

Community Services Committee - May 16, 2022

Response to CS-21-129 being a Notice of Motion dated December 13, 2021 related to the City's Boulevard By-law (All Wards)

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That the Community Services Committee recommend to Council:

Whereas pursuant to CS-21-129 being a Notice of Motion dated December 13, 2021 staff were requested to review the City's Boulevard By-law; and,

Whereas Boulevard By-law 136-2006 ("[By-law 136-2006](#)"), as amended, regulates the use and maintenance of boulevards by a range of agencies and individuals from utility providers to homeowners including benefits related to the ability to provide services on the boulevard in the form of fixtures such as utility boxes, transit shelters, transformer box or vault, telephone, hydro, etc., in addition to establishing height restrictions and acceptable landscaping within the boulevard area; and,

Whereas staff review and assess by-laws on a regular basis as part of continuous improvement; and,

Whereas a number of reviews and updates to the Boulevard By-law have been undertaken over the years including:

- [CORP-21-47](#) "Proposed Amendments to Lot Maintenance By-law 127-2007, Boulevard By-law 136-2006 and Waste Collection By-law 113-2008 – Tiered and Escalating Administrative Monetary Penalties", dated October 4, 2021 (Amending by-law 119-2021);
- [CNCL-20-100](#) "Maintenance of Boulevard Fixtures", dated May 25, 2020, (Amending by-law 60-2020)
- [CORP-20-14](#) "Improperly Placed Bird Feeders and Maintenance Standards", dated April 27, 2020 (Amending by-law 48-2020)
- [CORP-19-59](#) "Maintenance of Boulevard Fixtures", dated June 17, 2019 (for information); and,
- [CS-16-63](#) "Proposed Amendments to Boulevard By-law 136-2006", dated June 23, 2016, providing criteria for boulevard gardens (Amending by-law 64-2016).

Whereas staff from Operation Services, Municipal Law Enforcement and Licensing Services, and Engineering Services undertook a review of By-law 136-2006 pursuant to CS-21-129; and,

Whereas staff has determined it is appropriate to align the height measurement standard in By-law 136-2006 with Fence and Sight Triangle By-law 23-2014, as amended ("[By-law 23-2014](#)"), when addressing the height of things (e.g. hedges, shrubs, fences, etc.) on boulevards abutting Sight Triangles to eliminate sight

obstructions where a corner lot and abutting boulevard are situated higher than the centerline of the street; and,

Whereas pursuant to By-law 136-2006, the height of things (e.g. hedges, shrubs, fences, etc.) located on all boulevards is measured from grade, which may result in potential sight obstructions in certain circumstances; and,

Whereas pursuant to By-law 23-2014, height, when in reference to a Sight Triangle on a lot, is measured from the centerline of the abutting street;

Therefore be it resolved that the Community Services Committee recommend to City Council:

1. That Boulevard By-law 136-2006, as amended, be further amended in the form of Attachment 1, to CS-22-57 "Response to CS-21-129 being a Notice of Motion dated December 13, 2021 related to the City's Boulevard By-law", dated May 16, 2022, to align the height measurement standard in By-law 136-2006 with By-law 23-2014 as it relates to the permitted height of hedges, shrubs, tree plantings, posts, fences, walls or other things located on boulevards that abut Sight Triangles; and,
2. That the amendments to Boulevard By-law 136-2006, as amended, be in a form and content acceptable to Legal Services.



**By-law -2022  
of The Corporation of the City of Oshawa**

Being a By-law to further amend the Boulevard By-law 136-2006, as amended, to align the height of fences and natural features with the Fence and Sight Triangle By-law 23-2014, as amended.

**WHEREAS:**

1. Pursuant to Report CS-22-57 dated May 16, 2022 City Council directed that a by-law to further amend the Boulevard By-law 136-2006, as amended (“Boulevard By-law”), be passed to align the height of fences and natural features with the Fence and Sight Triangle By-law 23-2014, as amended;
2. The Council of the Corporation of the City of Oshawa considers it desirable to further amend the Boulevard By-law as recommended.

**NOW THEREFORE** The Corporation of the City of Oshawa by its Council enacts as follows:

1. Section 2.1.1 of the Boulevard By-law 136-2006 is amended by replacing the definition “Grade Height” with the following:

“ “Grade” Means the surface of the ground at any point, or when associated with an object, plant or other thing, the surface of the ground at the base or bottom of that object, plant or thing.”

2. Section 2.1.1 of the Boulevard By-law 136-2006 is amended by including a new term in the Definitions section as follows:

“ “Sight Triangle” Means a Sight Triangle as defined in the City’s Zoning By-law 60-94, as amended.”

3. Section 3.1.1(ii) of the Boulevard By-law 136-2006 is deleted and replaced with the following:

“ii) No hedge, shrub, tree planting, post, fence, wall or other thing shall:

(a) Exceed 0.9m (3ft) in height above the Grade of the Boulevard; and

(b) Notwithstanding Section 3.1.1 ii)(a), on any portion of the Boulevard abutting a Sight Triangle, exceed 0.9m (3ft) in height as measured from the Grade of the centerline of the abutting street.”

4. This by-law shall come into full force and effect on the date of passage.

By-law passed this       day of       , 2022.

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Mayor

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City Clerk