



**DATE:** 2023-06-07  
**SUBJECT:** Recommendation Report – Boulevard Planting Program  
**CONTACT:** Andrew McNeill, Chief Administrative Officer  
**REPORT NUMBER:** JCAC-2023-06-21

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**RECOMMENDATIONS:**

1. **THAT** the report titled: Recommendation Report – Boulevard Planting Program, to the Joint Committee of the Whole and Council meeting of June 29, 2023 be received;
2. **THAT** a Boulevard Planting Program be implemented, effective immediately, as per the terms and conditions outlined in this report;
3. **THAT** a Boulevard Planting Policy be created and brought forward to the August meeting of Joint Committee of the Whole and Council for approval;
4. **THAT** staff monitor the program and report back to Council with any issues or recommended improvements in the future; and
5. **THAT** By-Law 2019-33 *Road Occupation By-Law* and By-Law 2020-112 *Encroachments on Road Allowances and Municipally Owned Property By-Law*, be amended to permit boulevard planting.

**EXECUTIVE SUMMARY:**

- Council requested that a report be prepared pertaining to implementation of a Boulevard Planting Program.
- Currently, the Town prohibits boulevard planting.
- Boulevard planting is a growing trend in municipalities to beautify neighbourhoods and to promote sustainable practices.
- It is recommended that boulevard planting be permitted, without permit, subject to the terms and conditions outlined in this report and that will be subsequently contained within a Boulevard Planting Policy.
- It is recommended that By-Law 2019-33 and By-Law 2020-112 be amended to permit boulevard planting.

**BACKGROUND:**

At the March 10, 2023 Joint Committee and Council Meeting, the following motion was approved:

**WHEREAS** By-law 2019-114, *Encroachments on Road Allowances and Municipally Owned*

*Property By-Law*, currently prohibits boulevard plantings on municipally-owned lands within public rights-of-way;

**AND WHEREAS** By-law 2019-33, *Road Occupation By-law* and associated policies prohibits boulevard plantings within municipal rights-of-ways;

**AND WHEREAS** the Town of Wasaga Beach wishes to embrace more sustainable approaches to boulevard and front-yard plantings;

**AND WHEREAS** the Town of Wasaga Beach wishes to promote town-wide beautification;

**AND WHEREAS** planting native species in boulevards and front yards is a practice increasingly being encouraged in municipalities across Canada as a means to adapt to climate change, promote habitat for native species, encourage community engagement and improve beauty;

**THEREFORE BE IT RESOLVED** that staff be directed to prepare a report for consideration by Council that provides recommendations on how to implement a boulevard and front yard planting program.

## **DISCUSSION:**

Currently, the Town of Wasaga Beach does not permit boulevard plantings on municipally owned property. There is a growing trend among municipalities to permit boulevard planting. Staff have reviewed boulevard planting programs from a number of municipalities including: the City of Mississauga; City of Guelph, City of Kitchener, City of St. Catharines and the Town of Oakville. Generally, there are commonalities between most of the programs with some subtle administrative differences that will be described in this report.

## THE OBJECTIVE

Boulevard planting is a growing movement across the province and the country that is being promoted to support sustainable practices. Boulevard gardens not only beautify our streets, but they can also reduce water usage and the need for mowing and fertilizers. Through the introduction of native species they can also improve the health of our ecosystem. Most boulevard planting programs encourage the use of native pollinators. Some key benefits are as follows:

- Lowering boulevard maintenance;
- Creating pollinator habitats and more naturalized gardens;
- Creating a more sustainable boulevard through rain gardens or stormwater management practices;
- Improving the overall look and feel of the boulevard and our streets; and
- Providing an opportunity for residents to have fun and contribute to their neighbourhood.

It should be noted that boulevard planting is not an excuse for ignoring property standards.

## **TERMS AND CONDITIONS**

### WHAT CAN BE PLANTED

The following is encouraged as part of a boulevard planting program, provided plantings do not obstruct the vision of drivers or prevent drivers from viewing traffic in all directions:

- Native species under 1m in height;
- Low maintenance plants that are drought and salt tolerant;
- Keep taller plants toward the centre of the garden, and stake them (with wooden stakes only) if they droop.
- Choose hardy plants that can handle tough growing conditions—the boulevard is no place for rare, expensive or exotic plants.
- The soil, mulch, or pavers must be lower than the sidewalk to avoid wash-out - keep the area as flat as possible, about 2.5 centimetres (1 inch) below sidewalk; make a 2.5 centimetre depression in the centre to help catch rainwater, and prevent erosion and runoff

### WHAT IS NOT PERMITTED IN THE BOULEVARD

The following items will not be permitted within boulevard gardens:

- Raised planters or above-ground planting structures;
- Large or small landscaping stones;
- Garden or outdoor furniture;
- Permanent fixtures, railings or fencing, including irrigation systems;
- Hedges/shrubs or trees (can only be planted by the Town); and
- Leave space for people to get out of parked cars;

Plants must not:

- Exceed a height of 1m;
- Impede the travel path of road or sidewalk users, inclusive of a .45m encroachment from the sidewalk;
- Obscure or restrict access to fire hydrants, post office boxes, or other installations belonging to the Town or a utility provider;
- Contain thorns, burrs, or any material that protrudes and is sharp or dangerous in any way;
- Impair drainage;
- Overflow onto the street;
- Inhibit snow removal operations; and
- Impose a trip hazard.

### TOWN / UTILITY MAINTENANCE

Irrespective of a boulevard planting program, the Town and any utility reserves its right to enter upon the Town-owned property for the purpose of constructing, repairing, maintaining, servicing, upgrading, or replacing any underground or above ground services, installations, or appurtenances. The Town or the public utility company which enters on to Town-owned property to exercise these rights is not liable for any damages or compensation related to plantings or otherwise on Town-owned property whatsoever. If work is done to the boulevard, the Town or utility is only required to restore the boulevard to topsoil and seed.

### ENCROACHMENT PERMIT

Administration of boulevard planting programs varies across municipalities. For example, in Mississauga, encroachment permits are required that include submission of planting plans for review, a permit fee and requirements to only plant from a pre-determined native planting list. In contrast, the Town of Oakville permits boulevard planting without an encroachment permit subject to generally adhering to the items listed above in the “What can be Planted” and “What is not Permitted” sections of this report.

To avoid administrative burden, it is recommended that Wasaga simply permit boulevard planting subject to the criteria outlined in this report and monitor for any issues. Should the need arise in the future, the Town can implement a permit process.

#### PROPOSED AMENDMENTS TO BY-LAW NO. 2019-33 - ROAD OCCUPATION BY-LAW

Section 5 Prohibitions, of By-Law No. 2019-33 currently states the following:

Permanent placement of stonework or other landscaping / ornamental features and/or planting of trees or shrubs within Town road allowances is strictly prohibited.

It is recommended that Section 5 be amended to read as follows:

Boulevard planting will be permitted subject to the terms and conditions of the Town’s Boulevard Planting Program.

#### PROPOSED AMENDMENTS TO BY-LAW NO. 2020-112 – ENCROACHMENTS ON ROAD ALLOWANCES AND MUNICIPALLY OWNED PROPERTY

The Policy Section of By-Law No. 2020-112 currently states the following:

##### Right-of-Way (ROW) Encroachments (Road Allowances, Highways, etc)

No person shall encroach upon a municipal right-of-way. If an encroachment is discovered, the encroaching party may make an application to the municipality to continue the encroachment. See Application for Encroachment set out below.

##### Other Encroachments (Parkland, Open Space, Development Lands, etc)

No person shall encroach upon or take possession of any municipally owned lands by any means whatsoever, including the construction, installation or maintenance of any fence or structure, the dumping or storage of any materials or plantings, or planting, cultivating, grooming or landscaping thereon.

Other encroachments may be structural (e.g. construction of decks, pools, and retaining walls) non-structural (e.g. pool drainage, application of pesticides, waste dumping), or vegetative (e.g. planting of vegetable gardens, removal of wildflowers, shrubs, and trees).

When an encroachment is discovered, the encroaching party may make an application to the municipality to continue the encroachment. See Application for encroachment set out below.

Encroachments will only be considered in the event that the encroachments do not materially interfere with municipal operations and/or capital construction or the public right of usage.

It is recommended that the above policy section be amended to read as follows:

Right-of-Way (ROW) Encroachments (Road Allowances, Highways, etc)

No person shall encroach upon a municipal right-of-way, except for the purposes of boulevard planting as per the terms and conditions outlined in the ***Town's Boulevard Planting Program***. If an encroachment is discovered, the encroaching party may make an application to the municipality to continue the encroachment. See Application for Encroachment set out below.

Other Encroachments (Parkland, Open Space, Development Lands, etc)

No person shall encroach upon or take possession of any municipally owned lands by any means whatsoever, except for the purpose of boulevard planting, as per the terms and conditions outlined in the ***Town's Boulevard Planting Program***.

When an encroachment is discovered, the encroaching party may make an application to the municipality to continue the encroachment. See Application for encroachment set out below.

Encroachments will only be considered in the event that the encroachments do not materially interfere with municipal operations and/or capital construction or the public right of usage.

**CORPORATE IMPLICATIONS:**

Financial Implications:

There are no financial implications associated with this report.

Term of Council Priorities:

This report aligns with Action 78, "Implement a town beautification program" of the "GREEN" Pillar of the Term of Council Priorities.

**CONCLUSION:**

Encouraging boulevard planting is a small step to beautify our neighbourhoods while at the same time implementing sustainable practices.

Authored by:

Andrew McNeill,  
Chief Administrative Officer

**THE CORPORATION OF THE TOWN OF WASAGA BEACH**

**BY-LAW NO. 2023-70**

A By-law to amend Town of Wasaga Beach Encroachments on Road Allowances and Municipally Owned Property By-law No. 2020-112

**WHEREAS** pursuant to section 9 of the *Municipal Act*, 2001 S.O. 2001, chapter 25 a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** pursuant to section 8. (1) of the *Municipal Act*, 2001 S.O. 2001, chapter 25 the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** the Council of The Corporation of the Town of Wasaga Beach adopted By-Law 2020-112, establishing a policy for Encroachments on Road Allowances and Municipally Owned Property;

**AND WHEREAS** the Council of the Town of Wasaga Beach deems it necessary to amend By-law 2020-112 to establish reference to the Boulevard Planting Program;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WASAGA BEACH HEREBY ENACTS AS FOLLOWS:**

1. THAT the **Right-of-Way (ROW) Encroachments (Road Allowances, Highways, etc)** section within the Encroachments on Road Allowances and Municipally Owned Property Policy be amended to state the following:

*No person shall encroach upon a municipal right-of-way, except for the purposes of boulevard planting as per the terms and conditions outlined in the **Town's Boulevard Planting Program**. If an encroachment is discovered, the encroaching party may make an application to the municipality to continue the encroachment. See Application for Encroachment set out below.*

2. THAT the **Other Encroachments (Parkland, Open Space, Development Lands, etc)** section within the Encroachments on Road Allowances and Municipally Owned Property Policy be amended to state the following:

*No person shall encroach upon or take possession of any municipally owned lands by any means whatsoever, except for the purpose of boulevard*

*planting, as per the terms and conditions outlined in the Town's Boulevard Planting Program.*

*When an encroachment is discovered, the encroaching party may make an application to the municipality to continue the encroachment. See Application for encroachment set out below.*

*Encroachments will only be considered in the event that the encroachments do not materially interfere with municipal operations and/or capital construction or the public right of usage.*

3. THAT this By-Law shall come into force and take effect on the date of its final passing.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 29<sup>th</sup> DAY OF JUNE, 2023.**

**THE CORPORATION OF THE TOWN OF WASAGA BEACH**

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Brian Smith, Mayor

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Nicole Rubli, Director, Legislative Services & Clerk

**THE CORPORATION OF THE TOWN OF WASAGA BEACH**

**BY-LAW NO. 2023-71**

A By-law to amend Town of Wasaga Beach Road Occupation Policy By-law No. 2019-33

**WHEREAS** pursuant to section 9 of the *Municipal Act*, 2001 S.O. 2001, chapter 25 a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** pursuant to section 8. (1) of the *Municipal Act*, 2001 S.O. 2001, chapter 25 the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** the Council of The Corporation of the Town of Wasaga Beach adopted By-Law 2019-33, establishing a Road Occupation Policy;

**AND WHEREAS** the Council of the Town of Wasaga Beach deems it necessary to amend By-law 2019-33 to establish reference to the Boulevard Planting Program;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WASAGA BEACH HEREBY ENACTS AS FOLLOWS:**

1. THAT the first paragraph in **Section 5 – Prohibitions** within the Road Occupation Policy be amended to state the following:

*Boulevard planting will be permitted subject to the terms and conditions of the Town's Boulevard Planting Program.*

2. THAT this By-Law shall come into force and take effect on the date of its final passing.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 29<sup>th</sup> DAY OF JUNE, 2023.**

**THE CORPORATION OF THE TOWN OF WASAGA BEACH**

\_\_\_\_\_  
Brian Smith, Mayor

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Nicole Rubli, Director, Legislative Services & Clerk