

September 10, 2025

To: Mayor and Members of City Council

202501655

From: Sheryl M.M. Long, City Manager

Subject: **Protections for Native Plant/Pollinator Gardens**

Reference Document #202500354

The City Council, at its session on March 26, 2025, adopted motion 202500354 and referred the following item for review and report:

MOTION, submitted by Councilmembers Owens, Nolan, and Walsh, **WE MOVE** that the Administration prepare a report within the next 30 days to devise a strategy for protecting native plant/pollinator gardens in the City of Cincinnati. **FURTHER WE MOVE** that through this report there is a substantial review of Section 731 of the Cincinnati Municipal Code to identify where there could be revisions made to support citizens and the native plant gardens. **FURTHER WE MOVE** that this report provides a general definition of what a native plant/pollinator garden is; how native plant/pollinator gardens should be maintained; and how native plant/pollinator gardens should be recognized. **FURTHER WE MOVE** that the following city departments, and all other seen fit, be consulted during this formation of this report: Cincinnati Parks Department, Office of Environment and Sustainability, Law Department, Department of Buildings and Inspections.

BACKGROUND

Support of native plants and pollinators is a growing interest in the community and is included in the 2023 Green Cincinnati Plan as a strategy to “Increase biodiversity and health of native species in the City.” Pollinators, including native bees, butterflies, and other insects, are important for the health of the natural environment and agricultural systems. The inclusion of native plants which act as host plants and pollinator plants in residential and public gardens can help support these species.

Native Plant and Pollinator Protections in Municipal Code

Inclusion of protections for native plants and pollinator plants in City Code is common and can be found in the Municipal Code of peer cities and counties, including St. Louis County,

MO¹, Louisville, KY², and Chicago, IL³. Additionally, some cities are considering updates to their municipal code to allow for pollinator gardens, like Columbus, OH⁴ or managed natural landscapes like Pittsburgh, PA⁵.

In Cincinnati, native plants and pollinator gardens are allowable under CMC 731-1-M with the allowed purpose for “the aid and attraction of wildlife.” When appropriately set back, these plants are exempted from the height restrictions of Chapter 731-3. This provides a broad definition of pollinators which does not limit only certain species or types of pollinators.

Review of Chapter 731

Control of “weeds” is under the jurisdiction of CMC Chapter 731 – Weed Control. Chapter 731 was established in 1972 and amended in 2011 to narrow the definition of “noxious weeds” and allow for “managed natural landscaped areas on certain occupied residential properties and further clarify the restrictions governing weed control within the City of Cincinnati.”⁶ The 2011 amendment included new definitions for Turf Grass, Weeds, Natural Managed Landscaped Area, Height Restrictions, and Managed Natural Landscaping. Chapter 731 was further amended in 2015 to include the Private Lot Abatement Program. This amendment did not modify the definitions of weeds or “managed natural landscapes.”

The 2023 Green Cincinnati Plan identified a priority action to “Support pollinator gardens, native plants, and education, including the use of native grasses and pollinator plants in residential areas, and Low Mow or No Mow practices.”⁷

Chapter 731 currently allows for plants, including native plants and pollinators, on private residential properties to exceed ten (10) inches in height when they are planted as a “natural managed landscape area” as defined under Chapter 731-1-M and located per setback requirements and maintained as per Chapter 731-4:

Chapter 731 - WEED CONTROL

Sec. 731-1-M. - Managed Natural Landscaped Area.

"Managed Natural Landscaped Areas" shall be defined as designed and cultivated plant communities that are self-sustaining with minimal resort to artificial methods of plant care and that serve at least one of the following purposes:

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https://library.municode.com/mo/st. louis county/codes/code of ordinances?nodeId=TITVIPUHEWE_CH619WE_CO_619.005DE

² <https://codelibrary.amlegal.com/codes/louisvillemetro/latest/loukymetro/0-0-0-16698>

³ https://codelibrary.amlegal.com/codes/chicago/latest/chicago_il/0-0-0-2694353#JD_10-32-055

⁴ https://www.columbus.gov/files/sharedassets/city/v/1/city-council/documents/hearing-documents/2025-05-21_pus-committee-hearing_proposed-pollinator-garden-language.pdf

⁵ <https://pittsburgh.legistar.com/LegislationDetail.aspx?ID=7350177&GUID=08525E5A-39B9-4F08-9B73-B6396BB1BA74>

⁶ Ordinance 201100248 Transmittal

⁷ 2023 Green Cincinnati Plan, page 135; <https://www.cincinnati-oh.gov/oes/climate/climate-protection-green-cincinnati-plan/green-cincinnati-plan-2023-spreads/>

- (1) the attraction and aid of wildlife.*
- (2) the offset and control of a potential or existing soil loss program.*
- (3) the enrichment or stabilization of soil fertility.*
- (4) pest control.*
- (5) governmental programs, including, without limitation, storm water control.*
- (6) educational studies.*
- (7) food production.*

(Ordained by Ord. No. 149-2011, § 1, eff. June 11, 2011; renumbered by Emer. Ord. No. 075-2015, § 2, eff. March 25, 2015)

Sec. 731-4. - Managed Natural Landscaping.

The height restrictions provided in [Section 731-3](#) shall not apply to natural plants on privately owned, occupied residential property and properties contiguous to the privately owned, occupied residential property provided that such contiguous properties are owned by the same individual, when such natural plants are part of a Managed Natural Landscape Area.

Managed Natural Landscaped Areas shall be set back a minimum of three (3) feet from all property lines, roads, alleys and/or driveways unless the property is abutted by a fence or similar barrier separating it from adjoining residential properties, then the natural landscaping may be planted up to the property line (inside the sidewalk). With the exception of trees, all vegetation in the right of way strip between the sidewalk and street must be kept at a height of less than ten (10) inches.

Managed Natural Landscaped Areas shall not be permitted to overhang or encroach onto any public or private properties, or public sidewalks, streets, or alleys adjacent to the lot, tract or parcel on which they are planted.

(Ordained by Ord. No. 149-2011, § 1, eff. June 11, 2011)

Enforcement of Chapter 731 is complaint driven and most common during the growing season: from the end of spring through the beginning of fall. When a complaint for weeds is received, the Department of Buildings and Inspections (B&I) personnel visit the address of the complaint to document the conditions. Plants on site are measured for the 10-inch height requirement of Chapter 731-3 and the area is photographed. If the height restriction is exceeded, a citation is issued, taking the exception of Sec. 731-4 into consideration. The exception applies only when all the criteria are satisfied, and the area demonstrates that it is being ‘managed’ appropriately. While Chapter 731-4 allows plants to exceed the height

restrictions, the area must be ‘managed’ and still requires a 3-ft setback from property lines unless abutted by a fence or wall. The setback requirements provide for unhindered use of public sidewalks and provide sight visibility between pedestrians and vehicles at driveway and street intersections.

B&I estimates it receives less than 10 inquiries/year into how to comply with Chapter 731-4 Managed Natural Landscaping. B&I conducts an average of 3,500 weed complaint investigations/year. Approximately 41%, or 1,435 investigations would result in a property receiving one more citations for violation of Section 731-3. Appeals are conducted by the Office of Administrative Hearings (OAH). Between 2020-2024, OAH adjudicated an average of 280 appeals/year for citations for violations of Chapter 731-3. These could be for any reason, most often for cure-credits based on owner abatement of the violation. Of the appeal cases, 1-2 appeals/year base their appeal attempting to make a claim the property meets the Managed Natural Landscaping Area definition within Sec. 731-4. Of those appeals, the city’s determination that the property was in violation of Chapter 731-3, was upheld in nearly every case.

Protecting, Maintaining, and Recognizing Native Plants and Pollinators

Some municipal codes specifically define “native plants,” such as St. Louis County Section 619.005 (g) ⁸. However, providing a specific definition can limit the plants allowed. CMC Chapter 731-4 includes a broad definition of a pollinator plant by describing it as “plant communities that are self-sustaining with minimal resort to artificial methods of plant care and that serve...the following purposes: (1) the attraction and aid of wildlife.”

Native plants are described by lists maintained by the Ohio Department of Natural Resources⁹. Ohio Administrative Code also provides a list of Invasive Plant Species in [OAC Rule 901:5-30-01](#) and Noxious Weeds and Weed seeds are listed in [OAC Rule 901:5-37-01](#) and [901:5-27-06](#), respectively.

Native Plant and Pollinator Gardens may be maintained to comply with the requirements of Section 731, including preventing encroachment into the right-of-way or adjoining properties. A 3-foot buffer must be maintained to comply with the 10-inch maximum height requirements of Chapter 731-3 and the area must appear to be ‘managed’ as a “designed and cultivated plant community”.

Some municipalities utilize a registration or signage program to recognize, celebrate, and encourage pollinator species, such as the Indianapolis, IN [Native Planting Area Program](#) ¹⁰. These programs are sometimes utilized instead of protections within the municipal code for native plants and pollinators which exceed the height restrictions.

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https://library.municode.com/mo/st._louis_county/codes/code_of_ordinances?nodeId=TITVIPUHEWE_CH619WE_CO_619.005DE

⁹ <https://ohiodnr.gov/discover-and-learn/safety-conservation/about-ODNR/nature-preserves/Documents/native-plants-lists>

¹⁰ <https://www.indy.gov/activity/land-stewardship>

Adding a formalized registration or signage process as a requirement within CMC Chapter 731 may result in increased administrative burden on residents and the City as native plants and pollinators are already protected within CMC 731-4. Residents have rarely contested the City's determination that a garden does not comply with the current definition of Managed Natural Landscaped Areas. In these cases, the City generally errs on the side of the resident. Consequently, changes to the ordinance would not likely produce a different result in practice. Moreover, nothing prohibits residents from reaching out about their garden or posting zoning-compliant signage without legislative changes.

Voluntary native plant and pollinator registration and signage is available through local resources like the Cincinnati Zoo and Botanical Garden [Plant for Pollinators](#) program¹¹ or national programs like the [National Wildlife Federation](#)¹².

To date, the Office of Environment and Sustainability (OES) has supported numerous native plants and pollinator gardens through the Urban Agriculture Program and the Seeds of Change Grant Program. These efforts are resident-led and largely installed on private property. When installed on public property, collaboration with relevant City departments for approval is facilitated. These investments of city and private funding aim to support the goals and strategies of the Green Cincinnati Plan referenced above.

To further support native plants and pollinators, the City can provide resources such as infographics or guides which visually describe the requirements of the code, and planting or maintenance guides, such as those provided by Madison, WI¹³ or Boulder, CO¹⁴.

Identification of native plants and pollinators, as well as invasive species, can be included in training materials for City inspectors. These training resources could also be provided as resources for the public.

To further protect and promote native plants and pollinators, the City can also identify areas on City property to include native plants and pollinators instead of, or in addition to, turf grass. Cincinnati Parks is the leading agency in this endeavor, with expert staff in Horticulture and Natural Resource Management who prioritize, incorporate and manage native plantings throughout the park system. Currently these plantings scale in size from formal landscape beds to acres of meadowland that were at one time mowed lawns. To continue these efforts, Parks GIS Analysts have mapped all lawn areas to inform efficiencies in mow crew operations and the potential transition of turf to meadowlands.

It is important to note that while there are significant benefits to the addition of pollinator gardens, meadowlands and reduction in turf grass areas on public lands, the savings in reduced mowing does not equate to a direct reduction in management of the area. Converting

¹¹ <https://cincinnatzoo.org/gardens/plant-for-pollinators/>

¹² <https://www.nwf.org/Native-Plant-Habitats/Create-and-Certify>

¹³ <https://www.cityofmadison.com/mayor/documents/TerracePlantingFlyer.pdf>

¹⁴ <https://bouldercolorado.gov/services/pollinator-gardens-and-pathways>

turf to a meadow requires a specialized skill set and management plan to ensure invasive species, such as honeysuckle and poison hemlock, do not outcompete the native plants. Left with no plan, these areas can quickly become overrun.

To overcome this challenge on public lands, Cincinnati Parks led the creation of a new classification titled, Natural Resource Specialist. This classification could be utilized in other departments but currently only resides within the Parks Division of Natural Resources' Conservation and Land Management Section. This small team is charged with the care of Park's natural surface trail system, forest, and meadowlands. Through the development of land management plans these staff work with our community to restore our forests and care for existing meadows, while continuing to plan for new locations in areas that are either underutilized by the public or are hard to mow due to soil saturation or the slope of land.

Proper management is more specialized than lawn mowing, but once fully established, a meadow needs less frequent maintenance than a lawn, thereby reduce reducing labor costs, the City's CO₂ emissions and air quality impacts of mowing while beautifying public spaces with plant species that are adapted to our climate, and serve as educational opportunities for the public while attracting pollinators to support local wildlife and biodiversity.

cc: Oliver Kroner, Director, Office of Environment and Sustainability
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