

Proposed Weeds Ordinance Revisions

Allison Smith

Assistant Director

Advanced Planning and Sustainability

CHAPTER 156 OF THE LOUISVILLE METRO CODE OF ORDINANCES

- ▶ 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) 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.



5-foot set back



CHAPTER 156 OF THE LOUISVILLE METRO CODE OF ORDINANCES

- ▶ 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) 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.



CHAPTER 156 OF THE LOUISVILLE METRO CODE OF ORDINANCES

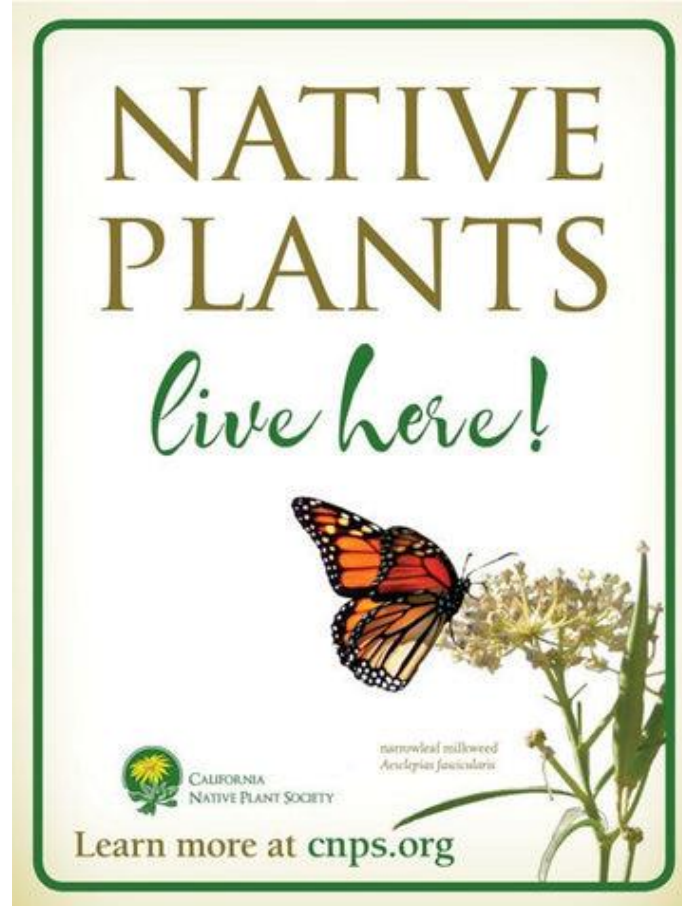
- ▶ Managed natural landscape. As an exception to section (D), an owner, authorized agent, or authorized occupant of any privately-owned lands or premises may, consistent with this subsection and all other applicable laws, statutes, rules, and ordinances, install and maintain a managed natural landscape such as native plantings, meadow vegetation, prairie, or rain garden, as long as the following requirements are met:
 - ▶ (1) 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.



Examples of Edging

CHAPTER 156 OF THE LOUISVILLE METRO CODE OF ORDINANCES

- ▶ 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) 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.



CHAPTER 156 OF THE LOUISVILLE METRO CODE OF ORDINANCES

- ▶ 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) 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.



CHAPTER 156 OF THE LOUISVILLE METRO CODE OF ORDINANCES

Proposed Definitions

- ▶ **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.

The Revised Weed Ordinance and Community-based Conservation:

A Win-Win for Nature, People and Our City !

We are here to ask for your support for the newly revised Weed Ordinance

Old Code - poorly defined

penalizes property owners who grow native plants taller than the “10-inch rule” allows.
citations and confusion- barriers to people adopting natural landscaping in Louisville

New Code

promotes the City’s Plan 2040 goals

provides people and native plant landscapers greater clarity for replacing lawn
with managed natural landscapes that use more native plants.

BENEFITS OF MANAGED NATURAL LANDSCAPES USING NATIVE PLANTS

- increased stormwater retention on site
- improved water quality
- reduced air pollutant emissions
- improved habitat for beneficial native wildlife (birds, pollinators)

WHY?

LAWNS: Fine to have some lawn, but do we have to have so much of it?

40 million acres of turfgrass in USA: largest irrigated crop in the USA!

Fossil Fuels Frequent Watering

Mowing
Fertilizer
Pesticides

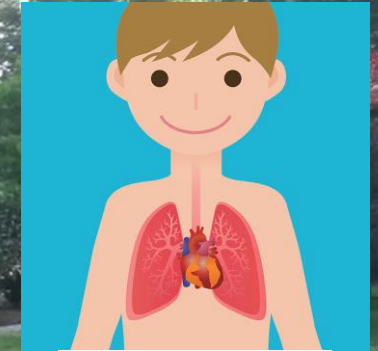
AIR POLLUTION
NOISE POLLUTION



All those resources and
We don't even EAT IT !

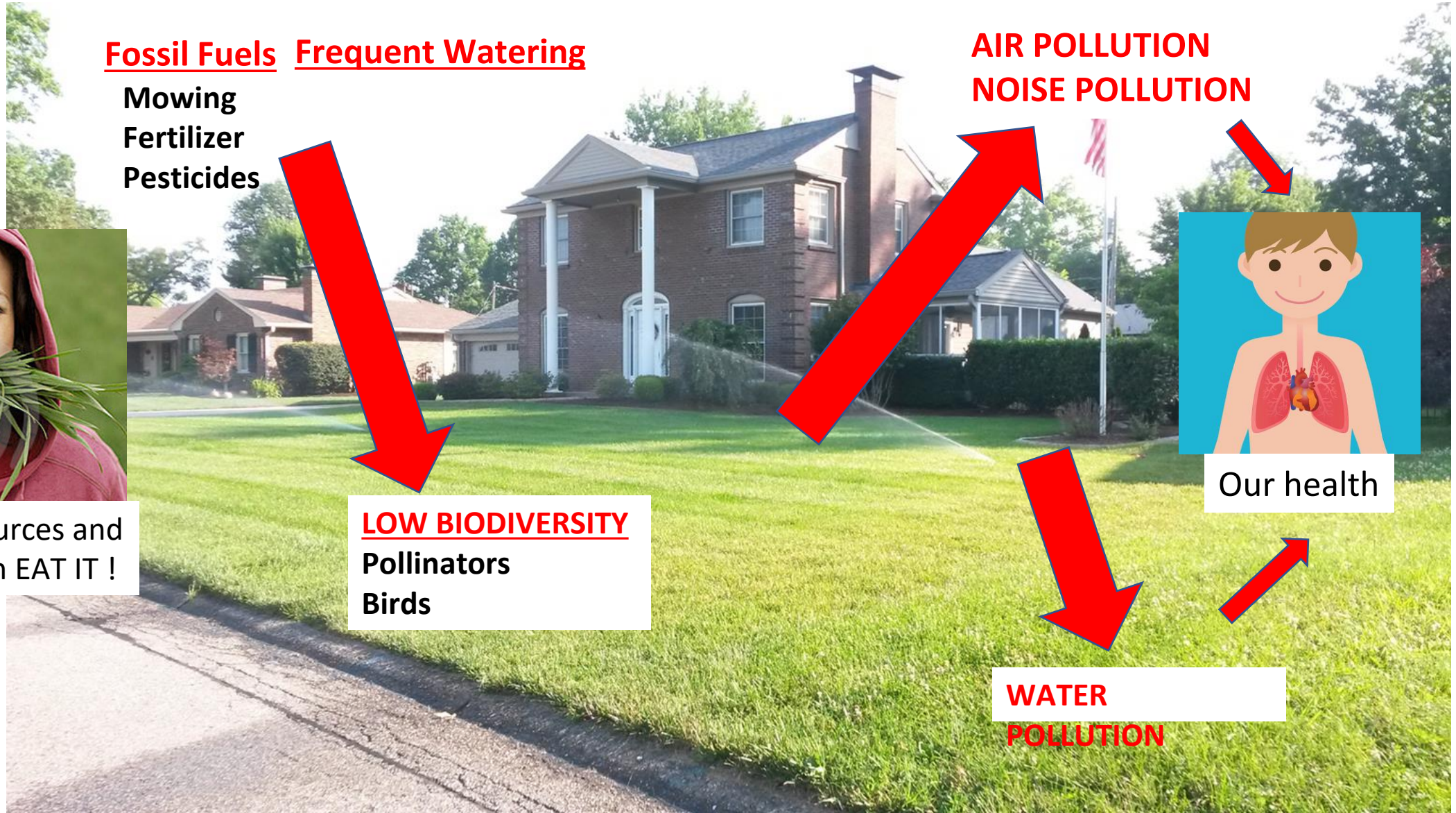
LOW BIODIVERSITY

Pollinators
Birds



Our health

WATER
POLLUTION



THE NEW ORDINANCE REMOVES OBSTACLES FOR PEOPLE WHO WANT TO INVITE LIFE INTO THEIR YARDS BY GROWING MORE NATIVE PLANTS
Especially for pollinator insects and birds



Native plant seeds even feed birds in winter!



Photos courtesy of Laura Walther Schaeffer

Common myths about natural landscaping with native plants- and why they *are* myths

Remember! Natural landscapes are managed landscapes.

MYTH 1: THEY ATTRACT VERMIN.

- Some people think “rats” live in native plant gardens.
- Vegetation in a native plant garden does not provide the food preferred or required to sustain rats.
- Norway rats do not eat seeds of native grasses and flowers.
- Rats eat human-produced foods (ex., Pet food) or food litter on ground or in partly open dumpsters

MYTH 2: THEY ARE BREEDING GROUNDS FOR MOSQUITOES.

- Mosquitoes need standing water to reproduce.
- Turf lawns with short roots are more likely to pond up than gardens with longer-rooted native plants.
- Native plant gardens are more likely to provide habitat for birds that EAT mosquitoes

MYTH 3: THEY PRODUCE ALLERGENIC POLLEN

- Natives with showy flowers have insect-pollinated pollen, NOT wind-pollinated pollen. NOT allergenic.
- Non-native RAGWEED is the chief allergy culprit
- Encouraging native grasses and native flowering plants crowd out non-natives like ragweed, Timothy grass and Bermuda grass that grow along lawn edges and produce allergenic pollen.

Our Gardens Can Be Places of Beauty AND Sustain Our Local Biological Heritage

The new ordinance allows more people to engage in this **NATURAL SOLUTION** for improving our City's Environment

There are many obstacles to people growing native plant gardens. But you can do something about this one.

Let's go for the "win-win" and also bring more **WONDER, CURIOSITY AND JOY** to our doorsteps.



THANKS FOR LISTENING

We will appreciate hearing your thoughts and questions.

Supporting Louisville's Initiatives and Goals

Recreation/Public Health

Comprehensive Plan 2040

The Livability plan element contains four overarching goals, supported by a series of objectives and action-oriented policies to frame this community's vision for a more livable community.

- GOAL 1** Protect and enhance the natural environment and integrate it with the built environment as development occurs.
- GOAL 2** Ensure equitable health and safety outcomes for all.
- GOAL 3** Ensure equitable access to land use planning and policy-making resources.
- GOAL 4** Integrate sustainability and resilience in community planning processes.

GOAL 1 Protect and enhance the natural environment as development occurs.

Objectives

- a. Safe, accessible multi-use trails, pathways and transit options are promoted to improve air quality and increase connections throughout the community.
- b. Existing waterways are conserved, protected or improved to enhance water quality.
- c. Parks, public outdoor spaces and public natural areas are preserved, enhanced and accessible to all.
- d. Restoration of the tree canopy and integration of native species into the built environment are prioritized.**
- e. The distribution of public resources addresses inequities in environmental conditions.

Metro Emissions Reduction Goals

Emissions Reduction Plan

City sets goal to reduce its greenhouse gas emissions 80% by 2050

In December 2018, Louisville Metro joined with cities across the globe in setting a science-based target to reduce its community-wide greenhouse gas emissions. Globally, cities play a major role in climate action efforts, as 70% of greenhouse gas emissions come from cities. Greenhouse gases get trapped in the atmosphere, which causes warming and leads to climate change. These gases are emitted when we drive, turn on the lights in our homes and buildings, and when waste breaks down in the landfill, among other sources. To see a press release announcing Louisville Metro's commitment to reducing its emissions, [click here](#).

Air Pollution Control District



LOUISVILLE, Ky. (WDRB) -- The Metropolitan Sewer District has completed a restoration project designed to improve the quality of the water in Beargrass Creek and the Ohio River.

The agency partnered with the Louisville Jefferson County Environmental Trust to restore a stream and wetland corridor. That corridor drains into the middle fork of Beargrass Creek, near South Peterson Avenue and Grinstead Drive.



The project included removing invasive shrubs and vines to allow native plants to grow better.

MSD, US Corps of Engineers announce \$3 million stream restoration project for Beargrass Creek ecosystem

Aug 15, 2019 Updated Aug 15, 2019



MSD

EPA GREEN STREETS SUCCESS STORIES

GREEN STREET ELEMENTS

- Tree Wells
- Permeable Pavers

CSO130 GREEN INFRASTRUCTURE PROJECT
LOUISVILLE, KENTUCKY

The CSO130 project in the Story Avenue/Butchertown Area includes Tree Wells and Permeable Pavers that infiltrate stormwater to off-load the sewer system.

PROJECT DESCRIPTION
sewersheds utilizing the InfoWorks collection systems. The project results for



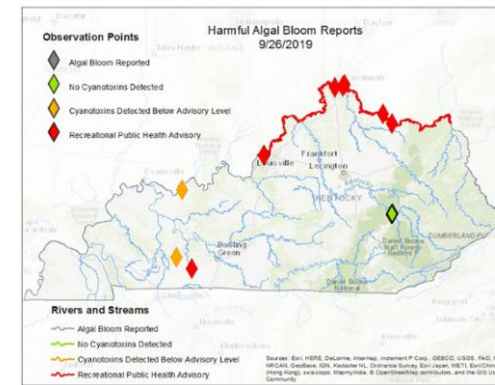
Blue-Green Algae/Cyanobacteria Harmful Algal Bloom (HABs)

89.3 WFPL Environment

Toxic Algal Blooms Persist In Ohio River, But They're In Decline

By Ryan Van Velzer

Photos: U.S. Environmental Protection Agency



Contaminated with unsafe natural changes have risk of so.

Hazard Mitigation

2016 Louisville Metro Hazard Mitigation Plan

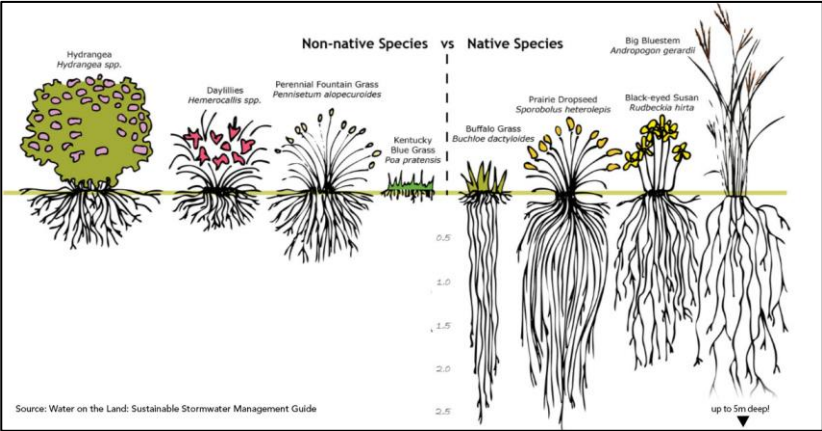
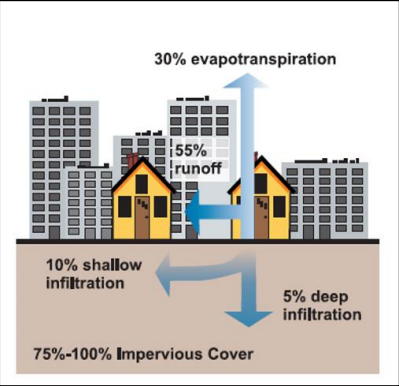
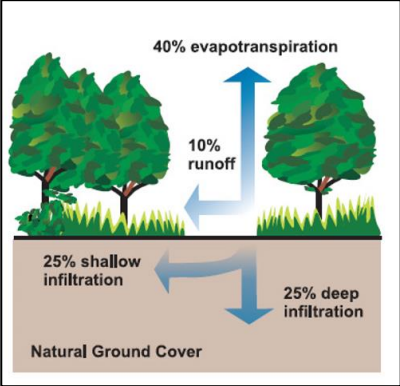
Native Plants as a Best Management Practice (BMP)

- Native plants are recommended (expected) in conservation projects that improve waterways/mitigate pollution
- Cost Effective, Minimal Maintenance, Multiple Benefits
 - Increase groundwater infiltration, reduce flood risk, filter pollutants, minimize erosion, sequester carbon, support wildlife, improve public health -Just like trees!

• Top promoted practice for residents and property owners

Why?

- #1 Cause of species decline is loss of habitat
- 86% of the land east of the Mississippi is privately owned
- 21% increase in population in Jefferson Co. expected 2010-2040 (Comp. Plan)
- Nonpoint Source pollution is not regulated and 79% of Kentucky streams are Not meeting EPA/DOW Standards (2016)



Just a few agencies who promote and provide resources on native plants



Common Uses of Native Plants in Developed Areas



RAIN GARDENS

A rain garden is a shallow, vegetated basin that collects and absorbs runoff from rooftops, sidewalks, and streets.

Rain gardens can be added around homes and businesses to reduce and treat stormwater runoff.



GREEN STREETS

Green streets use a suite of green infrastructure practices to manage stormwater runoff and improve water quality.

Adding green infrastructure features to a street corridor can also contribute to a safer and more attractive environment for walking and biking.



VEGETATED SWALES

A vegetated swale is a channel holding plants or mulch that treats and absorbs stormwater as it flows down a slope.

Vegetated swales can be placed along streets and in parking lots to soak up and treat their runoff, improving water quality.



Public Pollinator Garden



Native Bioswale (year 1)



Community Support

Jefferson County Soil and Water Conservation District

- Primarily funded through Louisville Metro
- Mission (short) to conserve Jefferson County's Natural Resources
- Committed to providing signage, education, and funding for County residents who choose to plant native gardens



Other Partners:

- MSD, WildOnes, Jefferson Memorial Forest, Louisville Nature Center, Public Schools, Urban Agriculture Coalition and other Ag. Groups, Neighborhood Groups, Many Many Others!