

ORDINANCE NO. _____ SERIES 2022

AN ORDINANCE AMENDING CHAPTER 156 OF THE LOUISVILLE METRO CODE OF ORDINANCES RELATING TO THE CREATION OF MANAGED NATURAL LANDSCAPES (AS AMENDED).

SPONSORED BY: COUNCIL MEMBER ARTHUR AND PRESIDENT JAMES

WHEREAS, this amendment is made in an effort to promote the installation and maintenance of managed natural landscapes;

WHEREAS, managed natural landscapes which include native plants benefit the city's environment and its residents by improving stormwater retention, increasing water quality and biodiversity, reducing greenhouse gas emissions, and providing habitat for wildlife such as birds, butterflies, and other beneficial insects and species;

WHEREAS, to promote the installation and maintenance of managed natural landscapes in accordance with Plan 2040 goal 1.d for restoration of the tree canopy and integration of native species into the built environment are prioritized;

WHEREAS, Plan 2040 action 36 to incentivize the usage of native species, including those that provide habitat for a wide variety of wildlife, in landscaping on public and private land to reflect best practices for planting and protection; and

WHEREAS, this amendment will further the restoration of the city's tree canopy and incentivize the usage of native species, including those that provide habitat for a wide variety of wildlife, all reflecting the best practices for environmental protection.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I: The following definitions have been added to the Louisville Metro Code of Ordinances ("LMCO") Section 156.005 as follows:

MANAGED NATURAL LANDSCAPE. A planned, intentional, and maintained planting of native or non-native grasses, wildflowers, forbs, ferns, shrubs or trees, including but not limited to rain gardens, meadow vegetation, and ornamental plantings. Maintenance is defined as keeping the planting within the defined area, free of noxious weeds.

MEADOW VEGETATION. Grasses and flowering broad-leaf plants that are native to, or adapted to, the State of Kentucky, and that are commonly found in forest, meadow, and prairie plant communities, not including noxious weeds.

NATIVE PLANTS. Plants that existed in the area prior to European settlement.

NOXIOUS WEED. An annual, biennial, or perennial plant designated by the Ky. Rev. Stat. § 176.051 to be injurious to public health, the environment, public roads, crops, livestock, or other property.

ORNAMENTAL PLANT. Grasses, perennials, annuals, and groundcovers purposefully planted for aesthetic reasons.

PRARIE. A plant community dominated by a diversity of native perennial herbaceous plants and grasses.

RAIN GARDEN. A native plant garden that is designed not only to aesthetically improve properties, but also to reduce the amount of stormwater and accompanying pollutants entering the sewer system, streams, lakes, and rivers.

TURF-GRASS LAWN. A lawn comprised mostly of grasses commonly used in regularly cut lawns or play areas (such as but not limited to bluegrass, fescue, and ryegrass blends), maintained at a height of no more than ten (10) inches.

SECTION II: LMCO Sections 156.052(E) through 156.052(K) are renumbered as follows:

Section 156.052(E) shall be renumbered to Section 156.052(F);

Section 156.052(F) shall be renumbered to Section 156.052(G);

Section 156.052(G) shall be renumbered to Section 156.052(H);

Section 156.052(H) shall be renumbered to Section 156.052(I);

Section 156.052(I) shall be renumbered to Section 156.052(J);

Section 156.052(J) shall be renumbered to Section 156.052(K); and

Section 156.052(K) shall be renumbered to Section 156.052(L).

SECTION III: A new LMCO Section 156.052(E) is added as follows:

§ 156.052 EXTERIOR PROPERTY AREAS.

....

(E) Managed natural landscape. As an exception to section (D), an owner, authorized agent, or authorized occupant of any privately-owned lands or premises may, consistent with this subsection and all other applicable laws, statutes, rules, and ordinances, install and maintain a managed natural landscape such as native plantings, meadow vegetation, prairie, or rain garden, as long as the following requirements are met:

(1) At all times the managed landscape must remain in compliance with Chapter 97 of the Louisville/Jefferson County Metro Government Code of Ordinances. In addition, the managed landscape must be set back from property lines by at least five feet. The setback is not required where the defined landscape area abuts another similar private or public landscape area, a wetland, pond, lake or stream or if a fully opaque fence at least four feet in height is installed along the lot line adjoining the planned landscape area; and

(2) The managed landscape must be mowed or cut back at least once per year in addition to ongoing maintenance: and

(3)The area must be clearly defined by edging, fencing, or similar material. A native planting that directly abuts at least 2 feet of mowed and maintained turf grass will be considered to have adequate edging; and

(4) The area of plant growth must not extend into the public right of way; and

(5) A sign must be posted on the property in a location likely to be seen by the public, advising that native plants are being established. The Office of Advanced Planning and Sustainability will work with community partners to provide access to appropriate signage; and

(6) Noxious weeds are not allowed (Ky. Rev. Stat. § 176.051); and

(7) Managed natural landscapes shall not include turf-grass lawns left unattended.

SECTION III: The provisions of this Ordinance shall take effect on _____ 1, 2022.

This Ordinance shall take effect upon its passage and approval or otherwise becoming law.

Sonya Harward
Metro Council Clerk

David James
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____

O-036-22 FAM Amending LMCO Chapter 156