

POLICY

Title: BOULEVARD DEVELOPMENT AND MAINTENANCE POLICY		Number: 0133
Reference: Public Services Committee: April 13, 2015	Adopted by City Council: April 20, 2015	Supersedes: June 16, 2012
Prepared by: Parks and Recreation/Municipal Works/Planning Building and Development Services		

STATEMENT

THE CITY OF MEDICINE HAT RECOGNIZES THAT BOULEVARDS ARE AN INTEGRAL PART OF THE CITY'S ENVIRONMENT AND CONTRIBUTE TO THE QUALITY OF LIFE IN THE CITY. BOULEVARDS, BY THEIR NATURE, ARE DISTRIBUTED THROUGHOUT THE CITY. WHILE INTENDED FOR POSSIBLE FUTURE ROADWAY EXPANSION AND THE PROVISION OF UTILITY ALIGNMENT ALLOWANCES, BOULEVARDS PROVIDE ADDITIONAL LAND FOR AESTHETIC AND ENVIRONMENTAL ENHANCEMENT BY THE ABUTTING PROPERTY OWNER DEVELOPED BOULEVARDS CONTRIBUTE TO INCREASED PROPERTY VALUES AND IMPROVED URBAN QUALITY OF LIFE.

PRINCIPLES

Boulevard development and maintenance will be guided by the following principles:

1. Boulevards are within public road rights of way.
2. Boulevards may be used for roadways.
3. Boulevards are an integral component of open space, generally evenly distributed throughout the city.
4. Boulevards provide opportunities to enhance adjacent property values.
5. Boulevards provide opportunities to enhance neighborhood aesthetics.
6. Boulevards provide opportunities to environmentally enhance the community with residents being the ultimate beneficiaries.
7. Boulevards shall be developed, maintained and restored in accordance with standard horticultural practices and shall be complementary to adjacent landscaping.
8. Standards for boulevard development, maintenance and restoration in residential, commercial, industrial and institutional areas shall be consistent with sound environmental practices.

9. Tree populations on boulevards shall be preserved, protected and maintained in a consistent and environmentally appropriate manner.
10. Tree populations on boulevards shall be managed by the City.
11. Boulevard development and maintenance shall embrace 'green' environmental principles. The development and maintenance shall encourage the growth of trees and ground vegetation.
12. The City is responsible for maintenance and rehabilitation of surface infrastructure to the edge of sidewalk and/or road curb, if there is no sidewalk.
13. In case of sub-surface infrastructure (water and sewer pipes etc.), the City is responsible for maintenance and rehabilitation of infrastructure to the property line.
14. Mitigate the impacts of reconstruction of sidewalks and sub-surface infrastructure on the residents whose driveways and private sidewalks are impacted by more than 25 millimeters due to the reconstruction and rehabilitation work.
15. This Policy is not retroactive to more than twelve (12) months from the date of approval adoption.
16. It is the responsibility of the property owner to apply for the compensation within twelve (12) months of the date of sidewalk reconstruction and/or completion.

ROLE OF COUNCIL

To receive, review and adopt this Policy and any recommended amendments thereto.

Policy No. 0133 – Boulevard Development and Maintenance		PROCEDURE
Authority:	Effective Date: April 20, 2015	Page 3 of 8

1. DEFINITIONS

1.01 Boulevard

- (a) The area between the edge of a roadway and the legal property line of the immediately adjacent property, except the area covered by a public sidewalk. Typical examples are included in "Appendix A".

1.02 Soft Landscaping

- (a) A landscape treatment of the boulevard area which is conducive to vegetative growth and has natural water permeability characteristics. This shall include turf, trees, other vegetative planting and landscape rock as long as it is used in conjunction with vegetative planting.

1.03 Hard Landscaping

- (a) A surface treatment which is non porous and not conducive to vegetative growth. This shall include stamped and coloured concrete, pavers and landscaping rock or decorative hard surfacing elements consistent with adjacent property

1.04 Curb

- (a) The concrete or asphalt border at the edge of a roadway, or the division point between the roadway and boulevard and/or sidewalk.

1.05 Public Sidewalk

- (a) A hard surfaced path for pedestrians at or near the edge of a roadway. Typical examples are included in Appendix "A".

1.06 Private Sidewalk

- (a) A hard surfaced path that is located on a boulevard and serves to provide pedestrian access to and from private property.

1.07 Private Driveway

- (a) An asphalt, brick or concrete surfaced area that is located on a boulevard connecting to a roadway, for the parking or passage of vehicles to and from private property.

1.08 Construction Joint

- (a) A constructed division in hard landscaping to mitigate expansion and contraction.

1.09 Arboricultural Maintenance

- (a) Disease control, pest control, fertilization and pruning in accordance with standard arboricultural practices.

Policy No. 0133 – Boulevard Development and Maintenance		PROCEDURE
Authority:	Effective Date: April 20, 2015	Page 4 of 8

1.10 Roadway

- (a) A gravel, concrete or asphalt portion of a road right-of-way over which vehicles travel and extend to the back of the curb or public sidewalk as applicable. Typical examples are included in Appendix "B".

2. **RESPONSIBILITIES**

2.01 City Council

- (a) Receive, review and consider for adoption this Policy and any recommended amendments thereto.

2.02 Administrative Committee

- (a) Make recommendations, from time to time, regarding amendments to this Policy.
- (b) Receive review and consider for adoption the Procedures developed for the implementation of this Policy and any amendments thereto.
- (c) Receive, review and decide upon appeals arising from this Policy.

2.03 City Clerk Department

- (a) Make this Policy and Procedures available to the public upon request.
- (b) Receive and process appeals arising from this Policy in accordance with section 3.09.

2.04 Parks and Recreation Department

- (a) Implement this Policy with respect to boulevard landscape related matters.
- (b) Select and approve trees species for planting in boulevards.
- (c) Provide tree planting consultation to property owners with respect to boulevard tree planting.
- (d) Receive, review and decide upon requests for boulevard tree removal.
- (e) Ensure that Parks and Recreation department staff is familiar with this Policy.
- (f) Carry out the arboricultural maintenance of trees which have any part of its trunk located in boulevards.
- (g) When trees are removed from boulevards, ensure that trees are replanted in appropriate locations. Cost to be recovered where applicable.
- (h) Maintain a current inventory of boulevard trees.
- (i) Receive, review and decide upon exceptions to the landscape standards as provided in this Policy, in extenuating circumstances, in consultation with affected departments.

Policy No. 0133 – Boulevard Development and Maintenance		PROCEDURE
Authority:	Effective Date: April 20, 2015	Page 5 of 8

2.05 Planning, Building and Engineering Services Department

- (a) Implement this Policy with respect to the development approval process.
- (b) Review and decide upon private driveway and sidewalk development requests from property owners under the Land Use By-law and this Policy.
- (c) Receive, review and decide upon exceptions to this Policy, in extenuating circumstances, arising from items (a) or (b) in this section, in consultation with affected departments.

2.06 Municipal Works Department

- (a) Implement this Policy with respect to the sidewalk and roadway maintenance and its impacts on private driveways.
- (b) Reimburse the owners of the private driveways that are impacted due to adjustments in the sidewalk/roadway elevation as a result of reconstruction or maintenance of sidewalks and/or roadways.
- (c) Reimbursement will be made only after the actual work is complete and verified by field verification or submission of invoices by the property owner.
- (d) To be eligible for reimbursement, a new construction joint located within 0.5 metres of the property line in the driveway must have been provided.
- (e) Set a "fixed amount" annually to reimburse residents to adjust driveways which are impacted.

2.07 City of Medicine Hat Property Owners

- (a) Comply with the standards set out in this Policy when developing and maintaining boulevards.
- (b) Maintain landscaping on boulevards in accordance with standard horticultural practices and in a manner complementary to the adjacent landscaping and immediate neighbourhood.
- (c) Maintain boulevard trees by watering and ensuring that their actions are not detrimental to the trees.
- (d) Be responsible for the arboricultural maintenance of trees located fully on private property.
- (e) Obtain utility locates prior to any excavation on boulevards.
- (f) Ensure that trees are not planted within one metre of any subsurface utility.
- (g) Consult with the Parks and Recreation department prior to the selection and planting of trees on boulevards.
- (h) Apply for and obtain written approval from the Parks and Recreation department prior to tree removal, subject to the provisions of the Tree Preservation Bylaw.

Policy No. 0133 – Boulevard Development and Maintenance		PROCEDURE
Authority:	Effective Date: April 20, 2015	Page 6 of 8

- (i) For any new development to apply for and obtain appropriate written approval, i.e. development permit and/or driveway permit, from the Planning, Building and Development department prior to any private driveway development.
- (j) Provide a new construction joint located within 0.5 metres of the property line in the approved driveway.
- (k) Obtain pre-approval from the Municipal Works department for and driveway adjustment to confirm eligibility for reimbursement.
- (l) Approvals will be valid for six (6) months and will expire at the end of that time period, unless extended at the Chief Administrative Officer's discretion.

3. PROCEDURES

3.01 Structures

- (a) Fence sections that encroach less than 0.3 metres into a boulevard may be installed provided no utilities are captured within the fence sections.
- (b) Retaining walls 0.2 metres or less in height encroaching less than 0.3 metres into a boulevard above public sidewalk or curb grade may be installed, except where these structures are located adjacent to an above ground utility installation.
- (c) Permanent structures (e.g. wooden fences, brick fences, concrete fences, retaining walls) exceeding 0.2 metres in height and encroaching more than 0.3 metres into a boulevard shall not be permitted with the exception of: utility installations, private solid waste installations, transit shelters, and community mail boxes. Reconstruction of existing non-complying structures and fences shall not be permitted.
- (d) Notwithstanding clauses (b) and (c) fences and retaining walls in existence on the date of this Policy shall be permitted to remain in place.

3.02 Residential Areas

- (a) All boulevards one metre or greater in contiguous width, shall be developed with soft landscaping and maintained by the abutting property owner in accordance with clause 2.07. Approved private sidewalk and driveway development, under the Land Use Bylaw, shall be allowed in accordance with clause 2.05. Continuity of the landscape medium is preferred.
- (b) Notwithstanding clauses (a) all boulevards with existing trees shall be developed with soft landscaping.
- (c) Boulevards which have been developed to an irrigated, manicured turf standard by the City, at the explicit written direction of the City, or with the explicit written approval of the City, shall be maintained by the City, unless otherwise stated in a servicing or development agreement.

Policy No. 0133 – Boulevard Development and Maintenance		PROCEDURE
Authority:	Effective Date: April 20, 2015	Page 7 of 8

- (d) All boulevards one metre or greater in contiguous width and separated from the private property by a physical barrier, such as a common fence, installed at the direction of, or by the City, shall be developed with soft landscaping and maintained by the City unless otherwise stated in a servicing or development agreement.

3.03 Commercial/Industrial/Institutional Areas

- (a) All boulevards one metre or greater in contiguous width, shall be developed with soft landscaping and maintained by the abutting property owner in accordance with clause 2.07. Approved private sidewalk and driveway development, under the Land Use Bylaw, shall be allowed in accordance with clause 2.05. Continuity of the landscape medium is preferred.
- (b) All boulevards less than one metre in contiguous width shall be developed and maintained with soft or hard landscaping by the abutting property owner.
- (c) Notwithstanding clauses (a) and (b), all boulevards with existing trees shall be developed with soft landscaping.
- (d) Boulevards which have been developed to an irrigated, manicured turf standard by the City, at the explicit written direction of the City, or with the explicit written approval of the City, shall be maintained by the City unless otherwise stated in a servicing or development agreement.
- (e) Boulevards along properties where buildings are allowed to have zero setbacks will be maintained by the City to the adjoining sidewalk standard.

3.04 Primary Highways

- (a) Boulevards on Highway 1, the Trans Canada Highway, and on Highway 3, the Crowsnest Highway, shall be maintained by the agency tasked with roadway maintenance responsibility.
- (b) Boulevards on Highway 3, the Crowsnest Highway, which have been developed or evolved to a manicured turf standard, shall be maintained by the adjacent property owner in accordance with this Policy.
- (c) Boulevards on Highway 3, the Crowsnest Highway, which remain in coarse grass standards, will be maintained by the agency tasked with roadway maintenance responsibility. Re-development of these boulevards to a higher standard and the associated maintenance shall be at the discretion and responsibility of the adjacent property owner.

3.05 Hard Surface Development

- (a) All hard surface development including private sidewalks and approved private driveways should include a new construction joint located within 0.5 metres of the property line.

Policy No. 0133 – Boulevard Development and Maintenance		PROCEDURE
Authority:	Effective Date: April 20, 2015	Page 8 of 8

3.06 Tree Planting, Removal and Replacement

- (a) Planting of trees on boulevards shall be encouraged except where there is conflict between utilities and/or visual lines of sight to vehicular traffic and subject to the provisions of the Land Use Bylaw and Tree Preservation Bylaw.
- (b) Tree removals and/or replacements shall be subject to the provisions of the Tree Preservation Bylaw.

3.07 Boulevard Disturbance and Restoration

- (a) The restoration of boulevard landscaping shall be the responsibility of the party causing the disturbance. The disturbed boulevard landscaping shall be restored as close to, or better than its former condition as practicable. Clauses 3.02(b) and 3.03(c) shall prevail for treed boulevards.

3.08 Roadway and Sidewalk Maintenance

- (a) After the reconstruction of sidewalk and/or roadway, the City will reimburse a 'fixed amount', as established by the Chief Administrative Officer, to the property owner for level adjustments to the private driveway or private sidewalk that is more than 25 millimetres higher or lower than the sidewalk.
- (b) Any cost related to driveway or private sidewalk enhancement and repair will not be reimbursed.
- (c) On yearly basis, the Chief Administrative Officer will establish a fixed cost to be reimbursed to the affected property owners.
- (d) The establishment of the fixed cost will be based on the costs and efforts required to lift and mud jack approximately 1.5 metre wide (average width of boulevard between the sidewalk and the property line) double car standard concrete driveway. Private sidewalks will be paid on a per linear metre price.
- (e) Given the variations in the boulevards throughout the City, as depicted in Appendix A, the reimbursements will be as follows:
 - i. Appendix A, Example 1: Reimbursement = 2 x Fixed Amount
 - ii. Appendix A, Example 2: Reimbursement = 1 x Fixed Amount
 - iii. Appendix A, Example 3: Reimbursement = 1.5 x Fixed Amount

3.09 Appeals

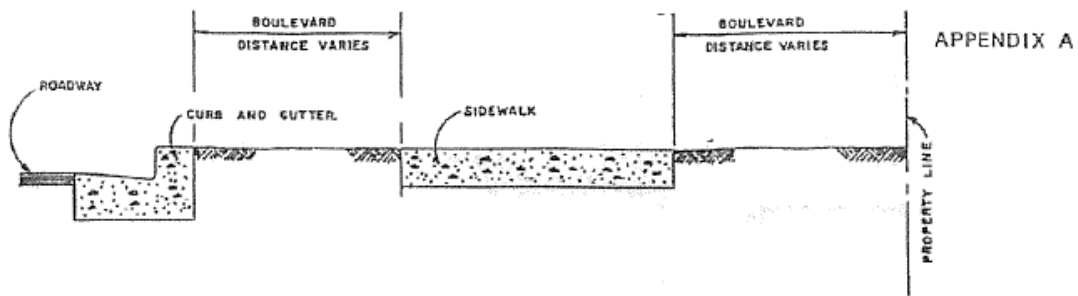
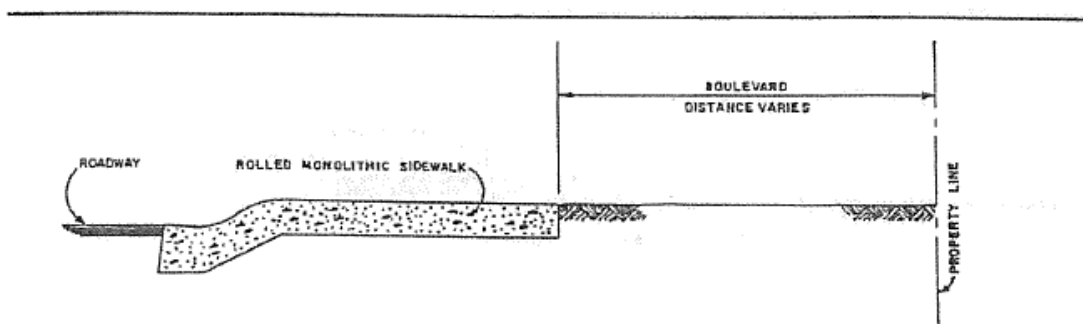
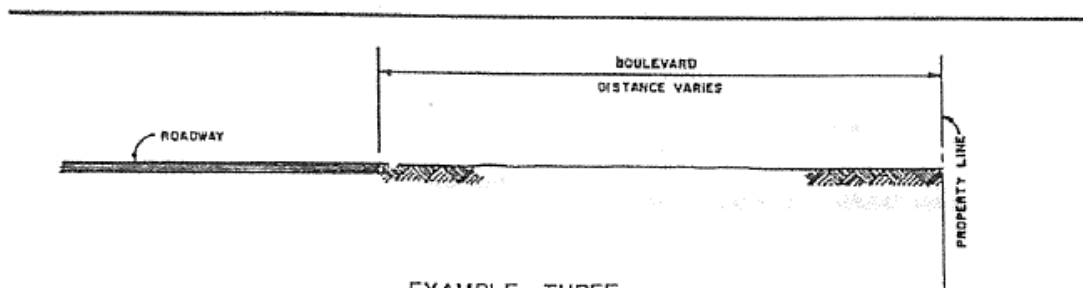
- (a) Appeals arising from this Policy shall be submitted to, reviewed and decided upon by the Administrative Committee, which shall be binding and final on all matters.

4. ATTACHMENTS

4.01 Appendix "A" - Typical Boulevards

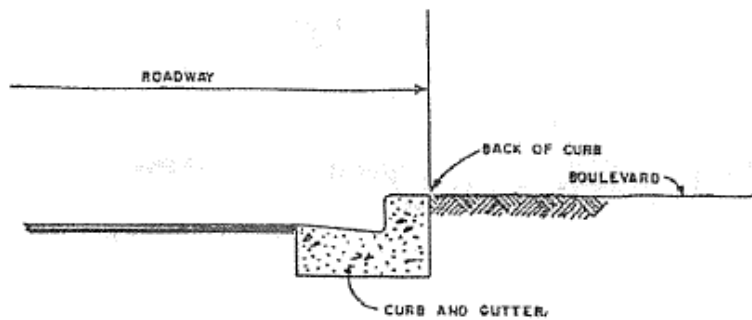
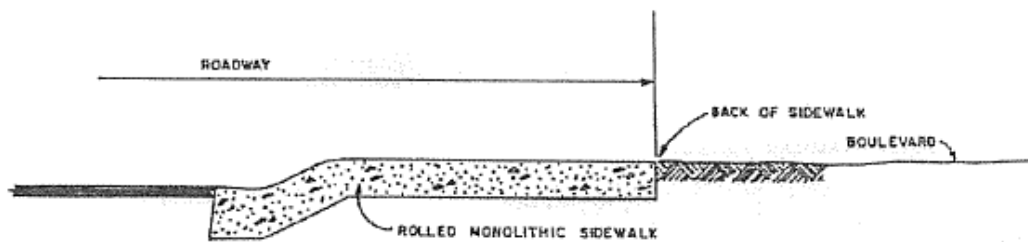
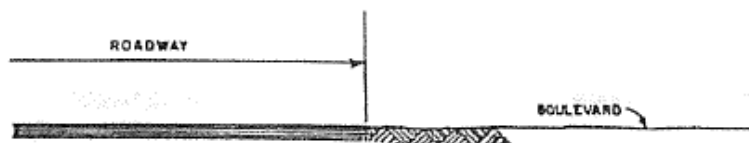
4.02 Appendix "B" - Typical Roadway

This policy is subject to any specific provision of *The Municipal Government Act* or other relevant legislation or union agreement.

EXAMPLE ONEEXAMPLE TWOEXAMPLE THREE

SCALE	N.T.S.	DATE	City of Medicine Hat	GRID REF.
DRWN	TS	MAY 22/98		DRAWING NO.
APP'D	<i>[Signature]</i>		APPENDIX "A" — TYPICAL BOULEVARDS BOULEVARD DEVELOPMENT AND MAINTENANCE POLICY	EN. M. 275. A4

APPENDIX B

EXAMPLE ONEEXAMPLE TWOEXAMPLE THREE

SCALE N.T.S.	DATE	City of Medicine Hat APPENDIX "B" — TYPICAL ROADWAY BOULEVARD DEVELOPMENT AND MAINTENANCE POLICY	GRID REF.
DRWN TB	MAY 23/96		DRAWING NO.
APP'D <i>[Signature]</i>			EN.M. 276. A4

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