

SIMPLIFYING MUNICIPAL CODES FOR GARDENERS



SOME DEFINITIONS

The Parkway:

- The area between the sidewalk and the street
- Goes by different names in different codes. “median,” “boulevard,” “verge,” “road verge,” and “tree lawn”
- Some cities restrict to plantings only approved by the municipality

Setbacks:

- Setbacks are typically areas where the city does not allow either permanent construction or tall vegetation
- Usually required to be maintained as turfgrass or other low-growing vegetation

Sight Triangles:

- These are triangles where there can be no visual obstruction
- Sight triangles typically exist anywhere transportation infrastructure (including a driveway) borders your yard



Definitions of “Weeds”:

- This is often tied to a list of particular species, but is occasionally tied to height, or height of non-blooming vegetation

Where to Look for Codes:

- Most municipalities post their code publicly on an **online ordinance library** such as: <https://library.municode.com/>
- **The State of Illinois enacted a law which preserves the right of homeowners to plant vegetable and pollinator gardens in their yard.** While this law prevents municipalities from outlawing vegetable and pollinator gardens, it does not prevent municipalities from regulating height, setbacks, invasive species, water use, or fertilizer use. Learn more: <https://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=102-0180>



Height limitations:

- Municipalities often limit the height of non-woody vegetation in the yard, even in areas of the yard that are not impacted by setbacks, sight triangles, etc.
- If **power or phone infrastructure** passes over your property, there is typically a height limit for woody vegetation, or a set list of approved woody plant species
- Areas with more strict height limitations:
 - Parkway
 - Sight Triangles
 - Front yards



Other things to consider:

- For residents outside of a municipal boundary, vegetation management will default to county-level ordinances.
- Code compliance is typically enforced through a **complaint system**. If you have a non-compliant area of your yard and have never gotten a ticket for it, it is likely because no one has complained to the city. You might never be ticketed for non-compliance, but know that you can be ticketed at any time.
- **HOA's often have strict vegetation requirements that may exceed the requirements placed by your municipality**
- Front yards are **often regulated more strictly** and typically differentiated from back yards
- Corner lots are typically treated as having two front yards
- Some codes prevent the obstruction of the sidewalk by vegetation. This includes obstruction of the sidewalk by vegetation that is planted beyond the setback, e.g. a tree limb that hangs too low or a herbaceous plant that “flops” over into the sidewalk after a storm

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