

MAINTENANCE STANDARDS FOR FLOWER GARDENS, RAIN GARDENS, NATIVE LANDSCAPING, AND POLLINATOR GARDEN

Purpose

I am asking the Planning Commission to review Chapter 94 of the Village Code and recommend clear, reasonable standards for flower gardens, rain gardens, native landscaping, pollinator gardens, and similar landscaped areas.

This matter should be treated as a priority. I will not be present at the meeting, so this overview is intended to explain the issue and help guide the Commission's discussion.

Background

The Village recently received a complaint concerning the condition of a residential front yard. The property owner was contacted informally and asked to mow the grass, trim or remove weeds, and bring the front yard into compliance with the Village's property-maintenance requirements.

The owner responded that the property contains a flower garden, rain garden, wildflowers, and plants that provide habitat for monarch butterflies. The owner also requested more specific information regarding what part of the property was believed to be in violation.

This response raised a legitimate question about the clarity of our existing ordinance. The Village has other properties with rain gardens or naturalized landscaping, including areas at Village Hall and the library. Some of these areas may not be consistently maintained. Without clear standards, it can be difficult to distinguish between:

- An intentionally planted and maintained garden;
- A rain garden or pollinator habitat;
- Native or naturalized landscaping; and
- An ordinary yard containing uncontrolled grass, weeds, or brush.

This creates uncertainty for residents and makes consistent enforcement difficult.

Current Village Ordinance

Chapter 94 regulates tall weeds, grass, and brush.

Section 94.03 defines:

- Tall grass as grass exceeding nine inches in height;
- Tall weeds as weeds exceeding nine inches in height; and
- Tall brush as brush exceeding three feet in height.

Section 94.05 generally prohibits tall grass, weeds, and brush on properties of one acre or less and declares conditions contrary to the ordinance to be a public nuisance.

However, §94.06(A) exempts:

- Trees;
- Flower gardens;

- Shrubbery plots;
- Vegetable gardens; and
- Vegetation planted for ornamental purposes.

The exemption applies only when the property has been cultivated and cared for in a manner appropriate to the exempt use.

Section 94.06(E) also allows a property owner to request an exception from the DPW Director, who is designated as the Commissioner under Chapter 94. The exception may be based on compatibility with adjacent land uses and the socially and economically desirable use of the property.

Under §94.06(F), such an exception is valid for only one calendar year, must be renewed annually, and must be presented to the Village Council.

Problem With the Current Language

The ordinance protects flower gardens and ornamental vegetation, but it does not specifically define or address:

- Rain gardens;
- Pollinator gardens;
- Native plant gardens;
- Wildflower gardens;
- Naturalized landscaping; or
- Managed wildlife habitats.

The ordinance also does not provide objective standards for determining when one of these areas is being properly maintained.

Without clear definitions and maintenance requirements, enforcement becomes subjective. One person may see a pollinator garden while another may see an overgrown yard. This creates the possibility of inconsistent enforcement and unnecessary disagreements between the Village and property owners.

Policy Direction

I support flower gardens, rain gardens, pollinator gardens, and native landscaping. These features can provide environmental benefits, reduce stormwater runoff, support pollinators, and improve the appearance of a property.

However, these areas must be intentionally designed and reasonably maintained. Calling an area a rain garden or flower garden should not automatically exempt an entire property from basic maintenance requirements.

The goal should be to protect legitimate gardens while giving the Village clear authority to address neglected or unmanaged properties.

Planning Commission Assignment

I am asking the Planning Commission to review Chapter 94 and develop a recommendation for an ordinance amendment that:

1. Recognizes and supports properly maintained flower gardens, rain gardens, native landscaping, wildflower gardens, and pollinator gardens.

2. Clearly distinguishes intentional landscaping from uncontrolled weeds, grass, and brush.
3. Establishes reasonable and enforceable maintenance standards.
4. Protects public safety, visibility, neighboring properties, sidewalks, streets, drainage systems, and public rights-of-way.
5. Provides property owners with clear notice of what is required.
6. Gives Village staff objective standards that can be applied fairly and consistently.
7. Applies the same expectations to residential, commercial, institutional, and Village-owned properties.

Standards for the Commission to Consider

The Commission should consider whether the ordinance should require the following:

Defined boundaries

A garden should have a recognizable boundary, such as edging, mulch, stone, fencing, a maintained border, or a regularly mowed strip.

Maintenance

The area should be maintained to prevent uncontrolled growth, accumulation of dead vegetation, invasive species, litter, and other nuisance conditions.

Plant identification

The vegetation should consist primarily of intentionally planted flowers, native plants, ornamental plants, or species appropriate for a rain or pollinator garden.

Control of ordinary grass and weeds

Ordinary turf grass, prohibited weeds, invasive plants, and volunteer woody growth should not be allowed to take over the garden.

Setbacks and visibility

Tall vegetation should not:

- Block the view of drivers or pedestrians;
- Obstruct intersections, driveways, sidewalks, signs, or fire hydrants;
- Extend into a street, sidewalk, alley, or public right-of-way;
- Interfere with utilities or drainage facilities; or
- Create an unsafe condition.

Maintained perimeter

The Commission should consider requiring a mowed or otherwise maintained buffer around naturalized areas, particularly when located near sidewalks, streets, driveways, neighboring properties, or public rights-of-way.

Stormwater function

A rain garden should be designed and maintained to collect and absorb stormwater without creating prolonged standing water, mosquito-breeding conditions, erosion, or drainage problems on neighboring property.

Seasonal maintenance

The ordinance should recognize that some native and pollinator plants may remain standing during the winter for environmental reasons. However, the Commission should consider whether dead vegetation must be cut back or otherwise maintained by a reasonable date each spring.

Property coverage

The Commission should consider whether there should be limits on how much of a front yard may be maintained as naturalized landscaping without an approved plan or administrative review.

Optional registration or approval

The Commission should discuss whether larger rain gardens or naturalized areas should require:

- A simple registration with the Village;
- A basic site sketch showing location and boundaries;
- A list or general description of the plantings;
- An annual inspection or confirmation; or
- An administrative exception under §94.06(E).

Any process should be simple and should not discourage responsible gardening.

Enforcement and Due Process

The ordinance should provide a fair enforcement process. Before enforcement occurs, Village staff should identify the specific condition believed to be in violation.

A property owner should be given a reasonable opportunity to:

- Explain the purpose of the landscaped area;
- Correct weeds, brush, visibility problems, or other maintenance issues;
- Provide information showing that the area is an intentional garden; or
- Request an exception or administrative review.

Enforcement should focus on the condition of the property, not on the identity or position of the property owner.

Questions for the Planning Commission

Please discuss and provide directions on the following:

1. How should the Village define a rain garden?
2. How should the Village define native, pollinator, wildflower, or naturalized landscaping?
3. What visible features should demonstrate that an area is intentional and maintained?
4. Should a mowed or landscaped border be required?
5. Should minimum setbacks be established from sidewalks, streets, driveways, neighboring properties, and intersections?
6. Should there be limits on plant height where visibility or public safety is involved?
7. Should invasive or legally prohibited plants be specifically excluded?
8. Should larger naturalized areas require registration or administrative approval?
9. Should approved gardens be exempt from the annual exception requirement under §94.06(E)?

10. What seasonal maintenance requirements should apply?
11. Should Village-owned and other public properties be required to follow the same standards?
12. Who should be responsible for administering and enforcing the ordinance?

Recommended Process

I recommend that the Planning Commission:

1. Review the existing language of Chapter 94.
2. Discuss the definitions and standards outlined in this report.
3. Request input from the Village planner, attorney, DPW Director, and representatives familiar with rain gardens and native landscaping.
4. Develop proposed ordinance language.
5. Return the proposed language to the Planning Commission for review.
6. Complete any required public hearing and recommendation process.
7. Forward the final recommendation to the Village Council for consideration.

Conclusion

This issue is larger than one complaint or one property. The Village needs rules that support responsible environmental landscaping while also requiring properties to be maintained in an orderly, safe, and respectful manner.

Residents should not have to guess whether their garden complies with Village requirements, and Village staff should not be placed in the position of making enforcement decisions without clear standards.

I am asking the Planning Commission to make this review a priority and develop a practical recommendation that supports rain gardens, flower gardens, native plantings, and pollinator habitats while protecting neighboring properties and maintaining the appearance and safety of the Village.

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Village of Pinckney