

## REGULATIONS FOR ESTABLISHING A FACADE GARDEN

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## Chapter I. General

### Article 1. Purpose

The City of Roeselare wants to continue working towards a nature- and environment-friendly city. The City of Roeselare wants to encourage residents to convert part of their pavement into a frontage garden. The creation, planting and maintenance of the above-mentioned green space can be done according to the conditions stipulated in these regulations. We therefore encourage the construction of a street tile garden.

### Article 2. Definitions

In these regulations, the terms below have the meanings given next to them.

**Planting area:** the unpaved area in the public road in which the frontage garden can be located.

**Façade garden:** a planted part of the public road, against the plot boundary (against a building façade, a detached wall ...) including the demarcation.

**Owner:** the owner, co-owner or holder of a right in rem.

**Pedestrian road:** any part of the public road used primarily for pedestrian traffic including wheelchair users.

**Obstacle-free walkway:** space within which the pedestrian can move without a fixed obstacle (a bollard, a traffic sign, a parking zone, etc.) impeding his progress. In these regulations, the distance of this walkway is measured adjacent to the edge of the frontage garden and measured perpendicular to the plot boundary.

**Climbing plant:** a plant that can grow up against objects (walls, trees, cables ...).

**Tenant:** tenant means both an individual person and an association.

### Article 3. Scope

The regulations apply to Roeselare territory.

## Chapter II. Façade garden

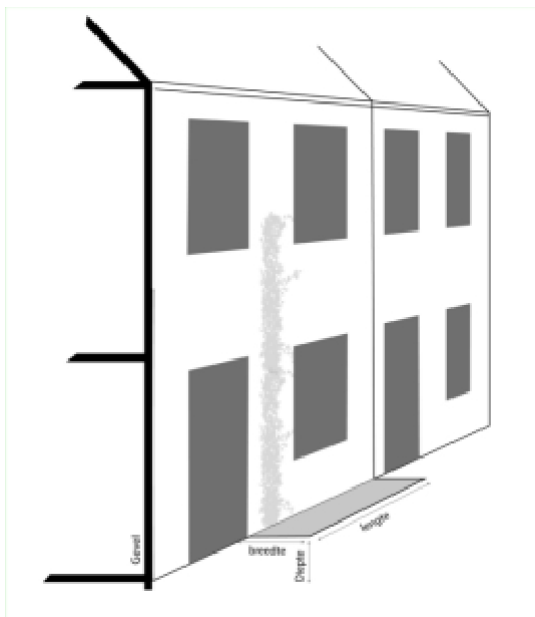
### Article 4. Who can create a façade garden ?

§ 1. The owner of the building whose façade abuts the public road or its tenant, provided the owner agrees in writing. In case of co-ownership, all owners must agree in both cases.

## Article 5. Conditions for establishing a façade garden.

Notwithstanding article 2.3.1 of the police regulations and chapter 2 of the specific part of the police regulations relating to the taking of public property, the private occupation of a front garden is possible provided the following conditions are respected:

### § 1. Dimensions.



#### 1. Maximum dimensions of a front garden

The width of the façade garden measured perpendicular to the plot boundary and up to a height of 1 m above ground level must not exceed 60 cm over its entire length if the façade garden is laid in an existing paving.

An even width along the entire length of the façade garden is mandatory, unless only a climbing plant is to be installed or a justification as to why this is not possible. The guide elements for the climbing plant protrude a maximum of 20 cm measured perpendicular to the plot boundary.

#### 2. In addition to that maximum width of 60 cm, there must always be sufficient obstacle-free walkway/fire access. This means that there should be:

- a. near point constrictions (trees, traffic signs,...) the width of the footpath must be at least 1.00 m. This means that the façade garden will perhaps have to be narrower than 60 cm along the entire length of the façade given that the façade garden must have an equal width along its entire length.
- b. An obstacle-free walkway with a width of 1.50 m must be guaranteed along the entire length of the plot boundary.

3. The frontage garden may connect up to the dividing line with the neighbours, but the planting may not extend beyond the dividing line unless the neighbours agree to deviate from it.
- § 2. No invasive plants may be used. A list of invasive plant species can be found at <https://www.ecopedia.be/pagina/uitheemse-invasieve-planten>
- § 3. Stad Roeselare strongly recommends the planting of bee-friendly plants. A (limited) list of good plant species can be found on the website of the City of Roeselare. <https://www.weekvandebeij.be/bijvriendelijke-kruiden>
- § 4. The manager should take due care during construction. Possible damage to pipes and cables is the responsibility of the manager. If there is the slightest doubt about the presence of pipes and cables, information must be obtained from utility companies.
- § 5. All public utility facilities such as street signs, lighting poles and pictograms must remain visible and accessible at all times. No façade vegetation is allowed in these places.
- § 6. If a façade garden is laid in existing paving, the façade garden must be edged in a flowing line with concrete tiles or grey concrete edging stones. The broken-out concrete tiles can be used as edging for the façade garden. The demarcation extends a maximum of 10 cm above the pavement. The width of the demarcation is included in the maximum width of 60 cm.
- § 7. Objects are not allowed in a façade garden, unless a permit to occupy the public domain has been granted.
- § 8. The installation of façade gardens must not obstruct the passage for emergency vehicles. The passage for emergency services must be at least 4 m wide.
- § 9. For buildings with heritage value present on the established inventory of architectural heritage (<https://inventaris.onroerendergoed.be/>), a façade garden can be installed, but care must be taken and any attachment of climbing plants or climbing aids to the façade must be done with due care so that no permanent damage to heritage values occurs. No self-attaching climbing plants (ivy, vine, climbing hydrangea or other climbing plants with adhesive roots) should be used on valuable facades.
- For attachment of the climbing aid, only drilling into the joints instead of monolithic façade elements should be used. The façade garden will then have no negative impact on the heritage value of the building, provided that the natural stone, brick, decorative elements (e.g. mollures, ceramic tiles and others ) or artificial stone is not irreparably damaged.

## **Article 6. Conditions for the management/maintenance of a façade garden**

- § 1. The manager must maintain the façade garden and the paving around it in such a way that they do not cause any hindrance or danger to traffic. Plants must not extend beyond the edge of the façade garden. The competent city departments shall repair any damage to the public

domain caused by the façade garden at the manager's expense. The manager undertakes to report any subsidence or other damage immediately to the City of Roeselare and to take the necessary safety measures himself for the time being.

- § 2. All plants incorporated in the façade garden remain the property of the caretaker. The manager is civilly responsible for all accidents resulting from the presence of the façade garden or non-compliance with the regulations. The administrator shall immediately carry out any repair or modification works imposed by the competent city department, upon first request. The manager shall indemnify the City of Roeselare against all claims brought against it by third parties as a result of the landscaped façade garden.
- § 3. The competent city service or operator on the public domain (e.g. utility companies) is entitled to demand the removal, temporary or otherwise, of materials and plants for public utility works. The utility company shall inform the manager of the planned works. The manager can recover the planting if required. The city administration does not pay any compensation to the manager for this. The city council can never be held liable for any change or damage caused to the frontage garden. The manager will restore the façade garden without compensation from the City of Roeselare, after works by an operator, or may choose to terminate management in accordance with Article 9.

#### **Article 7. Notification procedure for a façade garden**

- § A notification of the intention to establish a façade garden shall be made in advance via the website of the City of Roeselare, stating the address (street name and number) of the façade garden. If the tenant makes the notification, it is obliged to enclose a signed agreement from the owner(s).
- § 2. All façade gardens require a mere notification requirement, with the exception of those where
- the street lies within a protected town or villagescape
  - the building itself is protected as a monument
- These façade gardens require a permit from the Board and Mayor and Aldermen or a permission from the Immovable Heritage Agency, in accordance with the relevant regulations on immovable heritage. On the Geoportal of the Immovable Heritage Agency (<https://geo.onroenderfgoed.be/>), the status of the area and the building can be checked.

#### **Article 8. Control and enforcement of a façade garden**

- § 1. The City may at any time control the planting and maintenance of the façade garden.
- § 2. Pursuant to police regulation 2.7.1. on public cleanliness, the City may at any time point out negligence in the planting and/or maintenance to the manager in writing and request him/her to take the necessary action within a unilaterally set reasonable period of time.

- § 3. The City of Roeselare may remove or bring into conformity with the existing regulations at the expense of the manager, without the City of Roeselare being liable for any compensation. The actual costs will be charged.
- § 4. The manager shall indemnify the City of Roeselare against all claims brought against it by third parties as a result of the landscaped façade garden.

#### **Article 9. Termination of management of a façade garden**

- § 1. The management of a façade garden may be terminated by removing all plants and materials from the façade garden. The façade garden will be restored to its original state. The termination must be notified in writing to 1788@roeselare.be or by (registered) letter addressed to the City of Roeselare, Botermarkt 2, 8800 Roeselare. The e-mail or letter explicitly states that the manager wishes to terminate the management.
- § 2. If the administrator carries out the restoration himself as in §1, no costs will be charged.
- § 3. If the caretaker wishes Stad Roeselare to remove the façade garden, the caretaker will be responsible for the costs of this removal. Stad Roeselare will not remove any climbing plants; the caretaker will be responsible for removing the climbing plant himself, at his own expense.
- § 4. The City may at any time - for reasons of public utility - remove a regulation facade garden on its public domain and restore the public road to its original condition. The City shall not pay any fee to the manager for this, but there shall also be no cost to the manager in doing so.
- § 5. When the caretaker will no longer take on the maintenance (due to sale of the property, termination of the lease,...), he has the option either to discontinue the façade garden, as described in §1, or to obtain an agreement with the person who will be the new occupant of the house and who undertakes to comply with the conditions, as described in article 6. The agreement should be notified to 1788@roeselare.be, with the new occupant in CC.

### **Chapter III. Waiver provisions and Entry into force**

#### **Article 10. Lifting provisions**

Present regulations abrogate following regulations:

The regulations for the establishment of a tile garden approved in session of the City Council held on 20 October 2014.

#### **Article 11. Entry into force**

These regulations shall enter into force on 3 May 2022.