



# MEMO

## PLANNING AND COMMUNITY DEVELOPMENT

To: Common Council  
From: Dave Kittel, Director of Planning and Community Development  
Date: 4/10/2025  
Re: Natural Yard Ordinance

### Background information:

During the strategic planning process the creation of a prairie and native planting ordinance was set as a tactic for creating a community of choice. This also aligns with part of the foundation of the strategic plan of sustainability. A natural yard means something different to everyone, what staff is proposing is more of a planned natural landscaping area that is composed of native plants. The benefits of these types of planting are numerous from providing habitat for birds, pollinators and other wildlife to helping with drainage, runoff and erosion control. For more information on the benefits see the below resources:

From WI DNR:

For info on native plantings and general benefits as well as a webinar on the topic use the below link:

<https://dnr.wisconsin.gov/topic/endangeredresources/nativeplants#:~:text=Garden%20Tour%20Videos&text=Take%20a%20garden%20tour%20with,your%20yard%20for%20Wisconsin%20wildlife.>

For an article on the benefits of native landscaping for wildlife use the below link:

[Help Wildlife By Planting Native Landscaping | Wisconsin DNR](#)

From The Wild Ones:

For a draft ordinance and general resources on the benefits of natural yards see link below:

<https://wildones.org/resources/>

Staff has also looked at surrounding municipalities to see what they are doing. The following Municipalities have language specific to natural yards

Municipality	Code #/link	Permit Required
City of De Pere	<a href="#">74-8</a>	no
Village of Little Chute	<a href="#">28-86</a>	Yes
Village of Kimberly	<a href="#">202-2</a>	Yes
City of Neenah	<a href="#">10-34</a>	no
City of Appleton	12-59(b)	no

Staff has taken some time to put together a draft of how this could look for the City of Kaukauna, see the language below:

Definitions to be added:

*Planned natural landscaping area* means a planned, intentional, and maintained planting area without any noxious weed, which may include, without limitation, trees, shrubs, and native plants, as defined in this section, or vegetation associated with a rain garden.

*Rain garden* means an excavated area that is back-filled with a prepared or amended soil mixture, which may or may not be covered with a mulch layer, which is planted with a diversity of woody or herbaceous vegetation, to which stormwater is directed to promote infiltration or evapotranspiration.

*Native plants* means those grasses (including prairie grasses), sedges (solid, triangular-stemmed plants resembling grasses), forbs (flowering broadleaf plants), vines, shrubs, groundcovers, and trees that are native to or naturalized to the State of Wisconsin but shall not include noxious weeds as defined herein.

*Turf grasses* means any grasses commonly used in regularly cut lawns or play areas including bluegrass, fescue or rye grass blends or any other similar grasses.

*Unmanaged plant growth* means any turf grass, hay, weeds, brush or other offensive vegetation which has grown to a height of over eight inches but does not include:

- (1) Gardens;
- (2) Plants located on agricultural land;

- (3) Plants located on shoreland within 35 feet of the ordinary high water mark;
- (4) Plants located within environmentally sensitive areas such as steep slopes, drainageways, wetlands, and protective buffer areas; or
- (5) Planned natural landscaping that is wholly contained within the parcel on which it is planted and maintained;
- (6) Wooded lands.

Planned natural landscaping area.

(1) Any owner, occupant, or person in control of any land, and any tenant upon written consent of the owner of such land, may implement and maintain a planned natural landscaping area on the land. Subject to the regulations set in this ordinance.

(2) *Location.*

(a.) Any planned natural landscaping area shall not be located within or infringe upon any street terrace or city right of way.

(b.) Any planned natural landscaping area shall maintain no less than a three-foot setback from any property line or right of way unless it abuts a neighboring planned natural landscaping area or is adjacent to a natural area or if there is a permitted fence along the lot line.

(3) *Control of noxious weeds.*

(a.) A person owning, occupying, or controlling land shall destroy all noxious weeds on the land and ensure no noxious weeds are a part of the planned natural landscaping area and shall destroy all noxious weeds on the lands.

(b.) If a person neglects to destroy all noxious weeds as required under subsection (a), the Weed Commissioner shall destroy or have destroyed the noxious weeds. The cost of destroying the weeds shall be charged and assessed in the manner provided by Wis. Stats. § 66.0517(3)(b)1.

(4) *Edging required.* A planned natural landscaping area must have a distinct and clearly defined border. The border may consist of any combination of mowed grass, fencing, a permitted fence installed along a property line, or natural materials neatly arranged to create the appearance of an edge to contain the planned natural landscaping area.

(5) *Visibility.* Any planned natural landscaping area shall not obstruct the vision triangle as defined in Chapter 8.11

(6) *Height.* No planned natural landscaping shall be taller than 42 inches in the front yard area and not exceed 6 feet in the rear yard area.

(7) *Complaint notification.* Upon receipt of a complaint of unmanaged plant growth and/or noxious weeds, the Weed Commissioner shall inspect any residential lot or property adjacent to or adjoining a residential lot to review compliance with provisions of this article. If violations are noted, the Weed Commissioner shall on the first violation of the season notify the party responsible for the property that he intends to take action on the parcel 14 calendar days before any action is taken. Said notice shall inform the owner that subsequent violations during the current season shall be corrected by the City without further notice.

(8) *Appeal.* Any property owner wishing to contest a charge assessed under this section may appeal to the Common Council. The appeal shall be in writing and submitted to the City Clerk within 30 days of the date on which the unmanaged plant growth and/or noxious weeds were cut and/or destroyed. The Council may uphold, modify or cancel the charge.

This is coming forth to the Common Council for an initial review to ensure that this still aligns with the goals of the Common Council. The intent is to have initial feedback on the over all concept for staff to then take a deeper look at how to fully implement this and create a policy for City owned property as well. If the Council desires to proceed Staff will work with the Fire department, 1,000 Island and Public Works to ensure the final product will be a benefit to the City residents and not hamper any public safety services.

### **Strategic Plan:**

Directly aligns with the objective of creating a community of choice and one of the foundational components of the plan, sustainability.

**Budget:**

No impact

**Recommendation:**

Discuss adding a Natural yard/landscaping ordinance and provide direction to staff on whether to proceed and preference of permit or no permit requirement.

