

TO: Mayor Savage and Members of Regional Council

SUBMITTED BY:

Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: February 13, 2020

SUBJECT: Boulevard Gardening

ORIGIN

At its meeting of October 22, 2019, Halifax Regional Council the following motion was put and passed:

THAT Halifax Regional Council request a staff report on establishing guidelines for boulevard gardens. Council suggested the following information be included in the staff report:

- Potential future uses of boulevard land areas
- Consideration of adjacent street speed limits
- The difference between implementing raised beds vs. lowered beds
- Guidelines to include the Urban Forest Master Plan
- Jurisdictional scan on rock gardens

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, Part XII – Streets & Highways

By-Law S-300 Respecting Streets:

Section 11. Abutters, except where grass cutting and maintenance service is provided by the Municipality, shall maintain any grass between the sidewalk and the curb closely clipped and to a height not greater than six inches and shall keep such areas in good order including raking and renewal of the grass as necessary.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. suspends the rules of procedure under Schedule 7, the Transportation Standing Committee Terms of Reference, of Administrative Order One, the *Procedures of the Council Administrative Order*, and
2. direct the Chief Administrative Officer to prepare the necessary By-Law and Administrative Order amendments to permit the placement of boulevard gardens in the HRM public Right of Way, based on the guidelines outlined in this report.

BACKGROUND

On October 22, 2019, Regional Council requested a staff report focusing on establishing guidelines for boulevard gardens. Regional Council's discussion leading to the request of the staff report highlighted the potential benefits of boulevard gardens and noted that other cities have guidelines in place to permit them. The discussion also noted that guidelines would have to consider existing street uses, safety concerns, responsibilities of homeowners, and what could be placed in gardens.

DISCUSSION

This report addresses the conversion of grass in the boulevard into a garden. A boulevard is defined as the area between the curb and the sidewalk, typically planted with grass. Currently, abutting property owners are required to maintain any grass between the sidewalk and the curb closely clipped and to a height not greater than six inches. Some residents have placed gardens within the boulevard, which are addressed by staff if they present a safety concern.

A cross-jurisdiction review was done across nine Canadian urban centres with policies addressing boulevard gardens. Commonalities were noted across these policies and were considered in the development of these draft guidelines. A meeting between HRM internal stakeholders was held to compile concerns associated with the placement of boulevard gardens within HRM public right of way.

It is recommended that the placement of boulevard gardens within HRM public right of way be addressed through amendments to the Streets By-Law, and adoption of an Administrative Order for Boulevard Gardens. Additionally, a resident guide will be published to provide detailed information to residents who wish to plant a boulevard garden abutting their property.

Guidelines have been outlined to consider the following concerns identified by HRM staff with the placement of boulevard gardens within the public right of way:

- Public safety and access to HRM rights of way, including driver/pedestrian/cyclist sightlines, clear travel ways and sidewalks, and reduction of hazards.
- Municipal operations within the HRM right of way, including snow clearing, street cleaning, and other road operations.
- Maintenance of HRM right of way, including road and sidewalk repairs, capital projects, and other maintenance projects.

The proposed guidelines for placement of boulevard gardens within the public right of way are comparable to those guidelines currently in place in other urban centres.

Placement of Boulevard Gardens

- The abutting property owner may create boulevard garden instead of grass.
- Boulevard gardens are not permitted within medians or traffic islands.
- Underground utilities may be present in the boulevard. Digging shall not extend deeper than 30 cm below grade and shall be completed with hand tools only.
- Boulevard gardens shall be located 1.0 m away from utility poles, fire hydrants, trees, bus shelters, bus stop pads, and other structures within the boulevard.
- Boulevard gardens are not permitted where there is no sidewalk present, to allow space for pedestrians to walk on the grass out of the roadway.
- Permanent and temporary structures such as planters and irrigation are not permitted.
- Damage may occur during road work, utility work, snow clearing, general operation/maintenance activities, and may be reinstated with grass seed or sod when applicable. Damaged gardens will not be replaced by the municipality or any contractor working within the public right of way.
- Boulevard gardens are not permitted in areas with paid street parking.
- Boulevard gardens are not permitted adjacent to accessible parking spaces.
- A boulevard garden shall not create a hazard to the public users of the right of way.

Guidelines for Boulevard Gardens

- No trees, woody plants, or climbing vines shall be planted in the boulevard by residents.
- Take care when working near trees. By-Law T-600 Respecting Trees on Public Lands will apply to any trees within the HRM right of way.
- The maximum height of plants is generally 1.0 m, or 0.6 m within 5 m of an intersection or marked crosswalk.
- No plants are permitted to overhang streets or sidewalks and must be trimmed if they do so.
- The soil in boulevard gardens must be at grade with the surrounding area to prevent drainage issues and potential damage to tree roots.
- No hardscaping, rocks, or stone mulch is permitted to be placed in the boulevard.

Considerations for Residents

- If plants are deemed to be a visibility, mobility or safety concern, they may be trimmed or removed by staff.
- Contaminants may be present in soil. It is recommended to use gloves and wash hands after gardening.
- Please consider safety when tending your boulevard garden. Things to consider would be working in daylight hours, high visibility vest, avoid standing in street.
- Streets and sidewalks must be kept clear of plants, tools and personal items at all times.
- It is the homeowners' responsibility to maintain the boulevard garden.
- Keep boulevards accessible for snow removal and storage.
- Consider placement of solid waste for pick-up when designing your boulevard garden.
- Residents may want to consider planting annual or perennial plants which will thrive in the location (tolerance to drought and salt, exposure to sun). Some recommended plants will be provided to residents.
- A guide for residents will be published upon adoption of the policy for boulevard gardens and will be available in several languages.

Staff will take any additional feedback from the Committee/Council and incorporate that into the final policy. Upon approval of Regional Council, staff will prepare any necessary By-Law amendments and the Administrative Order to the Committee and return to Council in approximately four months.

FINANCIAL IMPLICATIONS

There are no financial implications to consider at this time. Based upon the program criteria presented above, staff anticipate that incremental costs can be absorbed into current operations budgets.

RISK CONSIDERATION

There are no significant risks associated with the recommendations in this report. The risks considered rate Low.

COMMUNITY ENGAGEMENT

There has been no community engagement related to the preparation of this report.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications identified with the recommendations in this report.

ALTERNATIVES

1. Regional Council may direct staff to not proceed with the implementation of a Boulevard Gardens Policy.
2. Regional Council may direct staff to proceed with the preparation of amendments respecting Boulevard Gardens in HRM Public Right of Way, based on different criteria than outlined in this report. If this alternative is chosen, staff will have to explore the implication of different criteria on public safety and municipal road operations and maintenance prior to the preparation of the amendments.

ATTACHMENTS

No attachments.

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

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