

**CITY OF MAYER
ORDINANCE #207**

**AN ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER 152: ZONING,
SECTION 152.091 SCREENING AND SECTION 152.092 LANDSCAPING**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAYER THAT THE FOLLOWING SECTION OF THE ZONING ORDINANCE, RELATED TO LANDSCAPING AND TREE REQUIREMENTS IN THE C-1 GENERAL COMMERCE, C-2 CENTRAL BUSINESS, C/I COMMERCIAL/INDUSTRIAL AND P/I PUBLIC/INSTITUTIONAL DISTRICT, BE AMENDED TO READ AS FOLLOWS:

Section 1. Title XV: Land Usage, Chapter 152 Zoning, Section 152.091 Screening, of the Mayer Municipal Code, is hereby amended to add the provisions with underlined text and delete the provisions with the strike-through text as follows:

SECTION 152.091 - Screening.

(A) *Outside Storage.* The screening of outside storage areas required herein shall consist of a solid fence or wall that is 100% opaque and not less than six feet or more than eight feet in height. Such a screen wall or fence shall be designed and constructed as to be architecturally harmonious with the principal structure and located so as to not extend within 25 feet of any street. Landscaping (trees, shrubs, grass and other plantings) shall be on the right-of-way side of any screening or fencing. A screen planting may be substituted for a screen wall or fence at the discretion of the Council, provided that any such screen planting shall fulfill the foregoing height and opacity requirements throughout each season of the year within 24 months after date of planting, and that no such screen planting shall be located across any existing easements.

(B) *Commercial and Industrial Screening.* All commercial and industrial uses abutting and/or adjacent to a residential district shall be required to provide screening according to this section. All screening shall consist of either a fence or a green belt planting strip as provided for below:

(1) A green belt planting strip shall consist of evergreen trees and/or deciduous trees and plants and shall be of sufficient width and density to provide an effective visual screen. This planting strip shall be designed to provide complete visual screening to a minimum height of six (6) feet. Earth mounding or berms may be used, but shall not be used to achieve more than three (3) feet of the required screening. The planting plan and type of plantings shall require the approval of the City.

(2) A screening fence may be incorporated into the green belt planting strip and shall be constructed of masonry, brick, or wood. Such fence shall provide a solid screening effect six (6) feet in height. The design and materials used in constructing a required screening fence shall be subject to the approval of the City.

Section 2. Title XV: Land Usage, Chapter 152 Zoning, Section 152.091 Screening, of the Mayer Municipal Code, is hereby amended to add the provisions with underlined text and delete the provisions with the strike-through text as follows:

SECTION 152.092 - Landscaping.

(A) *Intent.* It is the policy of the city to preserve its significant natural resources as a complement to existing and future development. In particular, wetlands and drainageways shall

be preserved in their natural state for their functional and ecological value as well as for their positive impact upon proximate urban development.

(1) Development within woodland areas may be permitted but, as far as practical, retention of substantial tree stands shall be encouraged and incorporated into the required landscape plan.

(2) In addition to preservation of existing woodland areas, the city shall require significant landscaping/planting in open or disturbed areas as a normal part of land development. Specific requirements shall be set forth in this section.

(B) *Landscape plan required.* In every case where landscaping is required by provision of this chapter or by an approval granted by the city, for a building or structure to be constructed on any property, the applicant for the building permit shall submit a landscape plan prepared by a registered landscape architect, in accordance with the provisions of this section. The landscape plan shall include the following information:

(1) *General.* Name and address of developer/owner; name and address of landscape architect; date of plan preparation; date and description of all revisions; name of project or development.

(2) *Site plan.* A scale drawing of the site based upon a survey of property lines with indication of scale and north point; name and right-of-way of proposed and existing streets; location of all proposed utility easements and rights-of-way; location of existing and proposed buildings; parking areas; water bodies; proposed sidewalks; percent of site covered by impervious surface.

(3) *Landscape plan.* A scale drawing of proposed landscaping for the site based upon a survey of property lines with indication of scale and north point; existing and proposed topographic contours at two-foot contour intervals; details of proposed planting beds and foundation plantings; location and identification of all planting (trees, shrubs, flowers, ground cover, and the like); details of fences, tie walls planting boxes, retaining walls, tot lots, picnic areas, berms, and other landscape improvements, location of landscape islands and planter beds with identification of plant materials used; and location and details of irrigation systems.

(4) *Planting schedule.* A table containing the common names and botanical names, size of plant materials, root specifications, quantities, and special planting instructions.

(C) *General requirements.*

(1) *Landscape requirements applicable to all districts.*

(a) Unless otherwise directed by the Planning Commission, all plantings shall be placed on the private property on which the development is taking place.

(b) All areas not otherwise improved in accordance with approved site plans or subdivisions shall be sodded, seeded, or otherwise established with vegetation approved by the city, and maintained in accordance with this division (C), unless otherwise stated in this section. All front yards, rear yards, and side yards shall be sodded or seeded over a minimum of four inches of black dirt, such sodding or seeding to be completed no later than six months from the date of issuance of a certificate of occupancy. Developed properties for which a certificate of occupancy has been issued prior to the effective date of this chapter shall be sodded or seeded in conformance with the above requirements within six months of the date of issuance of the certificate or within 90 days of the effective date of this chapter, whichever is later. Grass, sod and seed shall be clean and free of noxious weeds and pests or diseases and shall be of a species normally grown as permanent lawns and suitable to this climate.

(c) Off-street parking and loading areas shall be screened from public streets which afford an unobstructed view of the parking or loading area, and from adjacent properties zoned or developed for residential or public use with shrubbery. Height of screening shall be at least three and one-half feet but no more than five feet above the level of the parking lot. Spacing of shrubbery shall be no more than ten feet.

(d) One landscaped island shall be required for every 12 uninterrupted parking stalls.

(e) Plant materials shall be provided for in each landscaped island at the discretion of the Planning Commission.

(f) The owner shall provide the city with cash, corporate surety bond, approved letter of credit or other surety or security satisfactory to the city to guarantee the proper installation and growth of the approved landscape plan. The security shall be furnished by the owner of the property prior to obtaining a building permit that is equal to the amount of the required landscaping to be installed, unless specified otherwise in this section. The security shall be held by the city and must cover one full calendar year subsequent to the installation of the landscaping and must be conditioned upon complete and satisfactory implementation of the approved landscape plan.

(2) *R-1 (Low-Density Residential) and R-2 (Medium-Density Residential).*

(a) Each platted lot shall have two over-story trees per street frontage, located in the front yard, and when required, the side-street yard.

(b) For all R-1 and R-2 lots, the front and side yard shall be fully sodded. The back yard shall be sodded to a distance of 50 feet from the rear of the house. All remaining unsodded areas shall be seeded with grass seed appropriate to the climate area.

(c) A landscape escrow shall be secured on all residential lots at the time the building permit is issued to assure completion of landscaping requirements. The amount of the escrow shall be established from time to time by City Council resolution. The escrow shall be released when landscaping improvements have been completed as required in this section. If any portion of the landscaping is not completed within the timeframe required above, the city may cause such landscaping to be completed and draw upon the landscaping escrow deposit for the cost of completion. The owner of the property or lot shall be given notice by certified mail that the city plans to proceed with completion of the landscaping improvements at least ten days prior to the commencement of work. The city, its employees, agents or contractors shall have the right to go upon the property to complete the landscaping improvements without permission of the owner of the property or lot, and shall not be liable for trespass.

(3) *R-3 (Multiple-Family Residential).*

(a) One over-story tree for every 40 feet of street frontage.

(b) One landscape planting for every two dwelling units.

(c) One foundation planting for every ten feet of street-facing building frontage.

(4) *PRD (Planned Residential Development).* At a minimum, the landscaping for PRD Districts shall follow the respective land-use guidelines. In other words, if the PUD contains uses consistent with R-1, R-2 or R-3 uses, the landscaping requirements applicable to those districts shall apply to the PUD. However, additional landscape requirements may be requested at the discretion of the Planning Commission.

(5) C-1 (General Commerce), P/I (Public/Institutional District) and C/I (Commercial/Industrial District).

- (a) One over-story tree for every thirty ~~(30)~~ 40 feet of street frontage.
- ~~(b) One over-story tree for every 60 feet of non-street fronting lot perimeter.~~
- ~~(c) One foundation planting for every ten feet of street-facing building frontage.~~

(6) C-2 (Central Business District).

(a) One tree for every 1,000 square feet of total building area. If landscaping can not be accommodated on site the plantings shall be placed in a city park or city right-of-way. Placement of such landscaping shall be approved by the City Council.

(D) *Minimum standards.*

(1) *Over-story trees.*

- (a) *Deciduous trees.* Two-and-one-half inch caliper planting size.
- (b) *Coniferous trees.* Six feet in height planting size.

(2) *Foundation plantings.* Five-gallon minimum per planting.

(3) *Front yard trees.* All front yard trees shall be hardwood shade trees or flowering trees.

(4) *Over-story mix.* When multiple quantities of over-story trees are required, at least 75% of the trees required shall be deciduous trees.

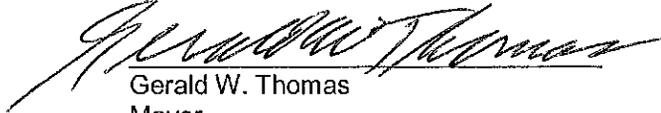
(5) *Hardiness.* All landscape materials proposed shall be consistent with Minnesota hardiness zones, whether indigenous or foreign. Plant species must also be tolerant to snow storage, exposure to salt and sun scald in parking areas.

(6) *Diversification.* In any development in which at least eight over-story trees or foundation plantings are required, at least three varieties of plantings are required. In residential subdivisions, at least three varieties of boulevard trees are required on each side of a block.

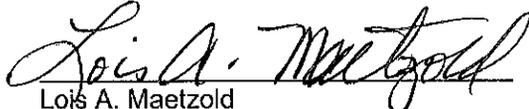
(7) *Warranty.* All required landscape materials shall be warranted for growth for a minimum of two years after planting.

Section 3. This Ordinance shall become effective following its summary passage and publication in the official newspaper of the City.

ADOPTED by the City Council of the City of Mayer, Carver County, Minnesota this 11th day of April, 2016.


Gerald W. Thomas
Mayor

ATTEST:


Lois A. Maetzold
City Clerk

Moved by: *McNeilly*
Seconded by: *Thomas 4/1 (Osborn)*

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