

Natural Habitat Evanston

Parkway planting comments 5-8-2021

The new Parkways limitations are not needed at all:

- **Should Encourage Plantings. Use the nuisance ordinance.** Parkway plantings are a healthy, creative, hopeful and joyful development. For existing plantings that have caused no problem, it makes no sense for the City to tell homeowners that they must remove and replant. Further, the city should use its resources to encourage more plantings, less turfgrass. Instead simple guidelines for new gardeners could encourage 18" outside, 3' inside, leaving a buffer around trees, etc., but don't mandate any of that, or fine people unless the issue rises to the level of a nuisance.
 - **Existing ordinances: already prohibit obstructing views at intersections, require sidewalks to be clear of obstructions, including dirt and weeds, and no obstruction of fire hydrants.** (see attachment)
- **CARP.** Time is short to implement the physical and behavioral change necessary to address climate change and to foster resilience. The City should help change the culture of lawns, and move Evanston away from turfgrass, which is damaging to the environment through chemical use, freshwater waste, cost and loss of biodiversity. This comes at a time when other cities are actively encouraging, or even paying, their residents to plant wildflowers. <https://www.startribune.com/program-pays.../510593382/>

If the City must proceed with a Parkways Ordinance:

- **Public Safety.** The City always must balance public safety concerns, but these parkway strictures are not about public safety. **Public safety does not require constraining every single garden cultivation according to proscriptive measurements.** Issues of public safety relating to street, intersection, fire hydrants and sidewalk safety are already addressed through nuisance ordinances. See attachment below.
- **The 3' tall limitation** was already applied by the City, and was enforced flexibly: If plants could reach 3', or just have thin vegetation above 3' (e.g., spires), or if they were important for wildlife, they were often approved. **We encourage this to continue.** Please do not disapprove any plant that can grow bigger than 3'. Most plants grow within a range. A purple liatris, cardinal flower, or pale purple coneflower for example in my yard often grows to 3', but could grow to 5'. Can we allow plants like liatris, which sends up purple spires important for pollinators, rather than prohibit any plant that could reach its maximum height?
- **For sidewalks, simply require that plantings do not lop over onto walkways (as the nuisance ordinance already requires).** It should be a maintenance issue. The prohibition against plants 1.5' tall near sidewalks will forbid low growing crucial, core pollinator plants, like butterfly weed, whorled milkweed, columbine and others from being planted near sidewalks. This solves any public safety issue. Even short plants can exceed this limit at the upper end of their height range, or they briefly – at the height of their season - send up spires that stick above the limit.
- **Prohibited plantings 15' near intersections.** All the **existing corner intersection gardens would be prohibited.** Was the limitation on tree plantings so insufficient that we had to create a cross-Evanston ban on all gardens and

wildflowers on these 15'? Consider all the barren areas we create by prohibiting people from plantings for 15' near every alley, street and crosswalk.

- We note that the 2.5' **band around trees** (no plantings) would eliminate all the hosta and impatiens collars on trees. We do not take a position on that at this time, other than to point out that this should simply be encouraged and not mandated.
- We note as well that the **Illinois Fire Hydrant Act (the "Act")** applies by operation of state law and does not require restating in city ordinance.
 - **City ordinance 9-2-15. - BLOCKING FIRE HYDRANTS AND FIRE AND LIFE SAFETY SERVICES DEPARTMENT CONNECTIONS. Already protects against hydrant obstruction.** See below.
 - The proposed **parkways ordinance is more unfriendly to plantings than the Act** itself. The city ordinance would prohibit plantings of a certain height or within 48 inches of a hydrant, but the Act does not say this; the Act specifically and simply says trees and bushes cannot "hide or impede" use of a fire hydrant, which is a different standard from the needlessly restrictive Evanston ordinance. <https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1632>

ATTACHMENT: EXISTING ORDINANCES

9-5-17. - OBSTRUCTING VIEW AT INTERSECTIONS.

The owner or occupant of every lot or parcel of land adjoining a street or alley intersection in the City upon which any trees, shrubs, bushes or plants are growing shall trim, prune or cut the same or cause the same to be trimmed, pruned or cut so as not to obstruct the passage of light from any streetlight or traffic signal light and so that the same shall not interfere with nor obstruct the vision of persons using the alleys, streets or highways. The existence of any trees, shrubs, bushes or plants on the premises of any owner or occupant adjoining a street or alley intersection which shall obstruct the passage of light from any streetlight or traffic signal light or which shall interfere with or obstruct the vision at street intersections or the intersection of a street with a public alley is hereby declared to constitute a public nuisance. It shall be unlawful for any owner or occupant of such premises to fail, neglect or refuse to abate the same by removing, trimming, cutting or pruning such tree, shrub, bush or plant within five (5) calendar days after being notified in writing so to do by the City Manager or his/her designee. Persons who fail to remove any such tree, shrub, bush or plant after notification to do so shall be fined one hundred dollars (\$100.00) for each offense.

7-2-9-3. - SIDEWALKS TO BE CLEAR OF SNOW, ICE, DIRT AND WEEDS.

(C) *Dirt and Weeds.* Every owner, lessee, proprietor or occupant under this section shall keep sidewalks clear and free of all obstructions at all times, including but not limited to, dirt and weeds.

9-2-15. - BLOCKING FIRE HYDRANTS AND FIRE AND LIFE SAFETY SERVICES DEPARTMENT CONNECTIONS.

It shall be unlawful to obscure from view, damage, deface, obstruct or restrict the access to any fire hydrant or any Fire and Life Safety Services Department connection for the pressurization of fire

suppression systems, including fire hydrants and Fire and Life Safety Services Department connections that are located on public or private streets and access lanes, or on private property, and it shall be unlawful to park a vehicle within fifteen feet (15') of a fire hydrant and any such vehicle found obstructing a fire hydrant may be removed by the Fire and Life Safety Services Department at the risk, expense and cost of the owner or claimant of the vehicle.

If, upon the expiration of the time mentioned in a notice of violation, obstructions or encroachments are not removed, the fire official shall proceed to remove the same. All costs incurred in the performance of necessary work shall be paid from the municipal treasury on certificate of the Fire Chief and with the approval of the City Manager or his/her designee; and the Law Department may institute appropriate action for the recovery of such costs.