polgreen
Part of Section 17, Township 33, Range 25
City of Nowthen, Anoka County, Minnesota

Existing Property Description (Doc. No. 2353002.001):
(PID: 17-33-25-31-0003 & 17-33-25-42-0003)
The north 400.00 feet of the east 200.00 feet of the Northeast Quarter of the Southwest Quarter of Section 17, Township 33, Range 25, Anoka County, Minnesota;

AND,

That part of the Northwest Quarter of the Southeast Quarter of Section 17, Township 33, Range 25, Anoka County, Minnesota, lying northerly of the following described line:
Beginning at a point on the east line of said Northwest Quarter of the Southeast Quarter distant 166.77 feet southerly of the northeast corner thereof; thence southwesterly to a point on the south line of the north 400.00 feet of said Northwest Quarter of the Southeast Quarter distant 380.00 feet easterly of the southwest corner of said north 400.00 feet, as measured along said south line thereof; thence westerly along said south line of the north 400.00 feet a distance of 380.00 feet to the west line of said Northwest Quarter of the Southeast Quarter, said line there terminating.

Together with all hereditament and appurtenances belonging thereto, subject to the following exceptions:

Subject to the right-of-way of Engen Boulevard.
Subject to other valid easements of record, if any.

Survey Notes:

- This survey was performed without the benefit of a title report. No search for restrictions or easements was made by the surveyor
- The right of way of Engen Blvd. NW is shown as an easement. Actual width and location may vary.

REFERENCE BENCHMARK

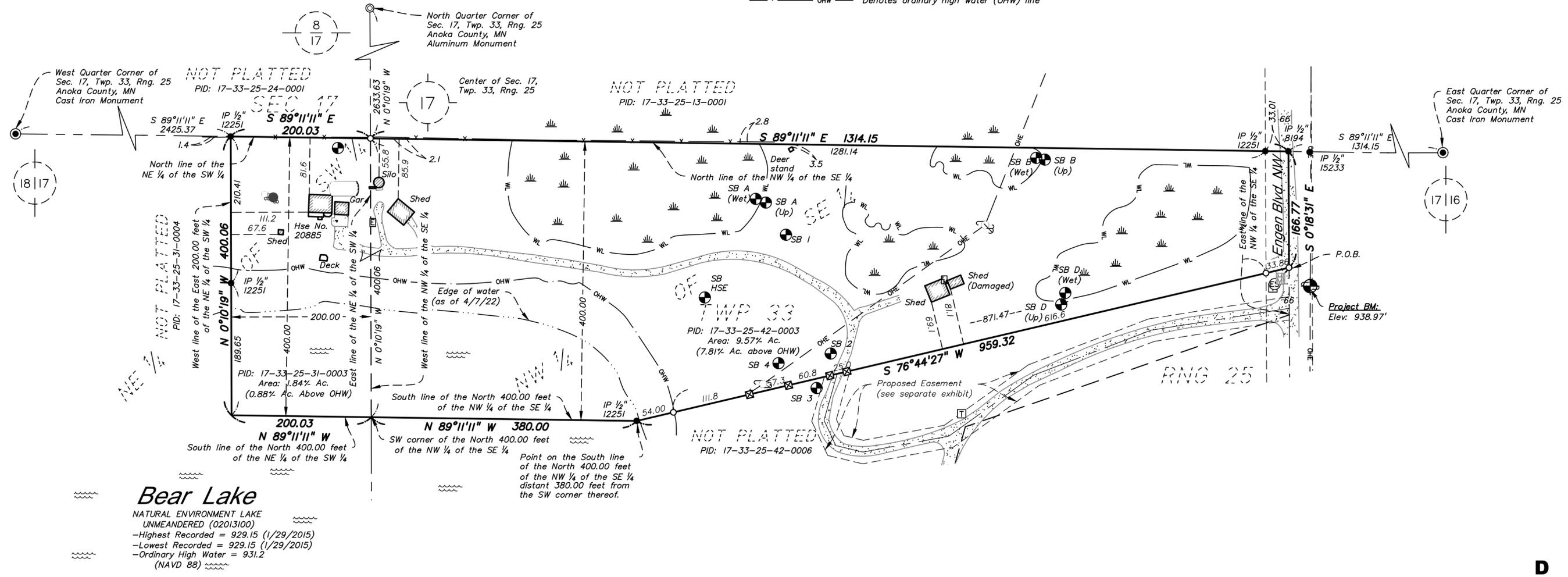
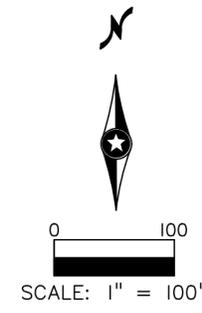
Anoka County Benchmark No. 3083
in the NW Quad of C.S.A.H. No. 5 and
211th Avenue N.W.
Elevation = 939.25 feet (NAVD 88)

PROJECT BENCHMARK

Set railroad spike in South face of power
pole NE'ly of entrance to 20885 Engen
Blvd. NW
Elevation = 938.97 feet (NAVD 88)

LEGEND:

- Denotes found iron monument
- Denotes set iron monument
- ⊙ Denotes found cast iron monument
- ⊙ Denotes found metal disk
- ⊞ Denotes electrical cabinet
- ⊞ Denotes mailbox
- ⊞ Denotes septic cleanout
- ⊞ Denotes soil boring
- ⊞ Denotes electric service
- ⊞ Denotes septic manhole
- ⊞ Denotes power pole
- ⊞ Denotes guy wire
- ⊞ Denotes telephone pedestal
- ⊞ Denotes electric meter
- ⊞ Denotes propane tank
- ⊞ Denotes wet land interior
- LS 15233 Denotes Dennis Taylor, LS
- LS 8194 Denotes John Oliver, LS
- LS 12251 Denotes Jeffrey Caine, LS
- ⊞ Denotes concrete surface
- ⊞ Denotes gravel surface
- X Denotes barbwire fence
- OHE Denotes overhead electric
- Denotes easement
- Denotes existing adjoiners
- WL Denotes wet land exterior
- Denotes waters edge
- OHW Denotes ordinary high water (OHW) line



Bear Lake
NATURAL ENVIRONMENT LAKE
UNMEASURED (02013100)
-Highest Recorded = 929.15 (1/29/2015)
-Lowest Recorded = 929.15 (1/29/2015)
-Ordinary High Water = 931.2 (NAVD 88)

D

SHEET NO. 1	Ben Polgreen Part of Sec. 17, Twp. 33, Rng. 25 20885 Engen Blvd NW City of Nowthen, Anoka County, Minnesota	 BOGART, PEDERSON & ASSOCIATES, INC. LAND SURVEYING CIVIL ENGINEERING MAPPING 13076 FIRST STREET, BECKER, MN 55308-9322 TEL: 763-262-8822 FAX: 763-262-8844	I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota. Signed: <i>Craig Wensmann</i> Date: 4/12/22 Lic. No. 47466	DATE: 4/7/22 DESIGN BY: DRAWN BY: CK CHECKED BY: CAW DWG FILE: PolygreenCOS FILE NO.: 22-0117.00	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>REV NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	REV NO.	DATE	DESCRIPTION												
REV NO.	DATE	DESCRIPTION																		
OF SHEETS 1	Certificate of Survey																			

Site Plan

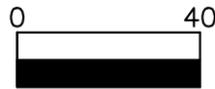
for
Ben Polgreen

Part of Section 17, Township 33, Range 25
City of Nowthen, Anoka County, Minnesota

PID: 17-33-25-42-0003
Reference Certificate of Survey by Bogart,
Pederson & Associates, Inc. for Ben
Polgreen Dated 4/12/2022

PROPOSED HOUSE ELEVATIONS

Top of Foundation Elev = 944.3
Garage Floor Elev = 944.0
Lowest Floor Elev = 936.3
Minimum Lowest Floor Elev = 934.2
(3' above OHW)



SCALE: 1" = 40'

SETBACKS

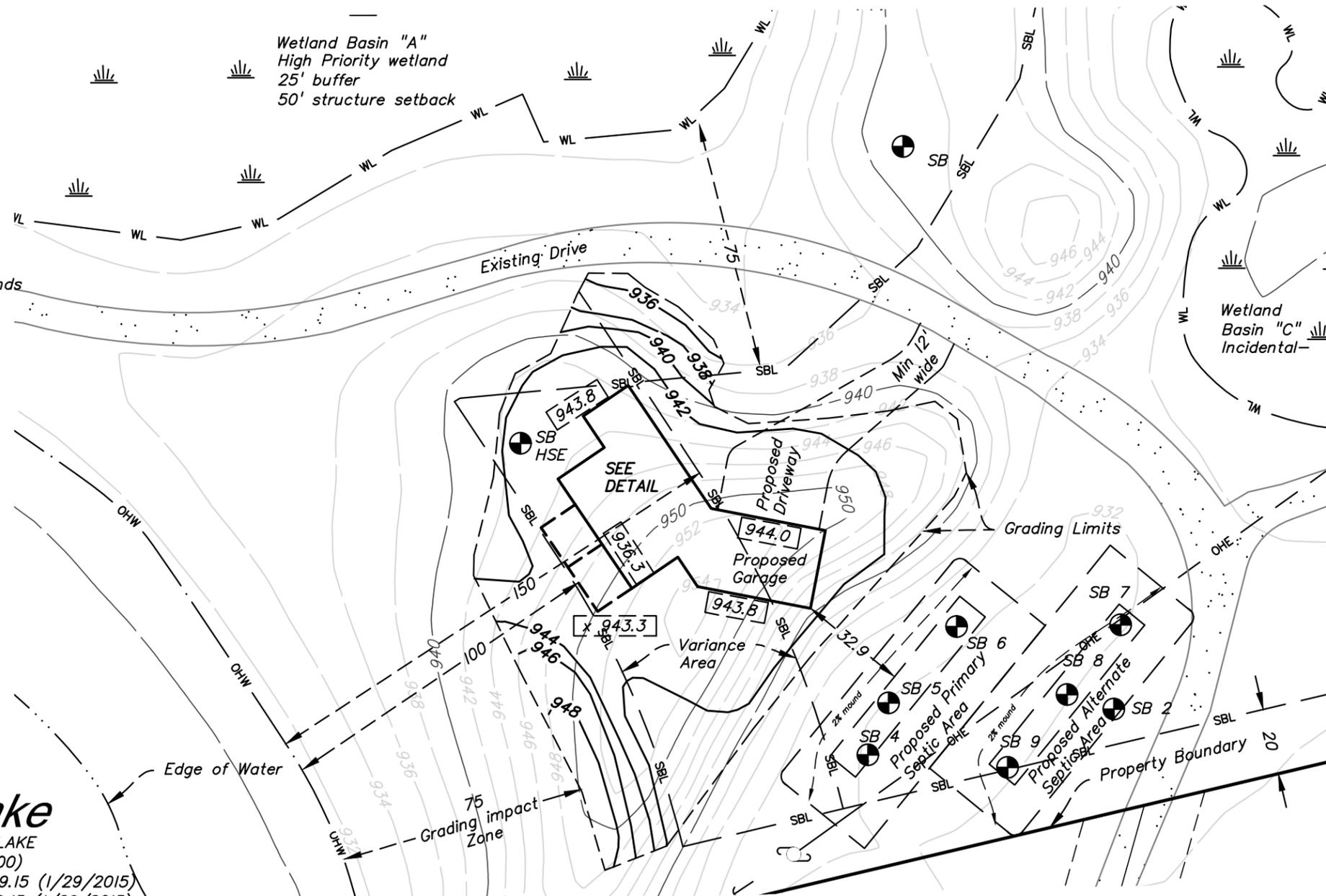
120' From centerline
Township road
25' Rear
20' Side
75' High Priority Wetlands
150' From OHW natural
environment lake

HOUSE TYPE

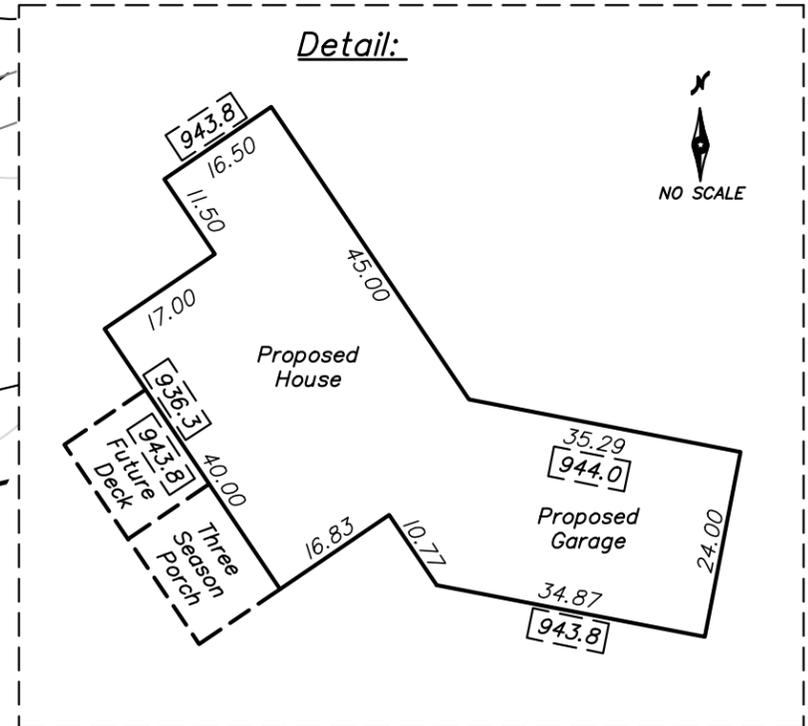
Full Basement

LEGEND:

- Denotes soil boring
- Denotes power pole
- Denotes wet land interior
- Denotes gravel surface
- Denotes major contour
- Denotes minor contour
- Denotes delineated wetland
- Denotes waters edge
- Denotes ordinary high water (OHW) line
- Denotes building setback line



Detail:



Bear Lake

NATURAL ENVIRONMENT LAKE
UNMEANDERED (02013100)
-Highest Recorded = 929.15 (1/29/2015)
-Lowest Recorded = 929.15 (1/29/2015)
-Ordinary High Water = 931.2
(NAVD 88)

SHEET NO.
1

Site Plan
Ben Polgreen
Sec. 17, Twp. 33, Rng. 25
Anoka County, MN

BOGART, PEDERSON & ASSOCIATES, INC.
LAND SURVEYING
CIVIL ENGINEERING
MAPPING
13076 FIRST STREET, BECKER, MN 55308-9322
TEL: 763-262-8822 FAX: 763-262-8844

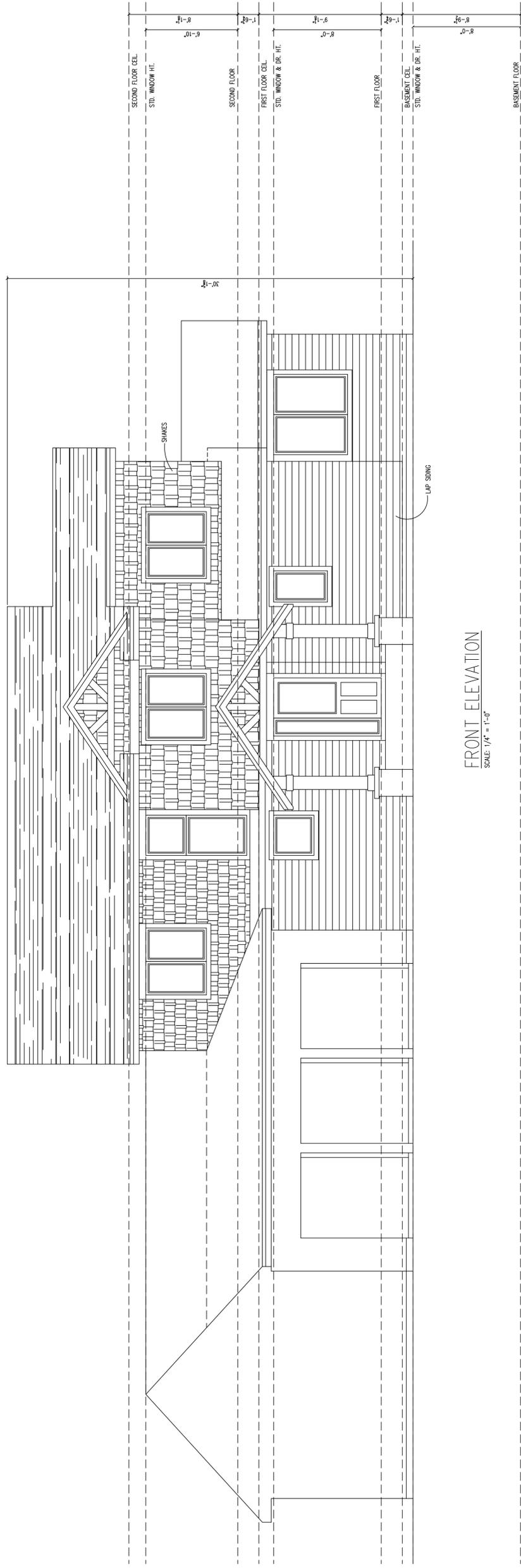
I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Signed: *Craig Wensmann*
Craig A. Wensmann
Date: 8/15/22 Lic. No. 47466

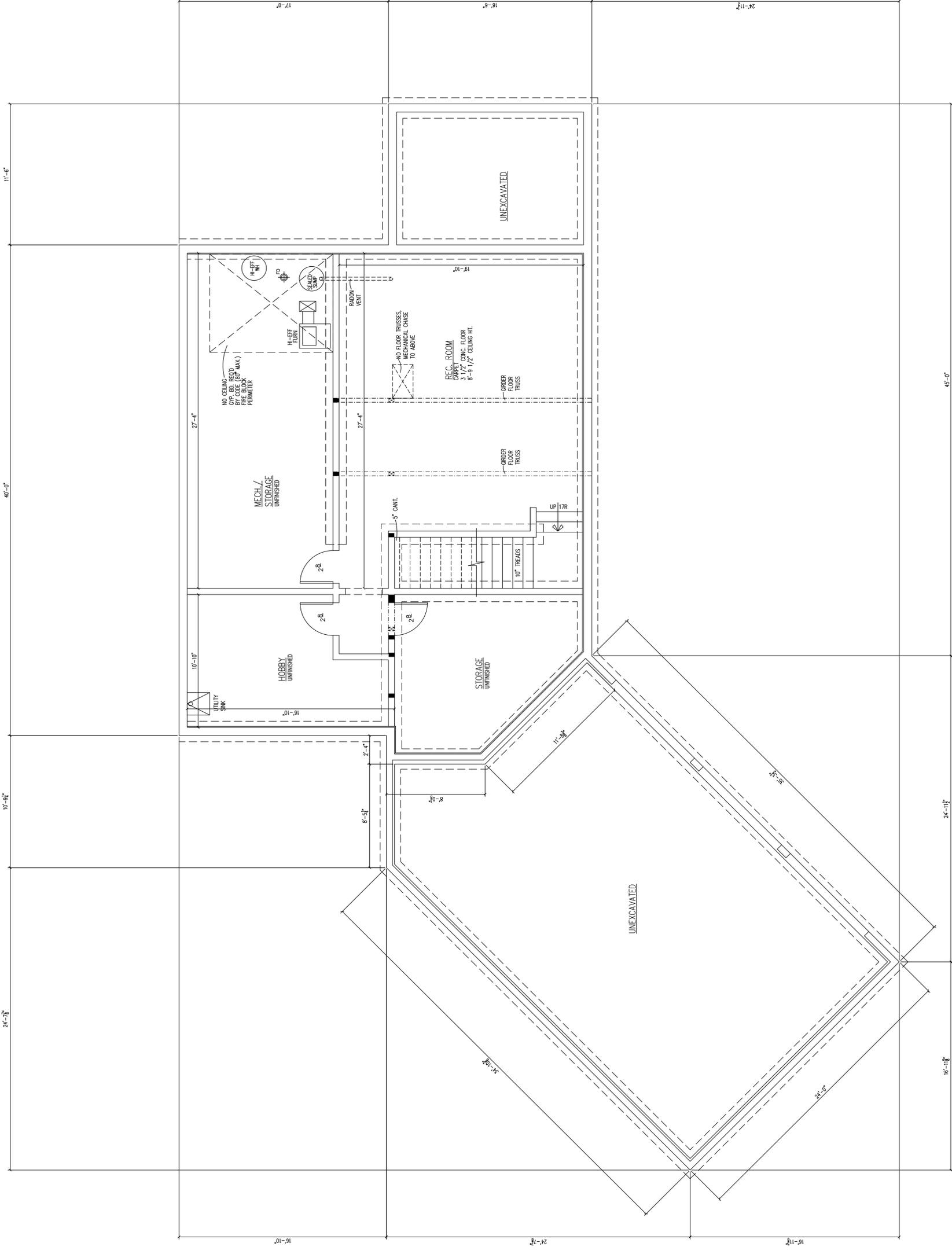
DATE: _____
DESIGN BY: _____
DRAWN BY: CK
CHECKED BY: CAW
DWG FILE: Easement
FILE NO.: 22-0117.00

REV NO.	DATE	DESCRIPTION
1	8/25/2022	Fixed Wetland A line, applied 75' offset

E



FRONT ELEVATION
SCALE: 1/4" = 1'-0"



FOUNDATION PLAN

SCALE: 1/4"=1'-0"
 EXTERIOR DIMENSION ARE FROM EXTERIOR OF FOUNDATION WALLS AT FULL BASEMENT AREAS AND AS NOTED AT FRAMED WALLS AT LOOKOUT AND WALKOUT AREAS

RESIDENT FINISHED
 BASEMENT UNFINISHED
 688 SQ. FT.
 728 SQ. FT.

WINDOW & DOOR NOTES

- XXXX WINDOWS U VALUE = 0.30 MAX. SHGC = 0.32
- ALL WINDOWS SET AT 3/4" UNLESS NOTED OTHERWISE
- BUILDER TO PROVIDE WINDOW ORDER LIST WITH U FACTOR, SHGC, & STC RATING FOR EACH WINDOW & EXTERIOR DOOR
- WINDOW HEIGHTS AT ALL WINDOW DOORS & OPENINGS OVER 4 FT.
- WINDOW HEIGHTS WITH A MINIMUM VERTICAL DEPTH OF MORE THAN 44" MUST BE EQUIPPED WITH AN APPROVED LADDER

GUARDRAIL NOTES

- GUARDRAIL REQUIRED ON OPEN SIDE OF ANY STAIR MORE THAN 30" ABOVE FLOOR
- ALL OPENINGS LESS THAN 4" AT ALL GUARDRAILS

FLOOR SYSTEM NOTES

- ALL FLOOR TRUSSES TO BE MANUFACTURED TO VERIFY FRAMING BELOW GRANITE TOPS, TUBS & TILE AREAS ABOVE
- FLOOR TRUSS MANUFACTURER TO PROVIDE HEAT SUPPLY & RETURN CHASE IN ALL AREAS
- BUILDER TO PROVIDE CITY WITH TRUSS LAYOUT PLANS

FOUNDATION WALL & FOUNDATION INSULATION NOTES

- 8'-0" POURED FOUNDATION WALLS W/ SINGLE PLATE
- 8'-0" POURED FOUNDATION WALLS W/ DOUBLE PLATE
- ASSUMED SOIL BEARING CAPACITY 2,000 LBS
- MAINTAIN 4" MIN. GRADE ABOVE FOOTING
- BOTTOM OF BECK & PORCH FOOTINGS TO BE 4" BELOW GRADE
- CONSTRUCTION CONTRACTOR TO VERIFY ALL WALL & FOOTING REQUIREMENTS WITH SITE
- MASONRY CONTRACTOR TO VERIFY ALL WALL AND FOOTING REQUIREMENTS AT ALL UNBALANCED BACKFILL LOCATIONS

SEE FOUNDATION WALL DETAIL ON PAGE D1

INDICATED DIMENSIONS FOR FOUNDATION IS HELD

- FOUNDATION WALLS HELD IN FROM SEATHERING ABOVE AS INDICATED BY FOUNDATION WALL DETAIL
- SILL PLATE OVERHANGS FOUNDATION 1". MAXIMUM SEE FOUNDATION WALL DETAILS (WHEN 1/2" SILL PLATE IS USED)
- EXTERIOR FINISHES TO BE INDICATED BY FOUNDATION WALL INSULATION (R-10 EXTERIOR/ R-5 INTERIOR)

SHEETROCK & INSULATION NOTES

- GYP. BR. REQUIRED AT ENTIRE CEILING (EXCEPT 80 SQ.FT. MAXIMUM AT MECH. ROOM)
- 2" GYP. BR. AT WALLS & CEILING BELOW STAIRS
- ALL SPRAY FOAM INSULATION MUST BE COVERED BY MIN. 1/2" GYP. BR. AT HABITABLE AREAS

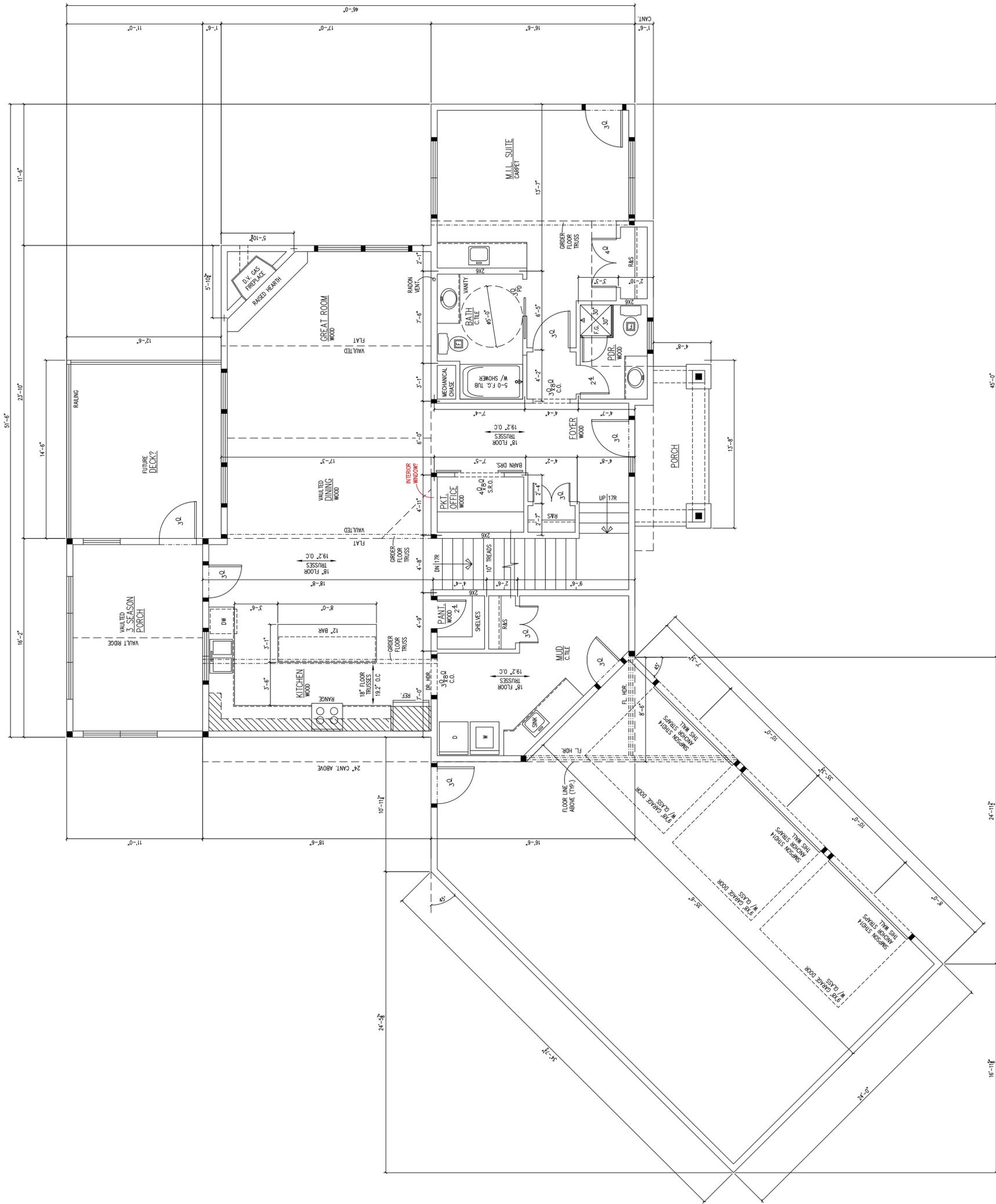
FRAMING NOTES

- 8'-9 1/2" PLATE HEIGHT UNLESS NOTED OTHERWISE
- 2X6 STUDS @ POCKET DOOR WALLS UNLESS NOTED OTHERWISE
- DOUBLE STUDS AT ALL WINDOW & PATIO DOOR HEADERS UNLESS NOTED OTHERWISE
- PROVIDE 1/4" SOLID BLOCKING AT ALL FRONT LOADS, SUPPORT BEAMS, MICKLANS, & ORDER TRUSSES TO FOUNDATION
- PROVIDE FIRE BLOCKING VERTICALLY @ CEILINGS & FLOORS & HORIZONTALLY @ INTERVALS NOT EXCEEDING 10'-0" (CONCEALED SPACES @ SOFFITS, DROPPED CEILING, ETC.)
- PROVIDE BRACKET STOPPING BETWEEN STORES DIVIDED INTO APPROXIMATELY EQUAL SPACES NOT EXCEEDING 1,000 SQ.FT.

SMOKE AND CARBON MONOXIDE ALARMS

- PROVIDE SMOKE ALARM IN EVERY BEDROOM & THE CORRIDOR GIVING ACCESS TO THE BEDROOM ON EACH FLOOR INCLUDING THE BASEMENT, & IN ANY ROOM THAT HAS A CEILING HEIGHT MORE THAN 24" HIGHER THAN A CORRIDOR GIVING ACCESS TO THE ROOM
- PROVIDE CARBON MONOXIDE ALARM WITHIN 10'-0" OF ALL BEDROOMS

W



N

FIRST FLOOR PLAN

SCALE: 1/4"=1'-0"

EXTERIOR DIMENSIONS ARE SHEATHING TO SHEATHING

FIRST FLOOR FINISHED
GARAGE
3 SEASON PORCH
1,571 SQ. FT.
885 SQ. FT.
178 SQ. FT.

WINDOW & DOOR NOTES

- XXXX WINDOWS
- ** CODE MAX. U VALUE = 0.32 MAX. SHGC = 0.25
- ALL WINDOWS TO BE PROVIDED WITH ENERGY EFFICIENT OPERATING HARDWARE
- BUILDER TO PROVIDE WINDOW OPERATOR WITH U FACTOR, SHGC, & STC RATING FOR EACH WINDOW & EXTERIOR DOOR
- BUILDER TO VERIFY ALL WINDOW, DOOR & OPENING HDR. HIS.
- PP = PROVIDE FALL PROTECTION @ OPERATING WINDOWS

GUARDRAIL NOTES

- GUARDRAIL REQUIRED ON OPEN SIDE OF ANY STAIR MORE THAN 30" ABOVE FLOOR
- ALL OPENINGS LESS THAN 4" AT ALL GUARDRAILS

FLOOR SYSTEM NOTES

- ALL FLOORS TO BE 1/480
- FLOOR TRUSS MANUFACTURER TO VERIFY FRAMING BELOW GRANITE TOPS, TUBS & TILE AREAS ABOVE
- FLOOR TRUSS MANUFACTURER TO PROVIDE HEAT SUPPLY & RETURN CHASE IN TRUSSES
- BUILDER TO PROVIDE CITY WITH TRUSS LAYOUT PLANS

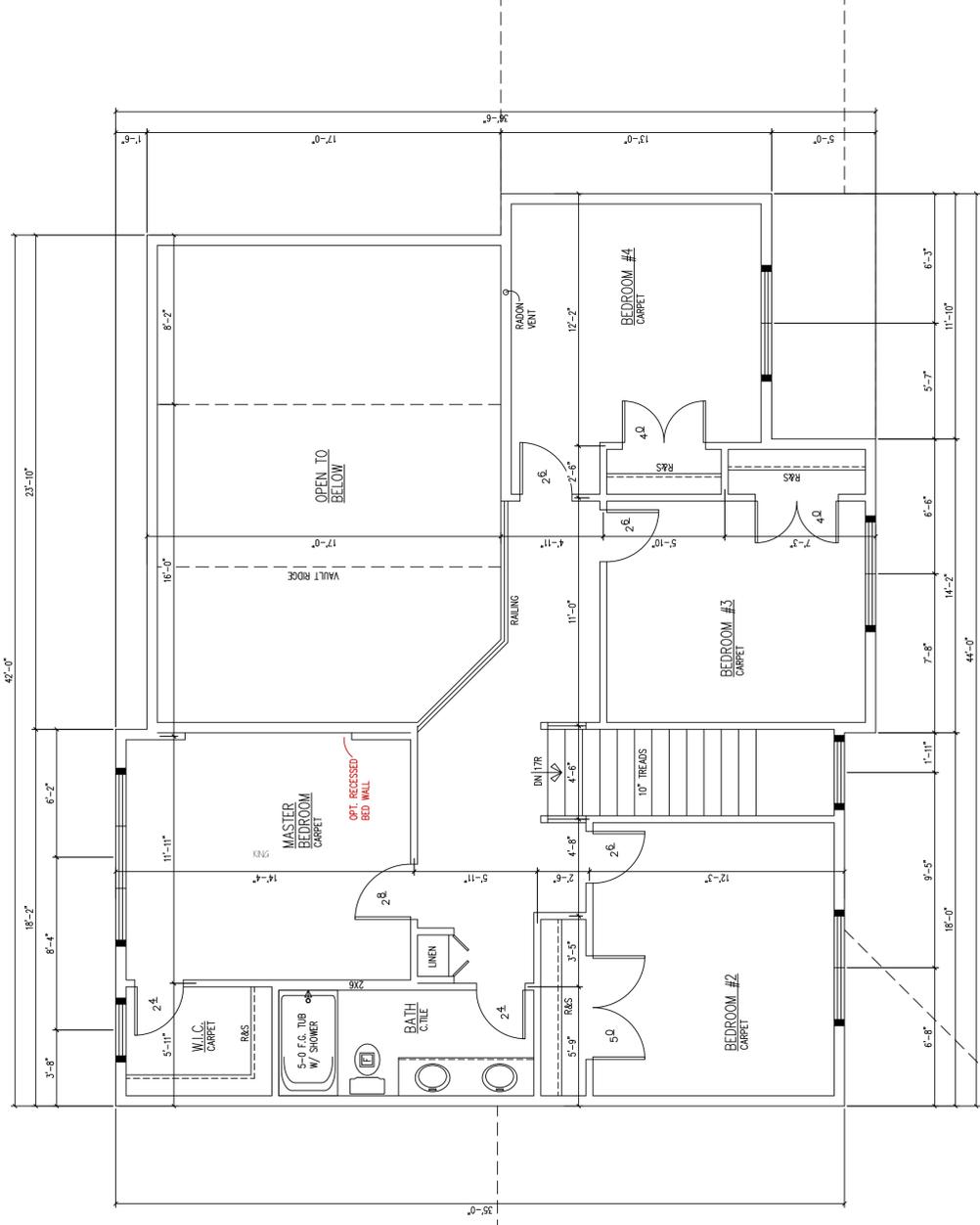
FRAMING NOTES

- 9'-1" PLATE HEIGHT UNLESS NOTED OTHERWISE
- 2X6 STUDS AT ALL WINDOW & PAINT DOOR HEADERS UNLESS NOTED OTHERWISE
- DOUBLE STUDS AT ALL WINDOW & PAINT DOOR HEADERS UNLESS NOTED OTHERWISE
- PROVIDE LVL/S. SOLID BLOCKING AT ALL POINT LOADS, SUPPORT BEAMS, BEAMS, JOISTS, & TRUSSES
- PROVIDE FLOORING VERTICALLY @ CEILING & FLOORS & HORIZONTALLY @ INTERVALS NOT EXCEEDING 10'-0" (CONCEALED SPACES @ SFFITTS, DROPPED CEILING, BETWEEN STAIR STRINGERS, & BETWEEN STORES
- PROVIDE SPRAY FOAM INSULATION AT ALL POINTS OF PENETRATION THROUGH SPACES NOT EXCEEDING 100 SQ. FT.
- ALL SPRAY FOAM INSULATION MUST BE COVERED BY MIN. 1" COP. BD AT HABITABLE AREAS

SMOKE AND CARBON MONOXIDE ALARMS

- PROVIDE SMOKE ALARM IN EVERY BEDROOM & THE CORRIDOR GIVING ACCESS TO THE BEDROOM ON EACH FLOOR INCLUDING THE BASEMENT, & IN ANY ROOM THAT HAS A CEILING HEIGHT MORE THAN 24" HIGHER THAN A CORRIDOR GIVING ACCESS TO THE ROOM
- PROVIDE CARBON MONOXIDE ALARM WITHIN 10'-0" OF ALL BEDROOMS

E



SECOND FLOOR PLAN

SCALE: 1/4"=1'-0"

EXTERIOR DIMENSIONS ARE SHEATHING TO SHEATHING

SECOND FLOOR FINISHED
BONUS ROOM FINISHED

989 SQ. FT.
XXXX SQ. FT.

WINDOW & DOOR NOTES

- XXXX WINDOWS
- ** CODE MAX. U VALUE = 0.32 MAX. SHGC = 0.35
- ALL WINDOWS SET 6'-0" UNLESS NOTED OTHERWISE
- BULLERS TO PROVIDE WINDOW ORDER LIST WITH U FACTOR, SHGC, & SIC RATING
- ALL DOORS TO BE 2'-0" WIDE UNLESS NOTED OTHERWISE
- BULLER TO VERIFY ALL WINDOW DOOR & OPENING HDR. HTS.
- FP = PROVIDE FALL PROTECTION @ OPERATING WINDOWS

GUARDRAIL NOTES

- GUARDRAIL REQUIRED ON OPEN SIDE OF ANY STAIR MORE THAN 30" ABOVE FLOOR
- ALL OPENINGS LESS THAN 4' AT ALL GUARDRAILS

FRAMING NOTES

- 8'-1" PLATE HEIGHT UNLESS NOTED OTHERWISE
- 2X6 STUDS @ POCKET DOOR WALLS UNLESS NOTED OTHERWISE
- 2X6 STUDS AT ALL WINDOW & PAINT DOOR HEADERS UNLESS NOTED OTHERWISE
- PROVIDE L.V./S. SOLID BLOCKING AT ALL FRONT LOADS, SUPPORT BEAMS, MULLIONS, AND GRIFF BRUSSES TO FOUNDATION
- PROVIDE 1/2" MIN. GAPS BETWEEN ALL FLOOR JOISTS
- INTERVALS NOT EXCEEDING 10'-0" (CONCEALED SPACES @ SOFFITS, DROPPED CEILINGS, BETWEEN STAIR STRINGERS & BETWEEN STORES
- PROVIDE DRAFT STOPPING BETWEEN STORES DIVIDED INTO APPROXIMATELY EQUAL SPACES
- ALL SPRAY FOAM INSULATION MUST BE COVERED BY MIN. 1" COP. BD. AT HABITABLE AREAS

SMOKE AND CARBON MONOXIDE ALARMS

- PROVIDE SMOKE ALARM IN EVERY BEDROOM & THE CORRIDOR GIVING ACCESS TO THE BEDROOM ON EACH FLOOR INCLUDING THE BASEMENT, & IN ANY ROOM THAT HAS A CEILING HEIGHT MORE THAN 24" HIGHER THAN A CORRIDOR GIVING ACCESS TO THE ROOM
- PROVIDE CARBON MONOXIDE ALARM WITHIN 10'-0" OF ALL BEDROOMS

**CITY OF NOWTHEN
ANOKA COUNTY, MINNESOTA**

**PLANNING & ZONING COMMISSION
FINDINGS & RECOMMENDATION
SHORELAND VARIANCE**

APPLICANT: Patricia Polgreen, 20885 Engen Boulevard NW, Nowthen, MN 55330

Ben Polgreen, 177 Highwood Drive, Chaska, MN 55318

APPLICATION: Request for approval of a Variance to allow a 100-foot setback from the Bear Lake Ordinary High Water Level of 931.2 ; **PID# 17-33-25-42-0003 17-33-25-31-0003.**

PLANNING & ZONING COMMISSION MEETING: September 27, 2022

FINDINGS: Based upon review of the application and evidence received, the Planning and Zoning Commission of the City of Nowthen now makes the following findings of fact:

1. The legal description of the properties is attached as Exhibit A.
2. The subject site is guided by the Comprehensive Plan permanent rural residential land uses through the year 2040.
3. The subject site is zoned RRA, Rural Residential Agriculture.
4. The subject property encompasses 11.25 acres and contains an existing residence, which would be removed upon approval of the current request.
5. The property is irregular in shape, is located within the Shoreland District of Bear Lake and contains numerous wetlands.
6. Section 11-3-10.C.3 of the Nowthen City Code specifically addresses shoreland variances:
 - a. Variances may only be granted in accordance with Minnesota Statutes, Chapter 462. A variance may not circumvent the general purposes and intent of this Chapter. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a

variance request, the City Council must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.

b. The City Council shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in Section C.4.b below shall also include the City Council's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

c. For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must require reconstruction of a nonconforming sewage treatment system.

7. The Planning Report dated September 20, 2022 prepared by the City Planner, The Planning Company LLC., is incorporated herein.
8. The Nowthen Planning and Zoning Commission held a public hearing, preceded by a published and mailed notice, and considered the request at their regular meeting on September 27, 2022.

RECOMMENDATION: Based on the foregoing information and applicable ordinances, the **Polgreen Variance is APPROVED** subject to the following conditions:

1. The home meets all state and local building code and septic system requirements.
2. The Department of Natural Resources reviews and comments on the proposed Variance, which may require compliance with specified conditions.
3. A building permit is obtained from the City's building official prior to beginning construction.
4. An NPDES Agreement is signed by the property owner and the required fee/escrow is submitted to the City no later than at the time of building permit issuance. Erosion control devices are installed and inspected prior to beginning construction.
5. Natural screening is maintained to the extent feasible, subject to the City's Shoreland District Regulations.
6. The two parcels are combined into one property.
7. The applicants are responsible for all costs associated with the processing of this request.

MOTION BY:

SECOND BY:

ALL IN FAVOR:

THOSE OPPOSED:

ADOPTED by the Planning & Zoning Commission of the City of Nowthen this 27th day of September 2022.

CITY OF NOWTHEN

By: _____
Dale Ames, Commission Chair

Attest: _____
Scott Lehner, City Administrator



3601 Thurston Avenue
Anoka, MN 55303
763.231.5840
TPC@PlanningCo.com

MEMORANDUM

TO: Nowthen Planning and Zoning Commission
FROM: Elizabeth Stockman
DATE: September 20, 2022
RE: City Code Amendments – Discussion of Landscaping, Screening and Fencing
TPC FILE: 122.01

Section 11-4-17 in the Nowthen City Code addresses Development Standards for Commercial and Industrial Uses, which is inclusive of some outdoor storage, screening, and bufferyard requirements. It is proposed that this be separated into a separate section so that we may add other possible requirements such as landscaping and screening for residential subdivisions, special city center/business district plantings (boulevards?) and the like. The mark-ups shown below represent Phase 1 of this process.

11-4-17: GENERAL PERFORMANCE STANDARDS

A. DEVELOPMENT STANDARDS FOR COMMERCIAL OR INDUSTRIAL USES:
All permitted uses within the Commercial or Industrial Districts shall comply with the following standards.

- 1. ~~A.~~ All structures shall have permanent concrete or treated wood foundations which will anchor the structure, which comply with the building code as adopted by the State of Minnesota and which is solid for the complete circumference of the structure.
- 2. ~~B.~~ No structure shall have a width of less than twenty-four (24) feet at its narrowest point. Width measurements shall not take into account overhangs or other projections beyond the principal exterior walls.
- 3. ~~C.~~ All structures must be built in conformance with Minnesota Statute 327.31 to 327.35, and the Building Code as adopted by the State of Minnesota.

4. ~~D.~~—All commercial or light manufacturing principal structures shall have a minimum of two thousand (2,000) square foot ground floor area.
5. ~~E.~~—The size of structures on any lot shall not exceed twenty (20%) percent of the total lot area. The maximum area of impervious land coverage, to include the building and all paved or impervious surfaces, shall not exceed seventy (70%) percent of the total lot area. (Ordinance #3, adopted November 9, 2010)
6. ~~F.~~—Off-street access and parking shall be provided in accordance with Section 6 of this Chapter. (Ordinance #38, adopted October 11, 2011)
7. ~~G.~~—No commercial or light manufacturing use shall be approved unless that use is accessed from a paved street with a total pavement structure sufficient for commercial traffic. All pavements within commercial industrial areas shall be designed minimum nine (9) ton standards in accordance with Mn/DOT bituminous street design procedures. (Ordinance #3, adopted November 9, 2010)
8. ~~H.~~—Signs shall be allowed in accordance with Section 7 of this Chapter. (Ordinance #38, adopted October 11, 2011)
9. ~~I.~~—Any new commercial or light manufacturing uses shall be allowed only after review and approval of site plans including water supply, proper waste disposal and appropriate surface water management.
10. Exterior materials shall comply with the requirements of Section 6 of this Chapter.
11. Design and architectural guidelines of Section XX shall be met and detailed architectural plans shall be provided to the City for review.
12. ~~J.~~—All Commercial or Light Manufacturing Uses are required to have a screened/fenced trash enclosure area for dumpsters or waste receptacles.

B. RESIDENTIAL HOUSING STANDARDS:

(no changes or additions, just relocated in section, not included for the sake of simplicity)

11-4-18: LANDSCAPING, SCREENING AND FENCING

A. OUTDOOR STORAGE – COMMERCIAL, INDUSTRIAL AND ALL NON-RESIDENTIAL USES.

- 1. All outside storage shall be screened from view ~~and in an area enclosed with opaque fencing, with to~~ a minimum height of six (6) feet as measured from finished grade. All fences over 6 feet in height require a building permit **and approval by the Architectural Review Committee.** ~~Fencing material must be new, un-used~~

~~durable material in sound condition and properly installed and maintained. Permitted materials include:~~

- ~~1. Chain-link with vinyl or metal slats.~~
- ~~2. Naturally decay resistant or chemically treated wood.~~
- ~~3. Decorative masonry or concrete.~~
- ~~4. Low or maintenance-free vinyl.~~
- ~~5. Other materials may be approved by the Nowthen Architectural Review Committee.~~
- ~~6. Fabric Fencing or screening material is prohibited.~~

~~2.~~ All storage lots must maintain a minimum of thirty (30) feet front set back to the fencing and such area shall be landscaped.

~~MB.~~ ~~Screening and buffers~~ **BUFFERYARD REQUIRED**: Any commercial or industrial development that abuts any existing residential development or abuts any parcel planned or zoned for housing shall be screened from view from the housing site using a combination of fencing, plantings and/or berming to the satisfaction of the City:

1. Landscape terms:
 - a. Bufferyard: Landscaped area between land uses of different intensities sharing a lot line.
 - b. Screening: Methods used to obscure or block unsightly views.
2. Screening and Buffering:
 - a. A minimum of one hundred (100) feet of bufferyard is required along property lines which separate commercial or industrial and residential uses which may consist of either natural, wetland, woods open space, man-made ponding or a combination thereof. **Will this be feasible/achievable in the city center area?**
 - b. The following uses shall be screened or buffered in accordance with the requirements of this Section.
 - (1) Principal buildings and structures and any accessory structures located in any business district containing non-residential uses shall be screened and buffered from lots used for any residential purpose.

- (2) Off-street parking spaces shall be screened and buffered from lots which are zoned residential [according to Section XX.](#)
- (3) Loading docks, trash and recycling storage facilities shall be screened from all lot lines and public streets.
- (4) Outside storage in business districts that is allowed by other provisions of this ordinance shall be screened from all public views

~~6.C.~~ **SCREENING METHODS.** Required screening or buffering may be achieved with fences, walls, earth berms, hedges, or other landscape materials.

1. All walls and fences shall be architecturally harmonious with the principal building.
2. [Fencing material must be new, un-used durable material in sound condition and properly installed and maintained. Permitted materials include:](#)
 - a. [Chain-link with vinyl or metal slats.](#) **(ONLY INDUSTRIAL USES?)**
 - b. [Naturally decay resistant or chemically treated wood.](#)
 - c. [Decorative masonry or concrete.](#)
 - d. [Low or maintenance-free vinyl.](#)
 - a.e. [Other materials may be approved by the **Nowthen Architectural Review Committee.**](#)
 - f. [Finished metal, provided the design is architecturally consistent with the building and provided higher quality materials are integrated in the columns/supports.](#)
 - g. [Fabric Fencing or screening material is prohibited.](#)
3.

 Earth berms shall not exceed a slope of 4:1, with a minimum height of 6 feet and must include the planting of two (2) or more rows of trees on top of the berm. Trees must consist of approximately fifty (50%) percent evergreen and fifty (50%) percent deciduous with a minimal height of six (6) feet.

(34) The screen shall be designed to employ materials that provide an effective visual barrier during all seasons-

d5. All required screening or buffering shall be located on the lot occupied by the use, building, facility, or structure to be screened. No screening or buffering shall be located on any public right-of-way.

e6. Screening or buffering required by this subdivision shall be of a height needed to accomplish the goals of this Chapter. Height of plantings required under this section shall be measured at the time of installation and shall be consistent with the requirements outlined in Section XX. . Screening higher than six (6) feet shall be provided as may be required by the City Council in cases where the items being screened are higher than six (6) feet or where views into the storage yard from public rights-of-way or adjacent residential uses necessitate added provisions.

N. ~~Exterior walls:~~ HOME EXTENDED BUSINESS OR RESIDENTIAL SUBDIVISION REQUIREMENTS?

~~1. The use of architectural features, such as gables, eyebrows, overhangs, porches, shutters, window grids and other trim is strongly encouraged. Alternatives may be considered and must be submitted to the Nowthen Architectural Review Committee for approval.~~

~~2. Exterior materials shall comply with the requirements of Section 6 of this Chapter. (Ordinance #38, adopted October 11, 2011)~~

O. ~~Landscape~~ LANDSCAPE PLAN REQUIRED: A landscape plan is required for all commercial, industrial and non-residential primary uses in non-residential zoning districts.

1. Minimum Landscaping Requirements: For commercial, industrial and non-residential primary uses in the non-residential zoning district:

a. One (1) overstory deciduous shade tree or one (1) coniferous tree for every two thousand (2,000) square feet of total building floor area.

b. One (1) understory shrub for every 300 square feet of total building floor area.

c. The City may require additional landscaping as necessary to provide adequate screening or to provide a complete quality landscape treatment of the site.

- d. All new overstory trees shall be balled and burlapped or removed from the growing site by a tree spade.
- e. Size:
 - (1) Deciduous trees shall have a minimum caliper of two and one-half (2 ½) inches.
 - (2) Coniferous trees shall be a minimum of six (6) feet in height.
 - (3) Ornamental trees shall have a minimum caliper of one and one-half (1 ½) inches.
 - (4) Shrubs shall be consistent in size to what a twenty-four (24) inch pot would normally contain.
- f. All site areas not covered by buildings, sidewalks, parking lots, driveways, patios, or similar hard surface materials shall be ~~covered~~ planted with sod, seeded or native vegetation, wildflowers or prairie ~~an equivalent or alternative~~ groundcover approved by the City. ~~This requirement shall not apply to site areas preserved in a natural state.~~
- g. No more than fifty (50) percent of the required number of trees shall be composed of one (1) species. Due to various ecological and maintenance related concerns, no required tree shall be any of the following:
 - (1) A species of the genus (elm), except those bred to be immune to Dutch Elm Disease.
 - (2) Common Buckthorn.
 - (3) Russian Olive
 - (4) Black Locust.
 - (5) Box-elder.
 - (6) Additional trees may be restricted from specific locations due to ecological and maintenance related issues. It is the responsibility of the landowner and/or applicant to confirm with the City whether or not a specific tree species is appropriate.

2. ~~Maintenance of Landscaping~~ MAINTENANCE:

A. Purpose: The purpose of this section is to establish minimum standards for lawn and yard maintenance while recognizing that a variety of landscapes within a community adds diversity and richness to the quality of life for all residents. Turf grass lawns as well as alternatives to this traditional type of lawn are recognized as important parts of a diverse and successful landscape.

B. General Maintenance Requirements:

1. The owner or occupant of any lot or parcel shall install and maintain turf grass or combined ground cover of cultivated vegetation, garden, hedges, trees and shrubbery. All plants shall be alive, of good quality, and disease free or shall be replaced or removed unless dormant due to season or exceptional weather conditions.

2. Plantings shall be maintained so as not to present hazards to adjoining properties or to persons or vehicles traveling on public ways and shall be maintained so as to enhance the appearance of the property on which located and thereby the appearance of the neighborhood and the City.

3. The owner or occupant of any lot or parcel shall be responsible for turf grass lawns to be maintained to a height not to exceed eight inches (8"). This is an existing requirement under our nuisance regulations. Does this make sense for Nowthen? Platted subdivisions? Where turf grass has been planted?

4. Native grasses and wilflowers may be permitted...where?

5. The boulevard portion of the public right-of-way shall be maintained ...to a height of 36inches in a natural state? Required visibility triangle?

6. The owner and their respective agents shall be jointly and severally responsible for the maintenance of all landscaping in a condition presenting a healthy, neat, and orderly appearance, and free from refuse and debris.

7. Plants and groundcover which are required by an approved site or landscape plan and which are diseased or have died shall be replaced with like kind and size within three (3) months of notification by the City. However, the time for compliance may be extended up to nine (9) months by the City in order to allow for seasonal or weather conditions.

C. Irrigation: Properties within commercial or industrial zoning districts developed after January 1, 2023, shall provide an exterior in ground irrigation system within the property and the boulevard portion of the public right-of-way abutting the property to ensure that all turf grass, ground cover of cultivated vegetation, garden, hedges, trees and shrubbery maintenance can be accomplished. This shall/shall not apply to changes in use, redevelopment of existing facilities?

D. BOULEVARD AND PUBLIC RIGHT-OF-WAY LIMITATIONS

1. Plantings placed upon public right-of-way or major easements are subject to removal by the City or utility company if required for maintenance or improvement of the utility. Trees on utility easements containing overhead wires shall not exceed fifteen (15) feet in height and shall be the property owner's responsibility to maintain.
2. Plantings must be maintained in such a way that there is no overhang or encroachment onto the road surface, shoulder, sidewalk, or trail.
3. Notwithstanding the foregoing, all boulevards remain public property and are subject to the right of the City to restrict any plantings and/or private irrigation systems that are deemed to interfere with the use of the public right-of-way as determined necessary by the City or which affects the safety of pedestrians and motorists alike:
4. The City and other right-of-way users shall have the right to perform necessary work to plant, trim and otherwise maintain trees, to access utilities and to store excess snow.
5. In the event the City or other right-of-way user interferes with boulevard plantings or private irrigation in the course of such work, they shall be responsible only to restore the boulevard by use of black dirt and grass seed.
6. In no event shall the City or other right-of-way user be liable for any damage to, disruption of or removal of plantings, either direct or indirect, as a result of the City, its employees, agents or contractors performing any installation, maintenance or repairs.