

ISSUE #1

MARKUP #1 ->

Section 1: [Design Review Guidelines, Section 8.3 (Natural Landscaping and Turf Grass Mandate)] Requirement That All Unpaved Yard Areas Be Maintained in Kentucky Bluegrass Sod - All front, side, and rear yard areas of every Lot not occupied by approved structures, driveways, or mulched planting beds must be sodded and maintained in conventional turf grass (such as Kentucky bluegrass) mowed to a height not exceeding four (4) inches. Native prairie plantings, pollinator meadows, clover lawns, and rain gardens in front or side yards are prohibited.



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Design Review Guidelines, Section 8.3 (Natural Landscaping and Turf Grass Mandate) (p. 1): Mandating conventional turf grass sod and banning managed natural/pollinator landscapes conflicts with Minnesota natural landscaping protections

Statutory / Legal Reference: Minn. Stat. § 515B.3-102 & Minn. Stat. § 412.221 / MN Managed Natural Landscapes Law (2023/2024 MN Laws)
Statutory Comparison: Under Minnesota's Managed Natural Landscapes statutes (enacted in 2023/2024 to protect native plants, pollinator habitats, and low-water turf alternatives up to 8 inches or managed native plantings), blanket prohibitions forcing homeowners to maintain high-water Kentucky bluegrass sod and banning rain gardens or pollinator plantings are contrary to state environmental policy and exceed reasonable architectural control under MCIOA.

CURRENT WORDING IN DOCUMENT:
[Design Review Guidelines, Section 8.3 (Natural Landscaping and Turf Grass Mandate)] Requirement That All Unpaved Yard Areas Be Maintained in Kentucky Bluegrass Sod - All front, side, and rear yard areas of every Lot not occupied by approved structures, driveways, or mulched planting beds must be sodded and maintained in conventional turf grass (such as Kentucky bluegrass) mowed to a height not exceeding four (4) inches.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Amend Section Design Review Guidelines, Section 8.3 (Natural Landscaping and Turf Grass Mandate) ([Design Review Guidelines, Section 8.3 (Natural Landscaping and Turf Grass Mandate)] Requirement That All Unpaved Yard Areas Be Maintained in Kentucky Bluegrass Sod - All front, side, and rear yard areas of every Lot not occupied by approved structures, driveways, or mulched planting beds must be sodded and maintained in conventional turf grass (such as Kentucky bluegrass) mowed to a height not exceeding four (4) inches. Native prairie plantings, pollinator meadows, clover lawns, and rain gardens in front or side yards are prohibited.) to conform with Minn. Stat. § 515B.3-102 & Minn. Stat. § 412.221 / MN Managed Natural Landscapes Law (2023/2024 MN Laws) and the manual attorney audit recommendations for The Preserve Association.