



MEMO

PLANNING AND COMMUNITY DEVELOPMENT

To: Common Council
From: Dave Kittel, Director of Planning and Community Development
Date: 7/29/2025
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 and was a item that was mentioned by many respondents on the park survey recently conducted. A natural yard means something different to everyone, what staff is proposing is a planned landscaping area that is encouraged to be composed of native plants. A policy would be created for the City to specifically look at areas for prairie and native plantings on City owned property(a rough template included in packet). The benefits of these types of planting are numerous from providing habitat for birds, pollinators and other wildlife to help with drainage, runoff and erosion control. Pursuing more areas planted in this manor on City owned property would add natural beauty, benefit pollinators and reduce maintenance costs over the long term from mowing. 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	74-8	no
Village of Little Chute	28-86	Yes
Village of Kimberly	202-2	Yes
City of Neenah	10-34	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 landscaping area means a planned, intentional, and maintained planting area without any noxious weed as per 10.03(6), which may include, trees, shrubs, flowers, 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 and in 10.03(6).

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 vegetation which has grown to a height of over 12 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 landscaping that is wholly contained within the parcel on which it is planted and maintained;
- (6) Wooded lands.

Planned 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 landscaping area on the land and are encouraged to plant native plantings. The City will create a policy for planned native planting areas on City owned property. Subject to the regulations set in this ordinance.

(2) *Location.*

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

(b.) Any planned 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 or edging per (4) along the lot line.

(3) *Control of noxious weeds.*

(a.) A person owning, occupying, controlling land, or a tenant with written consent of the owner of such land shall ensure all noxious weeds within the planned landscaping area are destroyed consistent

with Ordinance 10.03(6) and that no such weeds are present within a planned landscaping area

(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 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 landscaping area.

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

(6) *Hight.* No planned landscaping shall be taller than 42 inches in the front yard area and not exceed 6 feet in the rear yard area excluding trees. Any part of the planned landscaping that creates a hedge must comply with all requirements of 17.32(3)

(7) *Complaint notification.* Upon receipt of a complaint of unmanaged plant growth and/or noxious weeds, the Code Enforcement officer or designee 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 Code Enforcement officer or designee 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.

