1. SUBJECT: LANDSCAPING IN THE RIGHT-OF-WAY

2. DEFINITIONS

Landscaping – Landscaping includes but is not limited to plants (flowers, plants, bushes, shrubs, boxwood and hedges), loose stone, pebbles, decorative stone, mulch, artificial turf and underground sprinkler systems.

Encroachment – any personal property of any description that is placed, occupied or maintained upon any municipal right-of-way including but not limited to signs, fences, sheds, porches, footings, canopies, parking areas, decorative or landscape rocks or boulders, logs, curbing, vaults, structures (in whole or part) and private sewers.

3. DRAWINGS

4M-157 – Landscaping in the Right-of-Way (attached)
AS-401 – Residential Concrete Sidewalk

4. BEST PRACTICE

1) No landscaping, with the exception of grass, artificial turf and low growing ground cover plants (as approved by the City Engineer) at a height of no greater than 100mm (4”), is permitted within a minimum of 0.3m (1 foot) of any municipal roadway, sidewalk, trail or path used for passage by the public. **If installing artificial turf a permit will be required.**
2) Landscaping consisting of flowers, plants, bushes or shrubs at a height of no greater than 0.9 meters (3 feet), with a minimum separation of 0.3metres (1 foot) from the edge of any municipal roadway, sidewalk, trail or path used for passage by the public may be allowed provided they are maintained and do not pose a risk of injury or property damage, as to be determined by the City Engineer or City Solicitor. **If these conditions are satisfied, a permit will not be required.**
3) Landscaping consisting of loose stone, pebbles, decorative stone, or mulch, with a minimum separation of 0.3metres (1 foot) from the edge of any municipal roadway, sidewalk, trail or path used for passage by the public may be allowed provided they are maintained and do not pose a risk of injury or property damage, as to be determined by the City Engineer or City Solicitor. **If these conditions are satisfied, a permit will be required.**
4) An encroachment agreement is required to place any personal property of any description that is placed, occupied or maintained upon any municipal right-of-way that does not fall within notes (2) or (3) above including but not limited to signs, fences, sheds, porches, footings, canopies, parking areas, decorative or landscape rocks or boulders, retaining wall, logs, curbing, vaults, structures (in whole or part) and private sewers or as otherwise outlined in the City of Windsor Encroachment Policy.
5) Tree branches overhanging any municipal roadway, sidewalk, alley, trail or path used for passage by the public may be allowed, provided branches are maintained with a minimum vertical clearance of 4.24m (14ft) and do not pose a risk of injury or property damage, as to be determined by the City Engineer or City Solicitor.
6) Tree planting in the right-of-way is not considered landscaping and shall only be conducted by the City of Windsor Forester and/or as approved by the City Engineer and City Forester. Property owners may elect to top up existing mulch placed around City trees fronting their property in future years, **without requiring a permit**.

5. LANDSCAPING DURING CONSTRUCTION

A. Where the City is undertaking an infrastructure project, any landscaping which does not meet the requirements above, shall be relocated by the property owner, to be in compliance with the Best Practice. The property owners will be notified of this requirement in writing by the City Engineer. Should the property owner fail to relocate the landscaping prior to the work commencing, the City may remove said landscaping without replacing the same.

B. Where the City, or the developer, is constructing a sidewalk where one did not previously exist, the sidewalk will be constructed through existing landscaping features. Reasonable efforts may be made to avoid certain features, where possible to do so. Restoration of the area adjacent to the new sidewalk will be completed by the City or developer with the following rules:

   i. A minimum 0.3m (1 foot) area adjacent to the sidewalk on both sides will be restored with grass only (no landscaping features with the exception of grass will be permitted).

   ii. Where the sidewalk is proposed to be less than 0.6m from the back of curb, the sidewalk shall be a 1.5m wide sidewalk adjacent to the curb in accordance with City of Windsor Standard Drawing AS-401.

C. Where sprinklers are damaged during construction, the contractor will be responsible to replace or repair said sprinkler system. Property owners shall be notified in advance of the construction to identify any sprinkler locations in an effort to prevent damage.

6. RELATED BEST PRACTICES

N/A

7. RELATED CITY SPECIFICATIONS

S-3 – Earth Excavation (Grading) and Structural Removal
S-14 – Sodding
S-15 – Seeding Roadway Areas by Hydraulic Seeding and Mulch Cover Method
S-34 – Topsoil

Jamal-Tulo.

City Engineer or Designate

January 3, 2023

Date

Attachment – 4M-157

LANDSCAPING IN THE RIGHT - OF - WAY

NOTES:

1. NO LANDSCAPING, WITH THE EXCEPTION OF GRASS, ARTIFICIAL TURF (AS APPROVED BY THE CITY ENGINEER), AND LOW GROWING GROUND COVER PLANTS (AS APPROVED BY THE CITY ENGINEER) AT A HEIGHT OF NO GREATER THAN 100mm (4 INCHES) IS PERMITTED WITHIN A MINIMUM OF 0.3m (1 FOOT) OF ANY MUNICIPAL ROADWAY, SIDEWALK, TRAIL OR PATH USED FOR PASSAGE BY THE PUBLIC. IF INSTALLING ARTIFICIAL TURF A PERMIT WILL BE REQUIRED

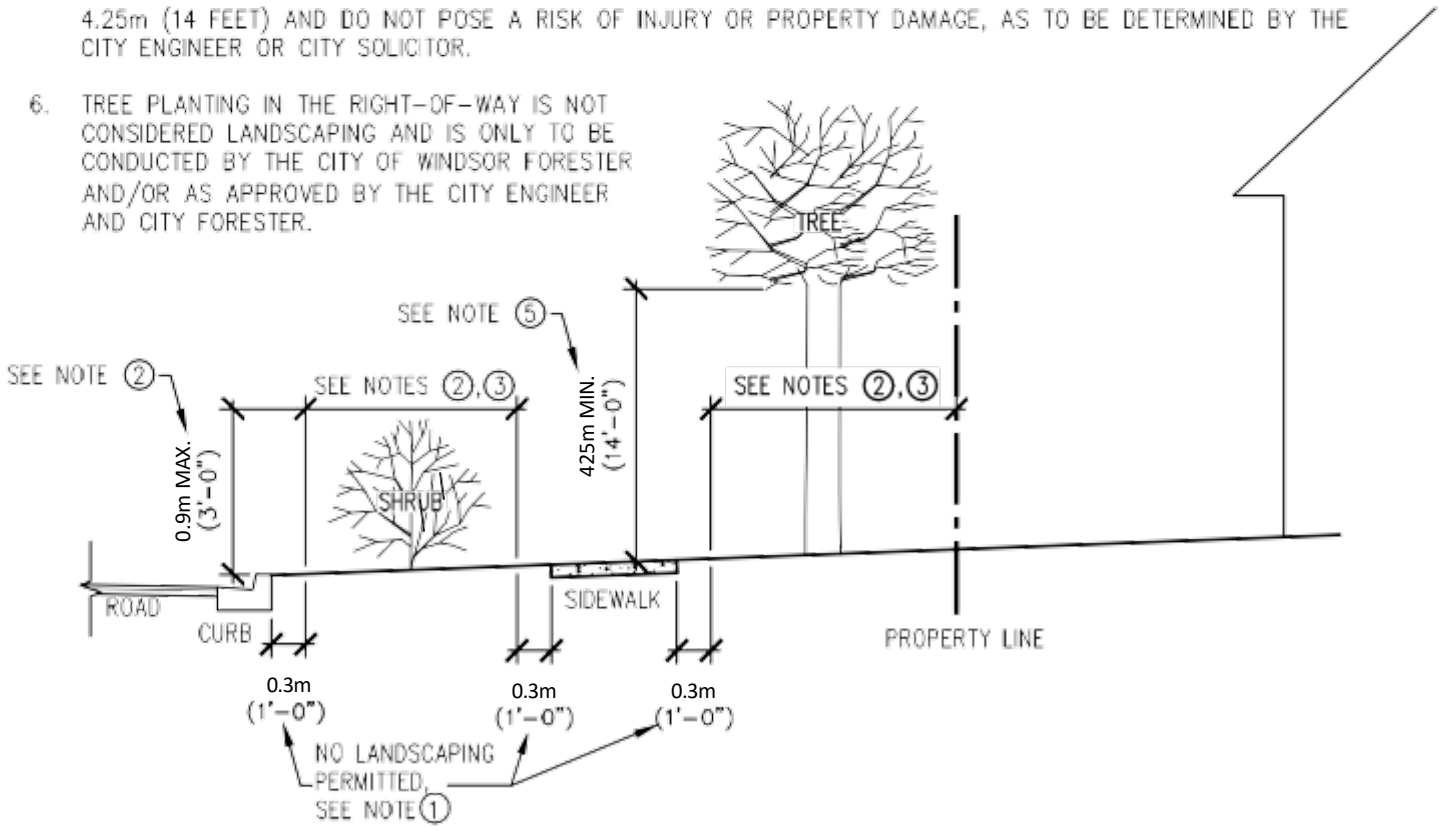
2. LANDSCAPING CONSISTING OF FLOWERS, PLANTS, BUSHES OR SHRUBS AT A HEIGHT OF NO GREATER THAN 0.9m (3 FEET), WITH A MINIMUM SEPARATION OF 0.3m (1 FOOT) FROM THE EDGE OF ANY MUNICIPAL ROADWAY, SIDEWALK, TRAIL OR PATH USED FOR PASSAGE BY THE PUBLIC MAY BE ALLOWED PROVIDED THEY ARE MAINTAINED AND DO NOT POSE A RISK OF INJURY OR PROPERTY DAMAGE, AS TO BE DETERMINED BY THE CITY ENGINEER OR CITY SOLICITOR. IF THESE CONDITIONS ARE SATISFIED, A PERMIT WILL NOT BE REQUIRED.

3. LANDSCAPING CONSISTING OF LOOSE STONE, PEBBLES, DECORATIVE STONE, MULCH, OR ARTIFICIAL TURF (AS APPROVED BY THE CITY ENGINEER) WITH A MINIMUM SEPARATION OF 0.3m (1 FOOT) FROM THE EDGE OF ANY MUNICIPAL ROADWAY, SIDEWALK, TRAIL OR PATH USED FOR PASSAGE BY THE PUBLIC MAY BE ALLOWED PROVIDED THEY ARE MAINTAINED AND DO NOT POSE A RISK OF INJURY OR PROPERTY DAMAGE, AS TO BE DETERMINED BY THE CITY ENGINEER OR CITY SOLICITOR. IF THESE CONDITIONS ARE SATISFIED, A PERMIT WILL BE REQUIRED.

4. AN ENCROACHMENT AGREEMENT IS REQUIRED TO PLACE ANY PERSONAL PROPERTY OF ANY DESCRIPTION THAT IS PLACED, OCCUPIED OR MAINTAINED UPON ANY MUNICIPAL RIGHT-OF-WAY THAT DOES NOT FALL WITHIN NOTES (2) OR (3) ABOVE INCLUDING BUT NOT LIMITED TO SIGNS, FENCES, SHEDS, PORCHES, FOOTINGS, CANOPIES, PARKING AREAS, DECORATIVE OR LANDSCAPE ROCKS OR BOULDERS, RETAINING WALL, LOGS, CURBING, VAULTS, STRUCTURES (IN WHOLE OR PART) AND PRIVATE SEWERS OR AS OTHERWISE OUTLINED IN THE CITY OF WINDSOR ENCROACHMENT POLICY.

5. TREE BRANCHES OVERHANGING ANY MUNICIPAL ROADWAY, SIDEWALK, ALLEY, TRAIL OR PATH USED FOR PASSAGE BY THE PUBLIC MAY BE ALLOWED PROVIDED BRANCHES ARE MAINTAINED WITH A MINIMUM VERTICAL CLEARANCE OF 4.25m (14 FEET) AND DO NOT POSE A RISK OF INJURY OR PROPERTY DAMAGE, AS TO BE DETERMINED BY THE CITY ENGINEER OR CITY SOLICITOR.

6. TREE PLANTING IN THE RIGHT-OF-WAY IS NOT CONSIDERED LANDSCAPING AND IS ONLY TO BE CONDUCTED BY THE CITY OF WINDSOR FORESTER AND/OR AS APPROVED BY THE CITY ENGINEER AND CITY FORESTER.



LANDSCAPING IN THE RIGHT-OF-WAY