

**4. WAIVER OF THE ENCROACHMENT BY-LAW 2003-446 TO ALLOW LANDSCAPE ENHANCEMENTS AT THE INTERSECTION OF SHIRLEY'S BROOK DRIVE AND MARCH ROAD**

**DÉROGATION AU RÈGLEMENT N<sup>o</sup> 2003-446 SUR LES EMPIÈTEMENTS AFIN DE PERMETTRE LA MISE EN VALEUR DE L'AMÉNAGEMENT PAYSAGER À L'ANGLE DE LA PROMENADE SHIRLEY'S BROOK ET DU CHEMIN MARCH**

**COMMITTEE RECOMMENDATIONS**

That Council approve:

1. That Section 3(2) of the Encroachment By-law No. 2003-446, as amended, and any fee stipulated in Schedule "A" of the by-law, be waived to allow the Briarbrook and Morgan's Grant Community Association to make landscape enhancements including a rock garden, commemorative plaque and community gateway sign, to the grassed portion of the road allowance at the intersection of Shirley's Brook Drive and March Road; and
2. That the landscaping be completed in accordance with the conditions of Appendix D for Additional Work Agreed upon by the City and the Participant under the Adopt-A-Roadway Program.

**RECOMMANDATIONS DU COMITÉ**

Que le Conseil approuve ce qui suit :

1. Que l'article 3(2) du *Règlement n<sup>o</sup> 2003-446 sur les empiètements*, modifié, et tout droit stipulé dans l'Annexe « A » du règlement, fassent l'objet d'une dérogation afin de permettre à la Briarbrook and Morgan's Grant Community Association de mettre en valeur la partie gazonnée de l'emprise routière de l'angle formé par la promenade Shirley's Brook et le chemin March, notamment en créant une rocaille et en installant une plaque commémorative ainsi qu'une enseigne de point d'accès à la collectivité;
2. Que l'aménagement paysager soit réalisé conformément aux conditions de l'appendice D sur les travaux supplémentaires convenus par la Ville et le participant au programme Adoptez une route.

**DOCUMENTATION / DOCUMENTATION**

1. Councillor Wilkinson's report dated 28 May 2012 (ACS2012-CMR-TRC-0007)  
Rapport de Conseillère Wilkinson, daté du 28 mai 2012 (ACS2012-CMR-TRC-0007)

**TRANSPORTATION COMMITTEE  
REPORT 18A  
27 JUNE 2012**

**51**

**COMITÉ DES TRANSPORTS  
RAPPORT 18A  
LE 27 JUIN 2012**

Report to/Rapport au :

Transportation Committee  
Comité des transports

and Council / et au Conseil

May 28, 2012  
28 mai 2012

Submitted by/Soumis par : Councillor / Conseillère Wilkinson

Contact Person / Personne ressource: Rosemary Theriault, Coordinator /  
Coordonnatrice, (613) 580-2424 ext./poste 21624, Rosemary.Theriault@ottawa.ca

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KANATA NORTH /NORD (WARD 4 / QUARTIER 4)

Ref N°: ACS2012-CMR-TRC-0007

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**SUBJECT: WAIVER OF THE ENCROACHMENT BY-LAW 2003-446 TO ALLOW  
LANDSCAPE ENHANCEMENTS AT THE INTERSECTION OF  
SHIRLEY'S BROOK DRIVE AND MARCH ROAD**

**OBJET : DÉROGATION AU RÈGLEMENT N° 2003-446 SUR LES  
EMPIÈTEMENTS AFIN DE PERMETTRE LA MISE EN VALEUR DE  
L'AMÉNAGEMENT PAYSAGER À L'ANGLE DE LA PROMENADE  
SHIRLEY'S BROOK ET DU CHEMIN MARCH**

### **REPORT RECOMMENDATIONS**

That the Transportation Committee recommend Council approve:

1. That Section 3(2) of the Encroachment By-law No. 2003-446, as amended, and any fee stipulated in Schedule "A" of the by-law, be waived to allow the Briarbrook and Morgan's Grant Community Association to make landscape enhancements including a rock garden, commemorative plaque and community gateway sign, to the grassed portion of the road allowance at the intersection of Shirley's Brook Drive and March Road; and
2. That the landscaping be completed in accordance with the conditions of Appendix D for Additional Work Agreed upon by the City and the Participant under the Adopt-A-Roadway Program.

### RECOMMANDATIONS DU RAPPORT

Que le Comité des transports recommande au Conseil d'approuver ce qui suit :

3. Que l'article 3(2) du *Règlement n° 2003-446 sur les empiètements*, modifié, et tout droit stipulé dans l'Annexe « A » du règlement, fassent l'objet d'une dérogation afin de permettre à la Briarbrook and Morgan's Grant Community Association de mettre en valeur la partie gazonnée de l'emprise routière de l'angle formé par la promenade Shirley's Brook et le chemin March, notamment en créant une rocaille et en installant une plaque commémorative ainsi qu'une enseigne de point d'accès à la collectivité;
4. Que l'aménagement paysager soit réalisé conformément aux conditions de l'appendice D sur les travaux supplémentaires convenus par la Ville et le participant au programme Adoptez une route.

### BACKGROUND

The Briarbrook and Morgan's Grant Community Association has approached the City for permission to make landscape enhancements to a road allowance in the community of Briarbrook. The proposed enhancements will be in the form of a rock garden complete with a commemorative plaque and a community gateway sign.

### DISCUSSION

A rock garden is defined as a permanent surface encroachment under the *Encroachment By-law No.2003-446*, as amended of the City of Ottawa and Section 3(2) of the *Encroachment By-law* stipulates that no person shall erect a permanent surface encroachment.

The City does not provide approvals or permits for road allowance enhancements by private citizens or community groups. The Briarbrook and Morgan's Grant Community Association is currently the adoptees of March Road between Terry Fox to Maxwell Bridge under the City's Adopt-A-Roadway Program. The Community Association is recognized as a legal entity and has agreed to enter into an Appendix D for Additional Work Agreed upon by the City and the Participant under the Adopt-A-Roadway Program with the City.

### RURAL IMPLICATIONS

There are no rural implications.

### CONSULTATION

The Community Association has consulted with residents in the area and have undertaken to improve the appearance of this entrance to the community as a result of requests from local residents. They have provided information through their newsletter and facebook site. They have also met with City staff who have assisted in preparation of this report.

#### Planning and Growth Management Department

Staff are in support of the recommendation.

#### Public Works Department

The Public Works Department is supportive of the report recommendations and will support the Planning and Growth Management Department with the implementation of recommendations subject to approval by Council.

### COMMENTS BY THE WARD COUNCILLOR(S)

This site had a sign and landscaping as part of the original subdivision development. It was not maintained and is presently not an attractive entrance to a section of the community. The Community Association has adopted March Road and has regularly picked up litter. They have participated in several greening projects and beautification projects, always with the support and agreement from the City. This project will improve the road at no cost to the City.

### LEGAL IMPLICATIONS

There no legal impediments to implementing the recommendations in this report.

### RISK MANAGEMENT IMPLICATIONS

There are no risk management implications.

### FINANCIAL IMPLICATIONS

The encroachment fee recommended to be waived is \$125 per year.

### ACCESSIBILITY IMPACTS

There are no accessibility implications to associated with this report.

### TECHNOLOGY IMPLICATIONS

There are no technology implications associated with this report.

### TERM OF COUNCIL PRIORITIES

Healthy and Caring Communities: Help all residents enjoy a high quality of life and contribute to community well-being through healthy, safe, secure, accessible and inclusive places.

HC2: Improve parks, recreation, arts and heritage. Provide accessible, inclusive and quality parks, recreation services and urban spaces for leisure, arts and heritage that respond to demographic trends in population and activity.

### SUPPORTING DOCUMENTATION

Document 1 – PowerPoint Presentation from the Briarbrook and Morgan’s Grant Community Association (*Previously distributed and held on file*)

### DISPOSITION

If approved by Council, staff will take the appropriate action as directed.