

# Memo



**Date:** June 15, 2010  
**File:** 6130-00  
**To:** City Manager  
**From:** Ian Wilson, Park Services Manager  
**Subject:** Boulevard Maintenance Bylaw 5708-84

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## **Recommendation:**

That Council receive for information the report by the Park Services Manager regarding boulevard construction and maintenance;

AND THAT Council direct staff to bring an updated version of Boulevard Maintenance Bylaw No. 5708-84 back to Council for approval with consideration to consolidating other boulevard related bylaws and policies.

## **Purpose:**

Council directed staff to look at the City of Kelowna Boulevard Maintenance Bylaw No. 5708-84 and consider rewording the Bylaw to recognize the maintenance requirements and report back to Council.

## **Background:**

A boulevard is generally defined as the area between a roadway and an adjacent property line. It may include a developed area planted with grass and trees or an undeveloped road shoulder or ditch next to a property line.

Some of the purposes of the boulevard include:

- To provide space for utilities and utility related infrastructure, both below and above ground;
- To provide a safe buffer between traffic and pedestrians or private properties;
- To provide space for sidewalks, trees, bus stops, and other infrastructure;
- To provide drainage infrastructure (e.g. 'soaker strips'); and
- Well-maintained boulevards can also improve the aesthetics and livability of a neighbourhood.

A number of different policies and bylaws currently govern boulevards in Kelowna (summarized below under "Existing Policy"). Staff recommend that at least two of these documents, Boulevard Maintenance Bylaw 5708-84 and Road Right of Way Landscaping Council Policy 16, are updated and consolidated into a single Boulevard Bylaw.

## **Boulevard Maintenance:**

Boulevard maintenance is covered by the "City of Kelowna Boulevard Maintenance Bylaw". This bylaw was enacted in 1984 and has not been updated since. The bylaw states that a property owner is responsible for maintaining any adjacent city boulevard, including mowing, watering, and keeping the area free of litter or debris. In general, the existing bylaw is effective but there are some issues that occasionally arise. Some of these issues and recommended changes for a new Boulevard Bylaw include:

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- Definition of the type of boulevard requiring maintenance should be updated; the current bylaw refers to 'constructed' boulevards which can sometimes be misinterpreted.
- Existing wording refers to 'fronting' boulevards which should be changed to 'abutting' or 'adjacent' to provide clarity. Some owners feel that boulevards on the side or back of their property are not their responsibility to maintain but owners are required to maintain side and rear yard boulevards.
- When does the size of a boulevard become onerous for the adjacent property owner to maintain? Staff recommend a maximum width be specified in the bylaw. Large triangles of land and large areas of future road right of way should probably be maintained by the City, provided that the adjacent owner hasn't altered the site to the detriment of maintenance.
- Some boulevards are difficult to access or maintain for the adjacent property owner because of severe slopes, difficult or lengthy access, ditches etc. Staff recommend that the Park Services Manager (or delegate) should be responsible to make decisions on which boulevards the City will maintain as well as the level of service.
- The bylaw should clarify the expectations for maintenance with regards to trimming of vegetation, weeds or grasses.
- The City maintains trees in the boulevard as per the Municipal Properties Tree Bylaw, but staff recommend the boulevard bylaw should clarify that residents are responsible for cleanup of leaves or tree debris in the boulevard, as well as mowing or removal of weeds in 'tree wells' (cutouts in the boulevard where trees are planted).

### **Landscaping of Boulevards:**

While new boulevard construction is regulated under the Subdivision Bylaw, landscaping of existing road right of ways (ROWs) and boulevards currently requires the approval of Transportation Services under Council Policy No. 16, to ensure that hazards are not created. There are a few issues with this policy that also should be addressed:

- The general public is unaware of this policy. Many residents have installed boulevard landscaping without any guidance or approval which can create future problems. The policy also lacks the enforcement tools provided through bylaw. Staff recommend that ROW landscaping rules are included with the boulevard bylaw and published on the city website. The bylaw would primarily apply to new landscaping along boulevards; existing landscaping would be permitted as long as there are no hazards.
- Some residents wish to xeriscape or landscape their boulevard with a non-standard treatment, e.g. by replacing turf with mulch. Currently the policy requires that "Landscaping within a block or area must be similar in order to be aesthetically pleasing. Individual lot frontage should not have significantly different landscaping than abutting or adjacent lots within a block or area." Staff recommend that residents be allowed to install non-standard treatments, provided that approved boulevard landscaping guidelines are followed.
- The current policy allows hedges in the road right of way provided that sightlines are not impacted. Generally these hedges are near the property line. Hedges are generally not a good idea in a road right of way as they tend to encroach on sidewalks and are difficult to replace if the right of way has to be excavated. However if there is sufficient width between a sidewalk and the property line, hedges might be appropriate.
- Certain types of materials, e.g. rock mulches or low growing shrubs, may meet the current landscaping policy but staff have additional concerns about some of these materials. Rock mulches eventually become infested with weeds even if a landscape fabric is used and they are difficult to mow or maintain without the use of pesticides. Rocks can create hazards on adjacent sidewalks and create additional heat sinks in summer. Rocks can also be a hazard in bike lanes. Low growing shrubs or plants may be fine along some boulevards but if there is on-street parking, pedestrian access to the boulevard may be impeded.

In the City of Vancouver, a program called "Green Streets" encourages residents to adopt and landscape city owned right-of-ways. The program is administered by a full time staff person and covers about 250 traffic circles and corner bulges, not boulevard landscaping. Vancouver staff have indicated

that the program works very well but must be carefully managed, so that residents understand that city right of ways occasionally have to be dug up or removed, and to ensure that hazards are not created. Staff are considering a similar program in Kelowna and intend to report back to Council with some options.

**Internal Circulation:**

Al Dixon, Bylaw Services  
Steve Muenz, Development Services  
Don Degen, Utility Services  
Darryl Astofooroff, Transportation Services  
Carla Stephens, Community and Media Relations  
Terry Barton, Infrastructure Planning

**Existing Policy:**

Boulevard Maintenance issues touch upon many different city bylaws, policies and departments such as the following:

- Boulevard Bylaw 5708-84 (maintenance of boulevards);
- Subdivision, Development and Servicing Bylaw 7900 (construction standards for new boulevards, this bylaw is currently under review);
- Municipal Properties Trees Bylaw 8042 (maintenance and protection of trees on boulevards);
- Noxious Weed and Grass Control Bylaw 8133 (removal or mowing of noxious weeds and grasses);
- Road Right of Way Landscaping Council Policy 16 (renovation and landscaping of older boulevards);
- Nuisance Trees and Shrubs Bylaw 6469-89 (deals with hedges and vegetation that grow out over the sidewalk or roadway); and
- Pesticide Regulation Bylaw 9920 (cosmetic pesticides may not be used unless applied by a certified applicator).

**Considerations not applicable to this report:**

**Financial/Budgetary Considerations:**

**Alternate Recommendation:**

**Community & Media Relations Comments:**

**Legal/Statutory Authority:**

**Legal/Statutory Procedural Requirements:**

**Personnel Implications:**

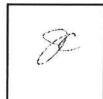
**External Agency/Public Comments:**

Submitted by:



Ian Wilson, Park Services Manager

Approved for inclusion:



(Joe Creron, Director, Civic Operations)

CC: Cindy McNeely, Administration & Electrical Services Manager  
Stephen Fleming, City Clerk  
John Vos, General Manager Community Services



## **BOULEVARD BYLAW**

Staff Recommendations



### **BOULEVARD PURPOSE**

- ▶ Provide space for utilities, trees, infrastructure
- ▶ Safety buffer
- ▶ Drainage
- ▶ Future road widening
- ▶ Can improve aesthetics

**“TRADITIONAL BOULEVARD”**

- ▶ Can also include undeveloped shoulder or ditch



**SOME BOULEVARD POLICIES**

- ▶ Boulevard Bylaw: maintenance
- ▶ Road ROW Council Policy: landscaping
- ▶ Subdivision Bylaw: new construction
- ▶ Noxious weed bylaw: noxious weeds
- ▶ Municipal trees bylaw: street trees
- ▶ Nuisance trees & shrubs bylaw
- ▶ Pesticide Regulation Bylaw

### **BOULEVARD MAINTENANCE BYLAW**

- ▶ 1984
- ▶ Maintenance only

### **BOULEVARD BYLAW CHANGES**

- ▶ Better define boulevards
- ▶ “Fronting” vs. “adjacent”
- ▶ Procedure for boulevards that can’t be maintained
- ▶ Clarify expectations regarding vegetation, weeds, trees, leaves etc.

#### LANDSCAPING OF BLVDS

- ▶ Include in boulevard bylaw
- ▶ “non-standard” treatments
- ▶ Hedges
- ▶ Create clear guidance regarding acceptable materials to avoid hazards

#### “GREEN STREETS”

- ▶ City of Vancouver
  - ▶ 250 traffic circles and corner bulges
  - ▶ NOT boulevard landscaping
  - ▶ Successful but requires careful management
- ▶ Kelowna: staff intend to explore options and report back

**ALTERNATIVE TREATMENTS**



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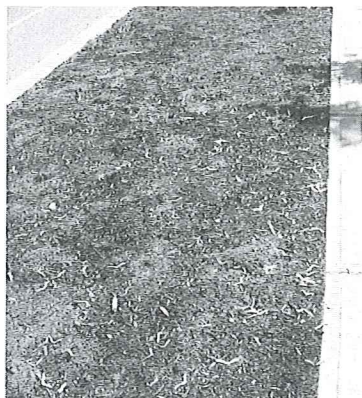




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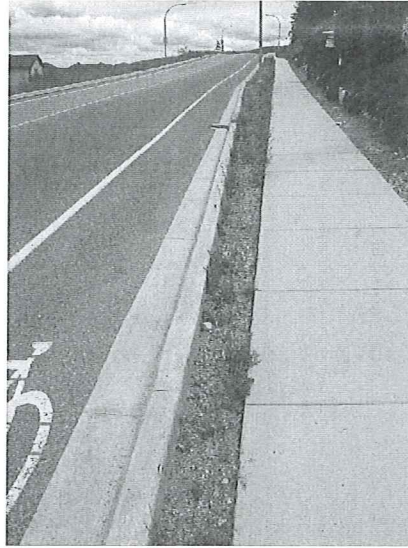
**TREE WELLS**



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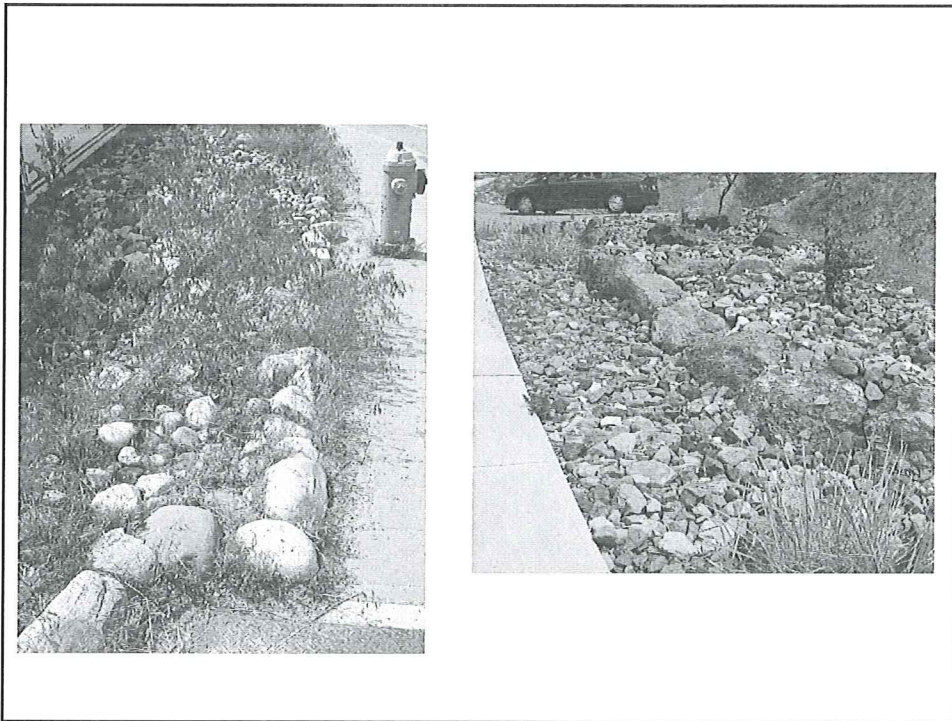


**HARD SURFACE  
NEEDED**



**ROCKS**





**“SOAKER STRIP”**

