

MAINTENANCE STANDARDS FOR RAIN GARDENS, FLOWER GARDENS, AND NATURALIZED LANDSCAPING

Planning Commission Policy Review and Ordinance Development Guide

PURPOSE

Develop clear, fair, and enforceable standards that support legitimate rain gardens, flower gardens, native landscaping, wildflower gardens, and pollinator habitats while requiring these areas to be intentionally designed, safe, and reasonably maintained.

Why This Review Is Needed

The Village received a complaint concerning the condition of a residential front yard. The owner explained that the property contains a flower garden, rain garden, wildflowers, and plants supporting monarch butterflies, and asked the Village to identify the specific condition believed to violate the ordinance.

The response raised a legitimate policy question. Pinckney has other rain gardens and naturalized areas, including at public properties. The current ordinance does not give residents, staff, or decision-makers enough objective guidance to consistently distinguish a maintained garden from uncontrolled grass, weeds, and brush.

This review is larger than one complaint or one property. The Commission should evaluate the ordinance as a community-wide policy. Any individual enforcement matter should remain separate and should be decided under the ordinance and due-process procedures in effect at that time.

Priority Assignment

- Review Chapter 94 and recommend updated definitions and maintenance standards.
- Protect legitimate environmental landscaping without creating a blanket exemption for neglected yards.
- Make the standards objective enough to be applied consistently to residential, commercial, institutional, and Village-owned properties.
- Return proposed ordinance language for formal review, public hearing if required, and Village Council consideration.

Prepared for the Village of Pinckney Planning Commission

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CURRENT ORDINANCE FRAMEWORK

Chapter 94 - Weeds regulates tall weeds, grass, and brush throughout the Village.

Key Definitions

Term	Current standard
Tall grass	Grass exceeding nine inches in height.
Tall weeds	Weeds exceeding nine inches in height.
Tall brush	Brush exceeding three feet in height.

General Rule - §94.05

On lots of one acre or less, tall grass, weeds, or brush contrary to Chapter 94 are prohibited and treated as a public nuisance. Different setback-based rules apply to parcels larger than one acre.

Existing Garden Exemption - §94.06(A)

The ordinance exempts trees, flower gardens, shrubbery plots, vegetable gardens, and vegetation planted for ornamental purposes. The exemption may be claimed only when the land has been cultivated and cared for in a manner appropriate to the exempt category.

Administrative Exception - §§94.06(E)-(F)

A property owner may request an exception from the DPW Director, who serves as the Commissioner under Chapter 94. The decision may consider compatibility with adjacent uses and socially and economically desirable land use. An approved exception lasts only for the calendar year, must be renewed annually, and must be presented to Council.

Gap in the Current Language

- Rain gardens, pollinator gardens, native plant gardens, wildflower gardens, and naturalized landscaping are not specifically defined.
- The ordinance does not state what visible conditions demonstrate that an exempt garden is cultivated and cared for.
- There are no garden-specific standards for boundaries, setbacks, visibility, encroachment, invasive plants, drainage, standing water, or seasonal cutting.
- Relying only on plant height is unsuitable because many legitimate ornamental and native plants naturally exceed nine inches.
- The annual discretionary exception process may be unnecessarily burdensome for a properly established and maintained garden.

Recommended Policy Position

Support legitimate gardens while regulating observable neglect and safety impacts. A compliant garden should be intentional, identifiable, reasonably maintained, and compatible with adjoining property and public spaces. Calling an area a rain garden or flower garden should not automatically exempt an entire yard.

VISUAL EXAMPLES: MAINTAINED GARDENS

These are illustrative examples created for policy discussion. They are not photographs of Pinckney properties and do not establish a legal finding. Commissioners should focus on visible maintenance features, not on a preferred landscaping style.



Maintained rain garden



Maintained flower and pollinator garden

Indicators of Intentional Maintenance

- A recognizable edge, border, mowed strip, mulch bed, stone, or other defined transition.
- Plants arranged or managed as an intentional landscape rather than uncontrolled volunteer growth.
- Ordinary turf grass, invasive vegetation, and volunteer woody growth controlled.
- Sidewalks, driveways, signs, hydrants, drainage facilities, and rights-of-way remain clear.
- Dead or diseased growth managed appropriately while allowing reasonable seasonal habitat.
- No visibility obstruction or unsafe condition.
- For a rain garden, a functioning shallow basin or drainage design that does not create prolonged standing water or off-site drainage problems.

Important: Plant height alone should not determine compliance. Many healthy native and ornamental plants are tall. The ordinance should evaluate design, boundaries, maintenance, encroachment, drainage, and safety.

VISUAL EXAMPLES: UNMAINTAINED AREAS

The examples below show conditions that could justify corrective action if they are objectively defined in the ordinance. They are intended to demonstrate neglect or loss of garden function, not to disfavor native plants or natural landscaping.



Rain garden with lost boundaries and uncontrolled growth



Flower garden overtaken by weeds and dead growth

Potential Indicators of Noncompliance

- No recognizable boundary or maintained transition from the garden to the surrounding lawn or public space.
- Ordinary grass, invasive vegetation, or volunteer woody plants overtaking the intended plantings.
- Vegetation obstructing a sidewalk, driveway, intersection, sign, hydrant, utility, drainage feature, or public right-of-way.
- Unmanaged dead vegetation, litter, dumped material, or debris accumulating within the area.
- Erosion, prolonged standing water, mosquito-breeding conditions, or drainage directed onto neighboring property.
- The area no longer functions as, or visually demonstrates, an intentionally cultivated garden.
- A property-wide claim of garden status without reasonable evidence of design, cultivation, or ongoing care.

Use caution: A natural appearance, winter seed heads, or tall native plants do not by themselves prove neglect. Any enforcement decision should identify the exact observable condition that violates a written standard.

ORDINANCE STANDARDS TO CONSIDER

1. Definitions

- Rain garden
- Flower garden
- Pollinator garden
- Native plant garden
- Wildflower garden
- Naturalized landscaping
- Invasive plant
- Maintained border or buffer

2. Defined Boundaries

- Require a recognizable boundary such as edging, mulch, stone, fencing, a maintained transition, or a regularly mowed strip.
- Consider different standards for front, side, and rear yards.

3. Required Maintenance

- Control ordinary turf grass, invasive plants, and volunteer woody growth.
- Remove litter and inappropriate debris.
- Manage diseased, fallen, or hazardous plants.
- Allow reasonable seasonal retention of seed heads and stems for habitat.

4. Public Safety and Setbacks

- Keep sidewalks, driveways, roads, signs, hydrants, utilities, and drainage structures unobstructed.
- Maintain sight-distance areas at intersections and driveways.
- Consider a minimum setback or lower height zone next to public walkways and streets.

5. Rain Garden Function

- Prevent prolonged standing water and mosquito-breeding conditions.
- Prevent erosion and adverse drainage onto neighboring property.
- Maintain inlets, outlets, overflow paths, and the intended basin.

6. Scale and Approval

- Consider whether a large portion of a front yard may be naturalized without a simple administrative review.
- If registration is used, keep it inexpensive and simple: location sketch, approximate boundary, garden type, and responsible party.
- Consider replacing annual exceptions with continuing approval while the property remains compliant.

COMMISSION DISCUSSION QUESTIONS

1. How should each garden type be defined?
2. What visible features should show that an area is intentional and maintained?
3. Should a maintained border or mowed buffer be required? If so, how wide?
4. What setbacks or height controls are needed near sidewalks, streets, driveways, intersections, and adjoining property?
5. Which invasive or prohibited species should be excluded, and who will maintain the reference list?
6. What seasonal maintenance should be required, and when should spring cutting occur?
7. Should a percentage or size limit apply to naturalized front-yard areas without administrative review?
8. Should compliant gardens receive a continuing exemption rather than an annual §94.06(E) exception?
9. Should registration be voluntary, required only for larger areas, or not used?
10. What standards should apply equally to Village-owned and other public properties?
11. Who should administer inspections, approvals, exceptions, and appeals?
12. What photographs, inspection notes, or other documentation should be required before issuing a notice?

Fair Enforcement Principles

- Enforce the condition of the land, not the identity, office, or viewpoint of the owner.
- Identify the specific location and observable condition believed to violate the ordinance.
- Give the owner a reasonable opportunity to explain the landscape and correct identified conditions.
- Apply the same standards to private, institutional, commercial, and Village-owned property.
- Provide a clear administrative review or appeal process.
- Avoid retroactively treating these illustrative photographs as binding legal standards.

RECOMMENDED WORK PLAN

Step	Action	Expected result
1	Confirm policy direction	Support maintained environmental landscaping while regulating neglect, encroachment, drainage, and safety impacts.
2	Obtain technical input	Request review by the Village planner, attorney, DPW Director, and a qualified rain-garden or native-landscape resource.
3	Draft ordinance language	Prepare definitions, exemptions, maintenance standards, administration, notice, correction period, and appeal provisions.
4	Test the standards	Apply the draft objectively to several hypothetical properties, including Village Hall and library examples, to identify ambiguity or unequal treatment.
5	Complete formal review	Return the draft to the Planning Commission, conduct any required hearing, and forward a recommendation to Village Council.

Requested Commission Direction

Please make this review a priority and provide direction on the definitions, maintenance requirements, administrative process, and enforcement standards that should be included in a proposed amendment to Chapter 94.

The final ordinance should give residents a clear path to create beneficial gardens, give staff objective and consistent rules, and protect neighboring properties and public safety.

Code References

Village of Pinckney Code of Ordinances: Chapter 94, including §§94.03, 94.05, and 94.06. The official Village copy and any legislation adopted after codification should be reviewed by the Village attorney before formal action.

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