

**Subject: Amendments to Residential Boulevard Gardening Regulations in the  
Use and Care of Roads By-law**

**File Number: ACS2025-PDB-TP-0009**

**Report to Public Works and Infrastructure Committee on 27 March 2025  
and Council 16 April 2025**

**Submitted on March 18, 2025 by Court Curry, Manager, Right of Way, Heritage  
and Urban Design Services, Planning, Development and Building Services**

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**Ward: Citywide**

**Objet : Modifications des règles sur le jardinage dans les banquettes des  
rues résidentielles du Règlement sur l'utilisation et l'entretien des  
routes**

**Numéro de dossier : ACS2025-PDB-TP-0009**

**Rapport présenté au Comité de l'infrastructure et des travaux publics**

**soumis le 27 mars 2025**

**et au Conseil le 16 avril 2025**

**Soumis le Date 18 mars 2025 par Court Curry, Gestionnaire, Services des  
emprises, du patrimoine, et du design urbain, Direction générale des services de  
la planification, de l'aménagement et du bâtiment**

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**Quartier : À l'échelle de la ville**

## REPORT RECOMMENDATION

**That Public Works and Infrastructure Committee recommend City Council approve the amendments to the Use and Care of Roads By-law as set out in Document 1 and as described in this report.**

## RECOMMANDATION DU RAPPORT

**Que le Comité de l'infrastructure et des travaux publics recommande au Conseil municipal d'approuver les modifications du Règlement sur l'utilisation et l'entretien des routes définies dans le document 1 et décrites dans le présent rapport.**

## EXECUTIVE SUMMARY

In 2023, the [Use and Care of Roads By-law \(By-law No. 2003-498\)](#) was amended to allow the owner, and tenants, of land zoned residential to undertake gardening projects in the boulevard abutting their property. During the review of these amendments at Transportation Committee there were several delegations that expressed dissatisfaction with the exclusion of food planting opportunities in this space. It was acknowledged that the evidence used by other municipalities and jurisdictions to base the decision to allow edible plants to be grown in the boulevard was unknown and that Ottawa Public Health had connected with Public Health Ontario on the matter. Staff received direction to report back on growing food and at Council received further direction to report back on allowing planter boxes in the boulevard.

The direction that Ottawa Public Health subsequently received from Public Health Ontario did not include the evidence used by other municipalities and jurisdictions to base the decision to allow or not allow the growing of edible plants. Their response provided direction to review municipal best practices and that municipalities have the role of making the final decision in this regard.

Staff in the Right of Way branch conducted a jurisdictional scan and compiled information on the related regulations in 12 Canadian municipalities that allow some form of boulevard gardening. While there is no universal approach, it was found that growing food in the boulevard is feasible and generally permitted. The option for residents to place raised beds or containers in the boulevard varies, with the particularities of winter operations being a factor in guiding regulations. Addressing liability and the guidelines provided to residents on growing food in the boulevard likewise varied.

Following internal consultations with the service areas with a direct role in these matters, staff developed a preliminary series of potential by-law updates. There are several

concerns to balance when considering these matters including a lack of food security experienced by many residents, increasing climate resiliency, the suitability of the boulevard for growing food, barriers to participation for marginalized groups, and the continuity of operations and safety for those working on municipal property. In December 2024, residents were invited to provide comment on the updates under consideration through an online survey.

The regulatory framework presented to the public included:

- Removing the prohibition on growing food, allowing food to be grown in a boulevard garden
- Introducing provisions that would allow residents to place readily moveable containers in the boulevard on a seasonal basis
- The requirement for a signed letter of acknowledgement and release to include food in a boulevard garden

Survey data indicated general support for updating the by-law while highlighting the inequities posed by not allowing raised garden beds and requiring a letter to participate, as well as concerns related to aesthetics and safety. Consultations with community groups emphasized these items.

Staff reviewed further and the outcomes of those discussions form the following recommended by-law updates:

- Remove the prohibition on plants intended in whole or in part for consumption
- Introduce provisions to allow the placement of stationary raised garden beds under certain restrictions
- Introduce provisions to allow the placement of moveable containers under certain restrictions
- Introduce provisions for plant supports to be used seasonally under certain restrictions
- Introduce new definitions for “Boulevard Garden”, “Raised Garden Bed”, “Moveable Container” and “Plant Support” to account for the updated regulations
- Amend provisions regarding indemnity and release to account for the expanded uses in the boulevard
- Additional housekeeping items:
  - Update the definition of General Manager
  - Remove free library box and pop-up retail display and vending provisions from Section 5A and replace those provisions into two new sections for clarity
  - Rename Schedule A “Species” to “Prohibited species in residential

## boulevard gardens”

In addressing the matter of growing food, staff recognize there are benefits and risks associated with allowing food to be grown in the residential boulevard. Removing restrictions increases access to food and plant diversity which has environmental benefits. The principal health concern and risk to residents is the unknown quality of the soil in the boulevard. The mitigation measure routinely cited when soil contaminants are a concern is soil testing and the use of raised garden beds or containers. It is not operationally feasible for the City to conduct soil testing on the boulevard citywide to provide data to residents. Likewise, the cost of certified lab testing is cost prohibitive for most residents. The proposed amendments will allow for the use of raised garden beds and containers to address potential risks from soil contamination. Staff recommend providing enhanced public information and guidance over strict regulation regarding food, allowing for more residents to participate based on their individual needs, budget and capacity to maintain a garden. In collaboration with subject matter experts and Ottawa Public Health, Right of Way, Heritage and Urban Design (ROWHUD) will publish expanded guidelines on ottawa.ca. The guidelines will outline the boulevard gardening regulations and liability, best practices and considerations for mitigating health risks and be available in multiple languages. Staff will communicate updates and provide the guidelines to the community groups engaged throughout the review process for further dissemination among their networks.

Defined setbacks for raised garden beds and containers are recommended to mitigate safety concerns and to meet operational needs. The existing setbacks and height restrictions related to municipal trees, infrastructure, etc. that were approved in 2023 are proposed to remain unchanged and apply to all aspects of a boulevard garden. The concerns, review process and associated final recommendations are detailed further in this report.

## **RÉSUMÉ**

En 2023, le [Règlement sur l'utilisation et l'entretien des routes \(n° 2003-498\)](#) a été modifié pour permettre aux propriétaires et aux locataires de terrains en zone résidentielle d'entreprendre des projets de jardinage dans la banquette attenante à leur propriété. Durant l'examen de ces modifications par le Comité des transports, plusieurs délégations ont exprimé leur insatisfaction quant à l'exclusion des plantes comestibles de cet espace. On a admis ignorer sur quelles données s'étaient appuyées d'autres municipalités et autorités pour autoriser la culture de plantes comestibles dans la banquette, et indiqué que Santé publique Ottawa avait contacté Santé publique Ontario à ce sujet. Le personnel avait reçu la directive de faire rapport sur la culture de plantes comestibles; il avait ensuite reçu du Conseil municipal la directive de faire rapport sur

l'autorisation de jardinières dans la banquette.

La directive transmise par Santé publique Ontario à Santé publique Ottawa ne contenait pas les données ayant servi à d'autres municipalités et autorités pour prendre la décision d'autoriser ou non la culture de plantes comestibles. Elle lui demandait de revoir les meilleures pratiques municipales et précisait que les municipalités doivent prendre la décision finale en la matière.

Le personnel de la Direction des emprises a mené un examen des règlements et compilé des données sur les règlements connexes dans 12 municipalités canadiennes qui autorisent une forme de jardinage dans les banquettes. Même s'il n'existe aucune approche universelle, on a noté que la culture de plantes comestibles dans la banquette est faisable et généralement permise. La possibilité pour les résidents d'installer des plates-bandes surélevées ou des bacs dans la banquette varie, et les particularités des opérations hivernales sont prises en compte dans l'élaboration des règlements. La gestion de la responsabilité et les lignes directrices fournies aux résidents sur la culture de plantes comestibles dans la banquette varient également.

À la suite de consultations internes auprès des secteurs d'activité ayant un rôle direct à jouer dans de tels dossiers, le personnel a mis au point une première série de mises à jour potentielles du règlement. On doit tenir compte de plusieurs préoccupations quand on veut régler de telles questions, comme le manque de sécurité alimentaire vécu par de nombreux résidents, l'accroissement de la résilience climatique, le fait que la banquette soit adaptée ou non à la culture de plantes comestibles, les obstacles à la participation de groupes marginalisés, ainsi que la continuité des activités et la sécurité des personnes qui travaillent sur les terrains municipaux. En décembre 2024, les résidents ont été invités à formuler leurs commentaires sur les mises à jour à l'étude, au moyen d'un sondage en ligne.

Le cadre réglementaire présenté comprenait :

- Abolition de l'interdiction de cultiver des plantes comestibles, afin d'en autoriser la culture dans les jardins aménagés dans les banquettes
- Introduction de dispositions qui autoriseraient les résidents à installer des bacs facilement déplaçables, en saison, dans les banquettes
- Obligation de signer une lettre de déclaration dégageant la Ville de toute responsabilité avant de placer des plantes comestibles dans une banquette

Même si les données du sondage montrent un soutien général à la mise à jour du règlement, elles soulignent les inégalités creusées par l'interdiction des potagers surélevés et l'obligation de présenter une lettre signée avant toute participation, ainsi que des préoccupations liées à l'esthétique et à la sécurité. Les consultations menées

auprès des groupes communautaires ont d'ailleurs mis l'accent sur ces éléments.

Le personnel a poussé plus loin son examen, et les discussions ont abouti aux recommandations de mises à jour du règlement suivantes :

- Lever l'interdiction sur les plantes destinées en tout ou en partie à la consommation
- Introduire des dispositions permettant l'installation de potagers surélevés fixes sous réserve de certaines restrictions
- Introduire des dispositions permettant l'installation de bacs déplaçables sous réserve de certaines restrictions
- Introduire des dispositions permettant l'utilisation de tuteurs à plantes, en saison, sous réserve de certaines restrictions
- Introduire de nouvelles définitions pour « jardin aménagé dans une banquette », « potager surélevé », « bac déplaçable » et « tuteur à plante » pour tenir compte des règlements révisés
- Modifier les dispositions relatives à l'indemnisation et à la décharge de responsabilité afin de tenir compte des nouvelles utilisations de la banquette
- Autres questions administratives
  - Mise à jour de la définition de directeur général
  - Déplacement des dispositions relatives à la petite bibliothèque gratuite et aux espaces éphémères d'exposition et de vente au détail, aux fins de clarté : les supprimer de l'article 5A et les placer dans deux nouveaux articles
  - Changement du nom de l'annexe A : remplacer « Espèces » par « Espèces interdites dans les jardins aménagés dans les banquettes des rues résidentielles »

Le personnel reconnaît qu'autoriser la culture des plantes comestibles dans les banquettes des rues résidentielles comporte des avantages et des risques. Lever des restrictions accroît l'accès à la nourriture et à la diversité des plantes, ce qui procure des avantages d'un point de vue environnemental. La principale préoccupation au chapitre de la santé est la qualité du sol dans la banquette, une donnée inconnue qui pose un risque pour les résidents. La mesure d'atténuation du risque couramment mentionnée quand la contamination possible du sol soulève l'inquiétude est l'analyse des sols et l'utilisation de potagers surélevés ou de bacs. D'un point de vue opérationnel, la Ville ne peut pas procéder à une analyse des sols des banquettes à l'échelle de la municipalité afin de fournir de telles données aux résidents. De même, le coût d'une analyse en laboratoire certifiée est prohibitif pour la plupart des résidents. Les modifications proposées permettront l'utilisation de potagers surélevés et de bacs

afin de limiter les risques découlant de la contamination possible des sols.

Le personnel recommande de fournir aux résidents plus de renseignements et de conseils sur la réglementation très stricte encadrant les aliments, afin de permettre à un plus grand nombre d'entre eux de participer à une telle expérience, selon leurs besoins, leur budget et leur capacité à entretenir un jardin. En collaboration avec des experts techniques et Santé publique Ottawa, les Services des emprises, du patrimoine et du design urbain publieront des lignes directrices élargies sur [ottawa.ca](http://ottawa.ca). Disponibles en différentes langues, elles résumeront les règlements et les responsabilités en matière de jardinage dans les banquettes, les meilleures pratiques et les points à considérer afin de réduire les risques pour la santé. Le personnel communiquera les mises à jour du règlement et les lignes directrices aux groupes communautaires qui participent au processus d'examen afin qu'ils distribuent l'information dans leurs réseaux.

Des marges de retrait définies pour les potagers surélevés et les bacs sont recommandées afin de calmer les inquiétudes liées à la santé et de répondre aux besoins opérationnels. On propose que les marges existantes et les restrictions sur la hauteur des arbres, des infrastructures et autres éléments de la municipalité, approuvées en 2023, demeurent inchangées et s'appliquent à tous les aspects des jardins aménagés dans les banquettes. Les préoccupations, le processus d'examen et les recommandations finales connexes sont détaillés dans le présent rapport.

## **BACKGROUND**

On June 22, 2023, Transportation Committee considered amendments to the Use and Care of Roads By-law (By-law No. 2003-498) to allow the owner of land zoned residential to plant and maintain a garden (soft landscaping) instead of turf grass within the boulevard abutting their property (File No. [ACS2023-PRE-RHU-0026](#)). The recommended by-law provisions did not allow plants intended in whole or in part for consumption to be planted in the boulevard. There were several delegations expressing dissatisfaction with the exclusion of food planting opportunities in this space. While under consideration it was acknowledged that the evidence used by other municipalities and jurisdictions to base the decision to allow edible plants to be grown in the boulevard was unknown and that Ottawa Public Health had connected with Public Health Ontario on the matter.

The report recommendation was carried and the following direction to staff was received:

That staff be directed to report back with respect to the matter of growing food on the right of way before the end of Q2 2024 based on information received from Public Health Ontario.

On June 28, 2023, Council carried the report recommendation with further amendments. Staff also received the following direction:

That staff be directed to review the matter of allowing planter boxes on the right of way as part of its report back on the growing of food on the right of way before the end of Q2 2024.

By-law No. 2023-375 amending the Use and Care of Roads By-law (By-law No. 2003-498) was enacted on August 23, 2023.

The direction that Ottawa Public Health subsequently received from Public Health Ontario did not include the evidence used by other municipalities and jurisdictions to base the decision to allow or not allow the growing of edible plants. Their response provided direction to review municipal best practices and that municipalities have the role of making the final decision in this regard.

## **DISCUSSION**

The recommendations proposed in this report are the result of municipal benchmarking, internal consultations and public engagement. Staff are recommending by-law updates that will provide residents with more opportunities to plant within the boulevard abutting their property while addressing operational and safety concerns. It is here noted that this report does not include discussion of boulevard gardening restrictions that are not directly related to the matters of growing food or allowing planter boxes. Items that fall outside of the scope of the Council directions guiding this review, such as allowing native ground cover within setback areas, are not being considered for update at this time. With the exception of planting food, it is recommended that all existing provisions remain unchanged. Further amendments will be considered as part of the regular review cycle based on the criteria established in the By-law Review Framework.

### **Considerations**

There are several considerations and risks to address when reviewing growing food or allowing planter boxes in residential boulevard gardens. The following factors were considered against the final recommendations developed.

Access to food is a concern citywide and residents across all demographics may experience challenges related to food security. Residential properties vary in size and context, some with large rear or front yards, others with no yard at all. Many residents do not have sufficient space on private property to grow food and may not have access to a space at a community garden or allotment garden. While a modest amount of food can be grown within the average boulevard abutting a residential property, for a person or family who lack sufficient access to food, the opportunity is not insignificant.



Residents living with a disability or reduced mobility may have difficulty or be unable to garden at ground level. Mobility and physical ability likewise impact the logistics of seasonally removing containers. Building raised garden beds may not be feasible for some residents and others may find quality containers to be cost prohibitive. The framework used to regulate boulevard gardening can either create substantial barriers or enable more residents to participate.

Building resilient communities is one of the five main themes of the City's draft Climate Resiliency Strategy. The strategy, which is an outcome of the Climate Change Master Plan, identifies the need to build capacity and remove barriers so that everyone can prepare for climate change and its impacts. Public education and outreach, supporting communities to take action and strengthening food security are key actions identified in the plan.

As with private property, the size and context of the boulevard varies across the city. In some locations the boulevard is continuous, in others it may be separated by a sidewalk or may be a hard surface. The boulevard abutting a property may also change over time as roads are widened or sidewalks and other infrastructure are added. Residential properties are located on a range of road classifications that have varying speed limits and safety considerations. Given this variety, there is no one garden configuration that can be applied citywide while also allowing a broad range of residents to participate.

While residential property owners are required to cut the grass or maintain soft landscaping on the boulevard abutting their property, the land is owned by the municipality and has important public functions. The boulevard can include belowground and aboveground infrastructure, such as fire hydrants, hydro transformers, telecommunication pedestals and lighting, that City staff and public utilities are required to maintain and access. Municipal trees, Canada Post mailboxes and OC Transpo stops are also located in the boulevard. During the winter, the boulevard is used for snow storage and equipment must be able to navigate roads and sidewalks unimpeded without added risk to the operator or public.

Given the proximity to the publicly travelled roadway or sidewalk, people and their pets may interact with a boulevard garden. This presents some risks, including people picking and eating produce they have not been responsible for growing, gardens being disturbed by people exiting parked vehicles or by pets, urine and fecal contamination from pets or other animals, and neighbour disputes. Produce may attract animals, including rodents, birds and other pests which can increase the risk of fecal contamination and nuisances.

The suitability of the boulevard for food production cannot be guaranteed. Contaminants may be present in the soil at unknown and potentially unsafe levels. Fumes from exhaust, dust, sand, road salt and grit are factors to consider when growing food in this space. Ongoing runoff can also introduce new contaminants into the soil. Soil testing is an option to evaluate these risks, however there is an associated cost, and many residents may forgo this mitigation measure. In areas of the city where properties are located within the footprint of a former landfill it is known that contaminants reside in the soil and the City provides environmental and health protection information annually to homeowners and tenants in these areas. Guidance provided to residents regarding gardening on their property includes planting vegetables and other edible plants in raised beds or planters with soil from a garden centre. While soil contaminants in some areas are known, this cannot be established citywide, nor can the City guarantee that all residents will heed the guidance provided.

There are a variety of speed limits on roadways adjacent to residential properties across the city. From a traffic and road safety perspective, it is desirable to not have objects within the clear zone of the roadway. The clear zone is the area in which an errant vehicle that has run off the road can stop or slow down before encountering obstacles. There is a linear relationship between speed of a roadway and severity (level of injury) associated to collisions. By placing or allowing the placement of objects in the clear zone of a roadway with higher speeds there is a potential to a) contribute to the collision i.e. causing the vehicle to roll or pitch when otherwise they would have just come to rest in a less severe manner and b) cause the object to become a projectile which can have dangerous consequences.

The capacity to administer and enforce regulations are important factors in establishing recommendations. A permitting regime or formal acknowledgement is an additional item that must be managed and tracked by staff. Overly complex regulations can be difficult for the public to understand and officers to enforce. A lack of public awareness can likewise increase complaint volume and strain resources.

### **Municipal benchmarking**

Staff in the Right of Way branch conducted a jurisdictional scan and compiled information on the related regulations in 12 Canadian municipalities that allow gardening in the residential boulevard. In Ontario, the municipalities reviewed were Toronto, Mississauga, Guelph and Barrie. The other municipalities reviewed were Victoria, Vancouver, Calgary, Edmonton, Saskatoon, Regina, Halifax and the Côte-des-Neiges-Notre-Dame-de-Grace (CDN-NDG) borough of Montréal. In CDN-NDG, Montréal there is a program that allows residents to register to garden in a curb bulb-out in proximity to their residence. While not part of the initial scan, the City

Council of Thunder Bay recently enacted a boulevard garden and maintenance by-law (February 2025), and those regulations are included in this summary.

### Regulations related to food

Of those municipalities reviewed, it was found that only Mississauga expressly prohibits the planting of food in boulevard gardens through their permit application form and list of acceptable plantings (34 species). Most municipalities are silent in their by-laws about food, using more general language such as 'garden', 'vegetation' or 'perennial or annual plants'. Conversely, Toronto explicitly outlines fruit and vegetable gardens in their definition of soft landscaping, which is a permitted encroachment on the boulevard. To be clear on the matter, Victoria, Vancouver, Saskatoon, Regina, Edmonton and CDN-NDG, Montréal include guidelines for food plantings in their related online information. In these areas edible plants may be planted in the ground alongside other ornamental flowers and native species. Notably, Calgary requires that all urban gardening be within a raised garden bed.

The regulated height limit for plants can be seen as a constraint for food growth. While the majority of municipalities continue to limit height to one metre, Thunder Bay has approved up to 1.6 metres under a strict alternating planting prescription to maintain vehicle and pedestrian visibility. Thunder Bay also outlines requirements related to the use of seasonal plant support devices within boulevard gardens.

### Regulations related to raised garden beds and containers

Allowances for raised garden beds and containers in boulevard gardens are more mixed. Raised garden beds or containers (the terminology varies) are permitted in some form in Toronto, Thunder Bay, Victoria, Vancouver, Calgary, Edmonton, Saskatoon, Regina and CDN-NDG, Montréal. The maximum allowable height of raised garden beds varies between 0.3 metres and 0.9 metres. All municipalities that allow raised garden beds or containers establish setbacks from the roadway edge or the sidewalk edge, and those setbacks vary greatly. Some factors that impact setbacks include accessibility, the speed limit of a road, whether there are winter operations and the intricacies of those operations. Further to the latter points, some municipalities do not have the need to account for snow storage on the boulevard, while others do have winter operations, but they may or may not plow local streets or the expectation is that residents shovel sidewalks. There is no exact comparator to the conditions and operations of the Ottawa context.

### Permits and liability

The requirement for a permit or a signed letter submitted to the municipality likewise varies and is not dependent on whether that municipality allows edible plants in a boulevard garden. Some municipalities that allow edible plants do not have a formal system and others that prohibit edible plants do. Notably, Saskatoon had an online agreement that was removed following a 2021 review and update to their public guidelines.

Victoria, Vancouver, Saskatoon, Regina and Edmonton have guidelines posted online. The risk of planting food is noted and all outline that their municipality cannot confirm the suitability of boulevard for growing plants intended for consumption.

### Conclusion

In summary, there is no universal approach to planting food or allowing garden beds and containers in boulevard gardens. It was found that growing food in a boulevard garden is feasible and is generally permitted. When raised beds or containers are permitted in the boulevard there are established setbacks from the roadway and sidewalk which account for accessibility, vehicle safety and winter operations. Any public-facing guidelines should be comprehensive and address the risks of gardening in the boulevard.

### **Proposed amendments**

The following recommendations have been established following review of the jurisdictional scan, internal consultations and public feedback. The proposed amendments are further detailed in Document 1 and illustrated in Document 2. Provisions in Document 1 that are not listed below are those that are currently in place (By-law No. 2003-498 Section 5A) and are not being recommended for update.

**Table 1: Summary of proposed amendments to the Use and Care of Roads By-law**

Item	Summary of amendment
Plants intended in whole or in part for consumption	Staff recommend that residents planting and maintaining a garden in the boulevard abutting their residence have the option to include plants they intend to consume. To allow for these plantings, the existing provision that prohibits species intended in whole or in part for consumption is proposed to be removed.

Item	Summary of amendment
	<p>Staff considered recommending keeping the prohibition in place, however this would not align with the 2023-2026 Term of Council Priorities, the draft Climate Resiliency Strategy or municipal best practices.</p> <p>Staff also considered recommending restricting plants intended for consumption to raised garden beds or containers. This was found to not align with municipal best practices and would be challenging to enforce. Depending on the boulevard configuration and a resident's budget, among other factors, this could also create a barrier to participation. Staff's recommendation to mitigate potential health risks is to provide residents with comprehensive guidance, including the recommendation to plant food in raised garden beds or containers, and to have this guidance available on ottawa.ca in multiple languages. As the context of the boulevard varies citywide, the recommendations provide the flexibility for each resident to judge the suitability of their location before undertaking a gardening project and to choose whether to proceed with in ground or separated plantings.</p>
Stationary raised garden beds	<p>Resident and community group feedback indicated that the preferred option for planting food is in a raised garden bed and highlighted the presence of such structures in the boulevard throughout the downtown core and inner urban neighbourhoods.</p> <p><u>Materials and dimensions</u></p> <p>Staff recommend that residents have the option to install a raised garden bed to a maximum height of 0.45 metre (45 centimetres) within or to contain a boulevard garden. While the setbacks outlined below should mitigate the risk of a raised garden bed coming into contact with snow removal equipment, it is recommended that materials such as concrete or stone that would damage equipment not be permitted as an added measure. Concrete, stone and like materials are likewise difficult to relocate or dismantle in an</p>

Item	Summary of amendment
	<p>emergency situation. If growing food, the material used for a raised garden bed should be suitable for that purpose. It is recommended that the guidelines document address guidance from Ottawa Public Health on selected the appropriate materials for food growth.</p> <p>The 0.45 metre maximum height is recommended as a lower maximum height will not allow for soil volumes needed to support the root systems of most edible plants. This is the maximum height set in Vancouver, Victoria and Saskatoon (for the latter, this is the maximum height for what is termed garden edging). With existing regulations on height maintained, the total height including plantings would be 1 metre from the abutting grade, or 0.75 metre in a sight triangle.</p> <p><u>Setbacks</u></p> <p>The purpose and benefit of a raised garden bed is that they may remain in place, including over the winter months, therefore it is recommended that raised garden beds have a setback of 1.5 metres from the roadway edge. Where there is a sidewalk, it is recommended that raised garden beds be setback 0.6 metres (60 centimetres) from the closest edge of the sidewalk on the boulevard between the sidewalk and the property line. These setbacks establish a minimum safe distance for winter operations and snow storage. Staff recommend that raised garden beds be prohibited on the boulevard between a sidewalk and the roadway. Allowing raised garden beds to remain in place on both sides of a sidewalk can create pinch points, hinder winter operations and would be unlikely to meet the prescribed 1.5 metre setback form the roadway edge.</p> <p>All existing setbacks from municipal trees, infrastructure, etc. outlined in Section 5A of the Use and Care of Roads By-law should continue to apply to any raised garden bed within or containing a boulevard garden.</p>

Item	Summary of amendment
	<p><u>Maintenance</u></p> <p>It is recommended that provisions be added to ensure that raised garden beds are maintained in a good state of repair, free from graffiti, loose boards, projections or attachments that could cause a safety hazard.</p>
Moveable containers	<p>Staff recommend that residents have the option to include moveable containers in a boulevard garden. Given the variations in the boulevard across the city, this may be the only viable option for some to participate. As an example, on some inner urban local roads there is only a boulevard between the sidewalk and the road, and that boulevard is paved or interlock. Under the proposed framework, a raised garden bed would not be permitted, therefore the resident's only option for planting would be a moveable container.</p> <p><u>Materials and dimensions</u></p> <p>It is not recommended that the material of containers be prescribed in the by-law to provide the most flexibility for residents. It is recommended, however, that containers be defined as being designed for the purpose of growing vegetative plantings and that they be readily-moveable. There are no recommended limits on container dimensions, however, the combined height of a container and plantings should remain 1 metre from the abutting grade, or 0.75 metre in a sight triangle.</p> <p><u>Setbacks</u></p> <p>On a road classified as Local or Collector with a speed limit no greater than 40 km/h, the recommended minimum setback is 0.5 metres from the roadway edge. Staff are recommending the inclusion of a road classification and speed limit threshold to pre-emptively mitigate collisions, or reduce potentially serious consequences, from occurring. On a Local or Collector with a speed limit greater than 40 km/h or on a road classified as a Major Collector or higher, the recommended setback increases to 1.5 metres from the</p>

Item	Summary of amendment
	<p>roadway edge. Where there is a sidewalk separating the boulevard in these locations, staff recommend that moveable containers be prohibited between the sidewalk and the roadway. It has not been recommended that the size and material of moveable containers be prescribed, therefore the potential to have a sizeable container within the desired clear zone raises the risk on higher speed roadways.</p> <p>Staff are not recommending a prescribed setback on the boulevard between the sidewalk and the property line. The existing provisions that prohibit boulevard gardens from overhanging or impeding the sidewalk would dictate placement of containers and the growth of vegetation.</p> <p>All existing setbacks from municipal trees, infrastructure, etc. outlined in Section 5A of the Use and Care of Roads By-law continue to apply to any moveable container within or containing a boulevard garden.</p> <p><u>Maintenance and seasonal removal</u></p> <p>It is recommended that provisions be added to ensure that moveable containers are maintained in a good state of repair. To facilitate winter operations and reduce safety hazards, containers would be required to be seasonally removed from the boulevard as of November 15 each year. Containers should not be placed on the boulevard until April 1 each spring.</p>
Plant supports	<p>Resident and community group feedback highlighted that plant support devices are an important consideration for the healthy growth of food-producing plants. Supports can also be used to prevent plants from spilling into unwanted areas. Supports can come in a variety of sizes and materials, ranging from tomato cages to larger architectural trellises and arbors.</p> <p>Staff recommend that provisions outlining the use of plant supports be included with restrictions. Under the existing</p>



Item	Summary of amendment
	<p>height restrictions, and being subject to seasonal removal, it is recommended that plant supports be limited to a temporary pole or frame such as a tomato cage. In addition, staff recommend outlining the requirement to maintain plant supports in a good state of repair and free from projections that could create a safety hazard to pedestrians or animals.</p>
Definitions	<p>The definitions for General Manager and Soft Landscaping are to be updated. Notably, in the definition of soft landscaping, it is being recommended that “such as shrubs, ornamental flowers and grasses” be removed so as not to require the inclusion of specific plant species.</p> <p>New definitions will be added for Boulevard Garden, Raised Garden Bed, Moveable Container and Plant Support.</p>
Liability	<p>Staff recommend that the existing provisions related to indemnification and release be amended to include soil quality, the consumption of food, raised garden beds, moveable containers and plant supports within a boulevard garden. Provisions that highlight that the City and public utilities are not responsible for damage to a garden would apply to raised garden beds, containers and plant supports as well.</p> <p>Staff considered recommending a requirement for a letter of acknowledgment if a resident included edible plants in their boulevard garden. Public survey feedback highlighted the barriers this would present and that such requirements can disproportionately impact marginalized communities. The requirement for a formal participation process would require administration and the subsequent internal mechanisms to manage and sustain the service. This could unintentionally hinder an initiative that otherwise has positive environmental and social benefits for the city.</p>
Housekeeping: Reorganization of free library box and pop-up	<p>The recommended updates for residential boulevard gardening do not apply to free library boxes or pop-up retail display and vending. Due to the number of amendments</p>

Item	Summary of amendment
retail display and vending provisions	proposed, it is recommended that these categories of boulevard activities be removed from Section 5A and moved into two new sections. This will improve overall clarity of the by-law provisions.
Housekeeping: Schedule A	Schedule A includes a list of species that are prohibited in residential boulevard gardens. The current title, "Species", can cause confusion when taken out of context of the by-law provisions. In some municipalities there is a list of species that are <i>permitted</i> , which can add to the confusion in interpreting the schedule. Staff recommend that Schedule A be renamed to "Prohibited species in residential boulevard gardens".

## FINANCIAL IMPLICATIONS

There are no direct financial implications.

## LEGAL IMPLICATIONS

There are no legal impediments to approving the recommendation as outlined in this report.

## COMMENTS BY THE WARD COUNCILLOR(S)

This is a citywide report.

## ADVISORY COMMITTEE(S) COMMENTS

There are no Advisory Committee comments associated with this report.

## CONSULTATION

Prior to public engagement, internal consultations were conducted with key partners in various City departments to provide input on the proposed changes to the by-law. These sessions reviewed the results of the municipal scan with the aim of finding the right regulatory balance for the Ottawa context.

On December 2, 2024, an Engage Ottawa project page was published. The page was designed to provide information to residents and presented the regulatory framework being considered. Those items included:

- Removing the prohibition on growing food
- Introducing a provision that would allow residents to place readily moveable containers in the boulevard on a seasonal basis
- The requirement for a signed letter of acknowledgement and release to include food in a boulevard garden

A four-week public survey was launched to gather information on the understanding of the residential boulevard and feedback on the updates under consideration. The survey was advertised through the Engage Ottawa newsletter, the City of Ottawa Facebook page, individual Councillor newsletters and a CBC Ottawa Morning interview with Councillor Tierney.

The Engage Ottawa page attracted over 5,600 visitors in December 2024 and 1,477 visitors took the time to complete the survey (1,461 English and 16 French). The engagement was aimed at Ottawa residents citywide and survey responses were received from residents in each ward. The survey data showed a high level of support for expanding residential boulevard gardening to include food. It also showed that while the option for including moveable containers was desirable for some, it was also limiting and presented barriers for others. There were many comments related to allowing raised garden beds. Other threads found throughout the responses were the need for a simple process, concerns related to enforcement, expanding the number of community gardens and broader greening initiatives that should be considered. The full survey results were compiled into a [What We Learned Report](#) and published on the Engage Ottawa project page.

In addition to the public survey, City staff met with representatives from external community partners at Just Food, Ecology Ottawa, For Our Kids and the Ottawa South Eco-Action Network (OSEAN) to review the recommended by-law updates and gather their initial feedback. Those themes found in the survey responses were echoed and detailed further by these groups.

Public utilities were informed and provided the opportunity to comment at two meetings of the Utility Coordination Committee in December 2024 and January 2025. No major concerns with the proposed amendments were noted.

The outcomes of these consultations informed the final recommendations presented in this report. These recommendations were further refined through internal consultations with subject matter experts and were shared with stakeholders such as the Rat Mitigation Working Group and external community partners.

## **ACCESSIBILITY IMPACTS**

Staff consulted with the City's Accessibility Office to ensure recommendations continue to follow applicable legislation. During the public consultation, persons with disabilities and older adults were two of the top three self-identified groups among survey respondents. In the survey responses, reduced mobility was expressed as a significant barrier to using and managing the logistics of containers. The City is committed to providing equal treatment to persons with disabilities and removing barriers where possible. The feedback received informed the final recommendation to allow raised garden beds in a residential boulevard garden. Regulations regarding setbacks of physical objects ensure the path of travel remains unimpeded.

All actions that arise from the amendments to the Use and Care of Roads By-Law will adhere to accessibility legislation that includes the *Integrated Accessibility Standards Regulation* (IASR) under the *Accessibility for Ontarians with Disabilities Act* (AODA, 2005) and the City's Accessibility Design Standards (ADS) to the greatest extent possible.

Any educational initiatives, including the enhanced residential boulevard gardening guidelines, will be available in an accessible format. All web content regarding regulations and guidelines will conform with the World Wide Web Consortium Web Content Accessibility Guidelines (WCAG) 2.0 Level AA.

## **ASSET MANAGEMENT IMPLICATIONS**

The current parameters allowing residential gardening within the City's boulevards prohibit the placement of gardens within ditches (and swales), as these serve an important drainage function for the abutting property and surrounding community. As nothing in this report proposes to modify these existing regulations, there are no asset management implications associated with this report.

## **CLIMATE IMPLICATIONS**

Building community resilience to rising food costs due to global climate change and the climate-related impacts to the use and condition of the boulevard were considered in developing the recommendations in this report.

### Winter weather events

The seasonal removal or relocation of containers and setbacks for raised garden beds will maintain adequate allowances for snow storage and safeguard winter operations. Heavy snow falls and freezing rain increase the use of grit, salt and brine solutions on adjacent roadways, sidewalks and private approaches, which may negatively impact the

quality of the soil in the boulevard for food growth. Allowing the use of containers and raised garden beds provides residents with a measure to mitigate potential soil contamination.

### Other weather events

Gardens absorb rainfall better than turf grass and reduce stormwater runoff. Allowing a wider variety of plants to be grown in the boulevard may encourage more residents to replace the turf grass abutting their property. Droughts and extreme weather are impacting food systems globally, decreasing the availability and increasing the cost of food which further impacts residents that may be experiencing food insecurity. Allowing residents the option to plant food in the boulevard is a measure to address this issue.

### **DELEGATION OF AUTHORITY IMPLICATIONS**

There are no delegation of authority implications associated with this report.

### **ECONOMIC IMPLICATIONS**

There are no economic implications associated with this report.

### **ENVIRONMENTAL IMPLICATIONS**

Allowing a wider variety of plants to grown in the boulevard will increase biodiversity. In addition, by allowing food to planted, more residents may be encouraged to initiate gardening projects. There are a variety of companion plants that are beneficial for growing food and for pollinators. The existing setback from municipal trees is maintained and would likewise apply to any container or raised garden bed in a boulevard garden. Some residents may be inclined to use pesticides when growing food, therefore public guidance will reiterate that any pesticide set out in Provincial legislation as being prohibited for use in Ontario, is prohibited for use in a boulevard garden. Guidance provided to the public can also include information on natural weed, pest and animal deterrents, such as companion plants, to strengthen public knowledge of gardening best practices.

### **INDIGENOUS, GENDER AND EQUITY IMPLICATIONS**

Prohibiting a plant for one resident who may consume that plant and not prohibiting it for another creates an equity barrier among residents, one where enforcement may disproportionately impact marginalized groups. By removing this prohibition, all gardens and gardeners are thereby held to the same standards which are established in proper maintenance and public safety. Removing the prohibition on plants intended for consumption likewise has positive implications for residents experiencing food insecurity.

Expanding boulevard garden options to include raised garden beds and containers allows for more groups to participate, including those with reduced mobility such as older adults and persons with a disability.

It is recommended that the guidance document to be published on ottawa.ca, which will include planting regulations and public health guidance, should be made available in multiple languages. This will further reduce the barriers to participation for marginalized groups.

### **RISK MANAGEMENT IMPLICATIONS**

There are risk implications. These risks have been identified and explained in the report and are being managed by the appropriate staff.

### **RURAL IMPLICATIONS**

There are no rural implications associated with this report.

### **TECHNOLOGY IMPLICATIONS**

There are no technology implications associated with this report.

### **TERM OF COUNCIL PRIORITIES**

This report supports the following 2023-2026 Term of Council Priorities:

- A city that has affordable housing and is more liveable for all
- A city that is green and resilient

### **SUPPORTING DOCUMENTATION**

Document 1: Details of proposed amendments immediately follows the report

Document 2: Visual representations of proposed amendments immediately follows the report

### **DISPOSITION**

Planning, Development and Building Services Department to prepare the necessary implementing and amending by-laws and forward to Legal Services. Legal Services to place the by-laws on the Council agenda.

## Document 1 – Details of proposed amendments

Staff recommend amending By-law No. 2003-498 with provisions similar in effect to the following:

1. Section 1 of By-law No. 2003-498 entitled “A by-law of the City of Ottawa to regulate the use and care of roads”, as amended, is amended by adding the following definitions:

“Boulevard Garden” means a maintained garden in the boulevard composed of Soft Landscaping and may contain Plant Supports, a Raised Garden Bed or Moveable Container;

“Moveable Container” means a readily-moveable, soil-separated vessel designed for the purpose of growing vegetative plantings;

“Plant Support” means a temporary pole or frame such as a tomato cage used to support the growth of vegetative plantings;

“Raised Garden Bed” means a straight-walled box or border that is uniform in construction and made of wood or a material suitable for holding soil products for vegetative plantings, but does not include concrete, stone, rock, brick or pavers;

2. Section 1 of said By-law No. 2003-498 is amended by replacing the definition of “General Manager” with the following:

“General Manager” means the General Manager of the City’s Planning, Development and Building Services Department, or authorized representative;

3. Section 1 of said By-law No. 2003-498 is amended by replacing the definition of “Soft Landscaping” with the following:

“Soft Landscaping” means organic materials and vegetative in-ground plantings and may include mulch as ground cover located in and around plantings but excludes non-vegetative materials such as brick, pavers, rock, stone, concrete, tile and wood;

4. Section 4 (5) of said By-law No. 2003-498 is deleted entirely and replaced with the following:

(5) Section 3 does not prohibit the owner of residential land abutting the highway, or any person with the permission of the owner of residential land abutting the highway, from altering the boulevard and shoulder of a highway to install or construct a Boulevard Garden or a Free Library Box in accordance with the

provisions of this by-law.

5. Section 5 (1) of said By-law No. 2003-498 is deleted entirely and replaced with the following:

(1) The owner of land zoned residential shall cut the grass and weeds on the boulevard abutting the owner's land, whenever the growth of grass or weeds is out of character with the surrounding environment. In the event that the boulevard abutting the owner's land contains a Boulevard Garden and/or a Free Library Box, the owner of land shall maintain the Boulevard Garden and/or a Free Library Box on the boulevard abutting the owners land in accordance with this By-law.

6. Section 5A of said By-law No. 2003-498 is deleted entirely and replaced with the following:

#### 5A – Boulevard Garden Requirements

(1) No person, when installing, constructing, or maintaining a Boulevard Garden, or causing the installation, construction, or maintenance of a Boulevard Garden, shall fail to comply with the following requirements:

- (a) No mechanical means are used to install the Boulevard Garden;
- (b) The Boulevard Garden does not include any species:
  - (i) identified in Schedule "A";
  - (ii) identified in the Invasive Species Act, 2015, S.O. 2015
  - (iii) identified in the Weed Control Act, R.S.O., 1990, c. W.5.
- (c) The grade of the boulevard and shoulder is not altered so as to redirect the flow of overland water;
- (d) The Boulevard Garden is not located within a drainage ditch, including within the front and back slope of a drainage ditch;
- (e) The Boulevard Garden does not exceed:
  - (i) One metre in height as measured from the abutting grade; and,
  - (ii) 0.75 metres in height as measured from the abutting grade where located within the triangle formed by the intersection of lines at a roadway intersection projecting along the exterior face of the curb a distance of 15 metres, and the line drawn from these two points and connecting these lines to form the base of a triangle;
- (f) No part of the Boulevard Garden is located within:
  - (i) one metre of a municipal tree within the meaning of the City's Tree Protection By-law No. 2020-340, as amended;



- (ii) one metre of above ground or grade level infrastructure owned by the City or by a person authorized to have infrastructure within the Highway;
  - (iii) 1.5 metres of any catch basin or manhole;
  - (iv) 1.5 metres of a fire hydrant, and within a three-metre- wide corridor between the fire hydrant and the roadway
  - (v) 1.5 metres of the back or side of a hydro transformer box, and three metres of the front of a hydro transformer box;
  - (vi) 25 metres of the ingress side of a bus stop flag or five metres from the edge of a concrete bus stop pad, whichever is further from the bus stop flag;
  - (vii) Five metres of the egress side of a bus stop flag; and
  - (viii) That area measuring 20 metres in length and three metres in width along the rear side of a bus stop, measured from the bus stop flag towards the ingress side of the stop
- (g) At no time shall the Boulevard Garden overhang, encumber or impede a sidewalk or roadway, and shall not create or cause a safety hazard for pedestrians, vehicles, or anyone performing maintenance activities on City land;
- (h) No part of the Boulevard Garden extends beyond the highway frontage of the abutting owner's property;
- (i) All Plant Supports must be removed from the boulevard no later than November 15 annually; and
- (j) The Boulevard Garden complies with all applicable City of Ottawa by-laws.
- (2) In addition to subsection (1), no person, when installing, constructing, or maintaining a Raised Garden Bed, or causing the installation, construction, or maintenance of a Raised Garden Bed, shall fail to comply with the following requirements:
- (a) The Raised Garden Bed does not exceed 0.45 metres in height as measured from the abutting grade;
  - (b) Where there is no sidewalk, no part of the Raised Garden Bed is located within 1.5 metres of the roadway edge;
  - (c) Where there is a sidewalk, no part of the Raised Garden Bed is located within 0.6 metres of the closest edge of the sidewalk in the boulevard between the sidewalk and the lateral property line;
  - (d) No Raised Garden Bed may be placed in the boulevard between the sidewalk and roadway edge; and

- (e) The Raised Garden Bed shall be maintained in a good state of repair, free from graffiti, loose boards, projections or attachments that could create a safety hazard to pedestrians, animals or vehicular traffic.

(3) In addition to subsection (1), no person, when placing, or maintaining a Moveable Container in a Boulevard Garden shall fail to comply with the following requirements:

- (a) On a Highway classified as a local or collector road as defined in the City of Ottawa Official Plan with a speed limit no greater than 40 kilometres per hour:
  - (i) no part of a Moveable Container is located within 0.5 metres of the roadway edge.
- (b) On a Highway classified as a major collector or higher, or on a Highway classified as local or collector road with a speed limit greater than 40 kilometres per hour:
  - (i) where there is no sidewalk, no part of the Moveable Container is located within 1.5 metres of the roadway edge; and
  - (ii) no Moveable Container may be placed in the boulevard between a sidewalk and roadway edge.
- (c) The Moveable Container shall be maintained in a good state of repair; and
- (d) The Moveable Container is removed from the boulevard no later than November 15 annually.

(4) Any person who installs or maintains a Boulevard Garden pursuant to the provisions of this by-law, shall, at all times, indemnify and save harmless the City from any and all claims, demands, causes of action, loss, costs or damages that the City may suffer, incur or be liable for resulting from the person's installation or maintenance of a Boulevard Garden, or consumption of plants grown in a Boulevard Garden, whether with or without negligence on the part of that person.

(5) No person shall fail to remove, or ensure the removal of, a Boulevard Garden, including any Raised Garden Bed, Moveable Container, or Plant Support located therein, and reinstate the boulevard to its original condition when required by the City within a reasonable time.

(6) No person who installs and maintains, or permits the installation of, a Boulevard Garden pursuant to the provisions of this by-law, shall have any claim for loss, costs, or damages caused or sustained howsoever against the City, its employees, agents or any person acting on its behalf, or any person authorized to occupy or work within a Highway by reason of damage or removal of the Boulevard Garden, including any Raised Garden Bed, Moveable Container, or

Plant Support located therein.

7. The said By-law No. 2003-498 is amended by adding the following section 5B immediately after Section 5A:

#### Section 5B – Free Library Box Requirements

- (1) No person, when installing or constructing a Free Library Box, or causing the installation or construction of a Free Library Box within a Boulevard, shall fail to comply with the following requirements:
- (a) No mechanical means are used to install the Free Library Box;
  - (b) The grade of the boulevard and shoulder is not altered so as to redirect the flow of overland water;
  - (c) The storage area has a minimum accessible height of 0.9 metres and a maximum accessible height of 1.1 metres, measured from the grade of the base of the Free Library Box when installed;
  - (d) The Free Library Box may be easily removed and is not permanently fixed within the Highway;
  - (e) No part of the Free Library Box is located within:
    - (i) the area of the triangle formed by the intersection of lines at a roadway intersection projecting along the exterior face of the curb a distance of 15 metres, and the line drawn from these two points and connecting these lines to form the base of a triangle;
    - (ii) a drainage ditch, including within the front and back slope of a drainage ditch;
    - (iii) 0.5 metres of a Roadway edge;
    - (iv) one metre of a municipal tree within the meaning of the City's Tree Protection By-law No. 2020-340, as amended;
    - (v) one metre of above ground or grade level infrastructure owned by the City or by a person authorized to have infrastructure within the Highway;
    - (vi) 1.5 metres of any catch basin or manhole;
    - (vii) 1.5 metres of a fire hydrant, and within a three-metre- wide corridor between the fire hydrant and the roadway
    - (viii) 1.5 metres of the back or side of a hydro transformer box, and three metres of the front of a hydro transformer box;
    - (ix) 25 metres of the ingress side of a bus stop flag or five metres from the edge of a concrete bus stop pad, which ever is further from the bus stop flag;
    - (x) Five metres of the egress side of a bus stop flag; and

- (xi) That area measuring 20 metres in length and three metres in width along the rear side of a bus stop, measured from the bus stop flag towards the ingress side of the stop
  - (f) A Free Library Box may only be located within a Boulevard that abuts:
    - (i) A Highway classified as a local or collector road as defined in the City of Ottawa Official Plan; or,
    - (ii) a Highway classified as an arterial road as defined in the City of Ottawa Official Plan, provided it abuts and is accessed from a sidewalk.
  - (g) No part of the Free Library Box extends beyond the highway frontage of the abutting owner's property; and
  - (h) The Free Library Box complies with all applicable City of Ottawa by-laws.
- (2) At no time shall the Free Library Box overhang, encumber or impede a Sidewalk or Roadway, and shall not create or cause a safety hazard for pedestrians, vehicles, or anyone performing maintenance activities on City land.
- (3) The Free Library Box shall be maintained in a good state of repair.
- (4) No person may install, or cause to install, a Free Library Box without first submitting to the City a signed letter of acknowledgement in a form and containing such information as required by the General Manager.
- (5) The signed letter of acknowledgement shall include an acknowledgement that a person installing a Free Library Box within a Boulevard shall indemnify and save harmless the City from any and all claims, demands, causes of action, loss, costs or damages that the City may suffer, incur or be liable for, resulting from the installation and maintenance of the Free Library Box.
- (6) Any person who installs or maintains a Free Library Box pursuant to the provisions of this by-law, shall, at all times, indemnify and save harmless the City from any and all claims, demands, causes of action, loss, costs or damages that the City may suffer, incur or be liable for resulting from the person's installation or maintenance of a Free Library Box whether with or without negligence on the part of that person.
- (7) No person shall fail to remove, or ensure the removal of, a Free Library Box and reinstate the boulevard to its original condition when required by the City within a reasonable time.
- (8) No person who installs and maintains, or permits the installation of, a Free Library Box pursuant to the provisions of this by-law, shall have any claim for loss, costs, or damages caused or sustained howsoever against the City, its employees, agents or any person acting on its behalf, or any person authorized

to occupy or work within a Highway by reason of damage or removal of the Free Library Box.

8. The said By-law No. 2003-498 is amended by adding the following section 5C immediately after Section 5B:

#### 5C – Pop-up Retail Display and Vending Requirements

(1) No person, when establishing, or permitting the establishment of, a Pop-up Retail Display and Vending within a Highway shall fail to comply with the following requirements:

- (a) a two-metre-wide pedestrian clearway is maintained at all times;
  - (b) the Pop-up Retail Display and Vending is cane detectable, with the bottom structure being between 0.73 metres and 0.86 metres measured from the ground surface, and detectable at the leading edge and trailing edge of the display;
  - (c) no part of the Pop-up Retail Display and Vending is permanently fixed within the Highway;
  - (d) the Pop-up Retail Display and Vending is removed from the Highway on a nightly basis;
  - (e) the Pop-up Retail Display and Vending must not be located on the Highway outside of the area fronting the commercial operator or owner's property;
  - (f) the Pop-up Retail Display and Vending does not exceed a total area of five square metres;
  - (g) the Pop-up Retail Display and Vending is located on a hard and level surface; and
  - (h) where the abutting property is located on a corner lot, no part of the Pop-up Retail Display and Vending may be within the area of the triangle formed by the intersection of lines at a roadway intersection projecting along the exterior face of the curb a distance of 15 metres, and the line drawn from these two points and connecting these lines to form the base of a triangle.
- (2) No person shall establish a Pop-up Retail Display and Vending without first:
- (a) submitting a signed letter of acknowledgement to the City prior to the establishment of the Pop-up Retail Display and Vending each year in a form satisfactory to the City; and,
  - (b) providing proof of insurance coverage for the duration of the Pop-up Retail Display and Vending as follows:
    - (i) Commercial General Liability insurance subject to limits of not less than \$2,000,000 inclusive per occurrence for bodily injury, death and

damage to property including loss of use thereof, and such insurance shall be in the name of the applicant and shall name the City as an additional insured thereunder and which shall preclude subrogation claims by the Insurer against anyone insured thereunder;

- (ii) Broad Form Property insurance coverage to the replacement value of the furniture for the Pop-up Retail Display and Vending, or, in the event the furniture are self-insured by the applicant, a letter signed by an Executive Officer of the applicant, accepting loss or damage to the furniture;
- (iii) a Certificate of Insurance evidencing the above insurance coverage(s) shall be provided to the City; and,
- (iv) an endorsement to provide the City with thirty (30) days prior written notice of cancellation.

(3) Any person who installs or operates a Pop-up Retail Display and Vending within a Highway pursuant to the provisions of this by-law, shall, at all times, indemnify and save harmless the City from any and all claims, demands, causes of action, loss, costs or damages that the City may suffer, incur or be liable for resulting from the person's installation or operation of the Pop-up Retail Display and Vending whether with or without negligence on the part of that person.

(4) No person shall fail to remove, or ensure the removal, of a Pop-up Retail Display and Vending when required by the City within a reasonable time.

(5) No person who installs and operates, or permits the installation of, a Pop-up Retail Display and Vending within a Highway pursuant to the provisions of this by-law, shall have any claim for loss, costs, or damages caused or sustained howsoever against the City, its employees, agents or any person acting on its behalf, or any person authorized to occupy or work within a Highway by reason of damage or removal of the Pop-up Retail Display and Vending.

9. Section 9 (2) of said By-law No. 2003-498 is deleted entirely and replaced with the following:

- (2) remove a Boulevard Garden, including any Raised Garden Bed, Movable Container or Plant Support located therein, Free Library Box or Pop-up Display and Vending installed in accordance with this by-law, if in the opinion of the General Manager, these present a risk to the safety of persons or property, interfere with City operations or infrastructure, or interfere or obstruct the operations of any person authorized to occupy or conduct work within the Highway; and

## Document 2 – Visual representations of proposed amendments

Moveable containers should be soil-separated and designed for the purpose of growing vegetative plantings such as those depicted in Figure 1. Images are for illustration purposes only. Moveable containers and plantings are restricted to a total height of 1 metre from the abutting grade, or 0.75 metres in a sight triangle.

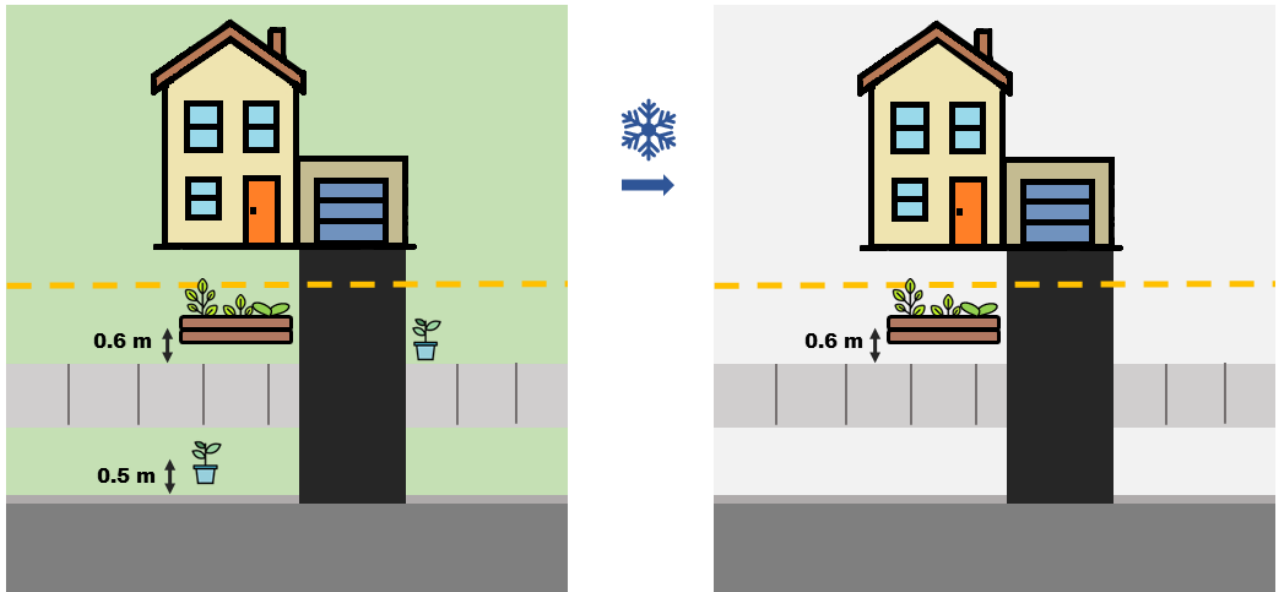
**Figure 1: Examples of a moveable container**



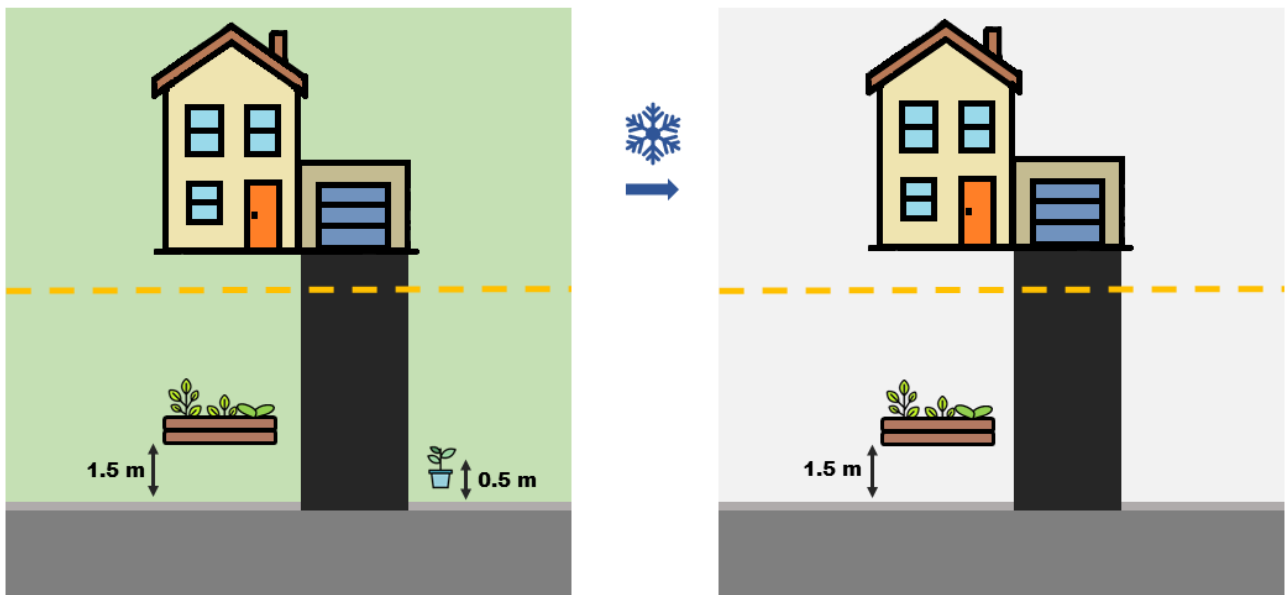
The following are for illustration purposes only and do not represent every possible option or boulevard configuration. The icons used in the figures below represent plantings in ground, raised garden beds and moveable containers.

Figures 2 and 3 illustrate the setbacks and seasonal removal on a highway classified as local or collector with a speed limit of 40 km/h or less.

**Figure 2: With sidewalk – local or collector 40 km/h or less**



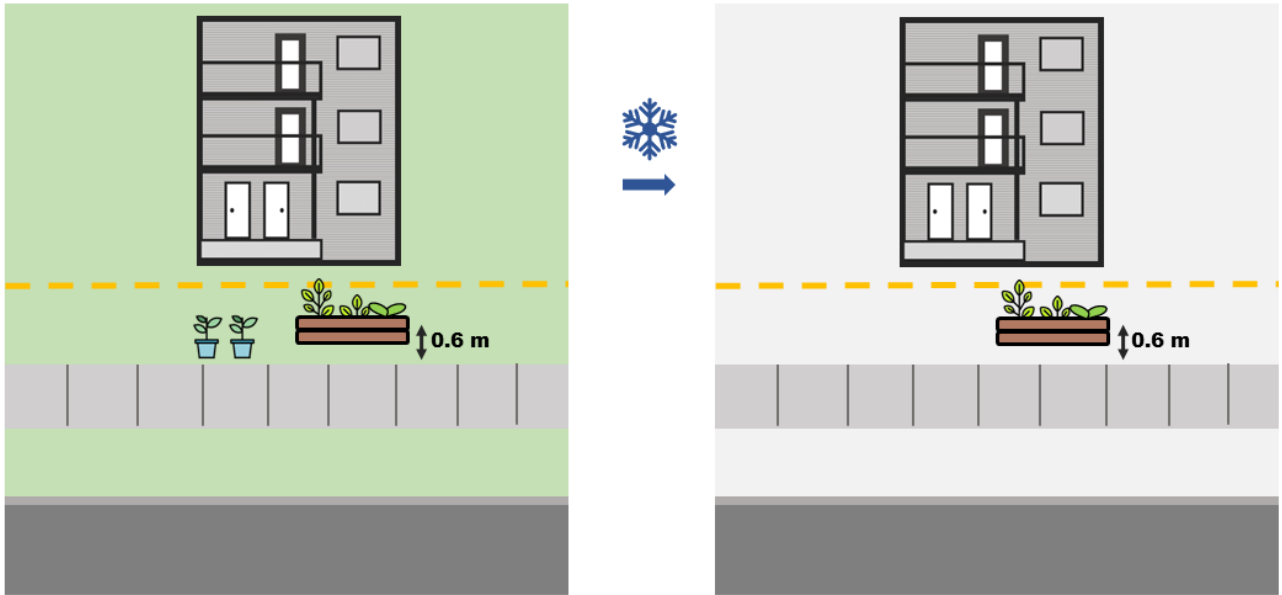
**Figure 3: Without sidewalk – local or collector 40 km/h or less**





Figures 4 and 5 illustrate the setbacks and seasonal removal on a highway classified as local or collector with a speed limit greater than 40 km/h or on a highway classified as major collector or higher.

**Figure 4: With sidewalk – local or collector greater than 40 km/h or major collector or higher**



**Figure 5: Without sidewalk – local or collector greater than 40 km/h or major collector or higher**

