

THE CORPORATION OF THE DISTRICT OF SUMMERLAND

BYLAW NUMBER 92-047

**A BYLAW OF THE CORPORATION OF THE DISTRICT OF
SUMMERLAND TO ESTABLISH REGULATIONS
FOR THE CONSTRUCTION OF DRIVEWAYS AND ACCESSSES
TO AND FROM A HIGHWAY FOR ADJACENT LAND**

CONSOLIDATED FOR CONVENIENCE TO INCLUDE: Bylaw No. 99-043; Bylaw No. 94-047; Bylaw No. 2021-004; Bylaw No. 2021-034

WHEREAS, the Council of the Corporation of the District of Summerland deems it necessary to establish regulations for the construction of driveways and driveway accesses to and from a highway for adjacent land.

NOW THEREFORE, the Municipal Council of the Corporation of the District of Summerland in OPEN MEETING ASSEMBLED, enacts as follows:

[Bylaw No. 2021-034 added the following Definitions Section]

Definitions:

“DRIVEWAY” means the extension of a driveway access from the property line to the desired location on the subject property.

“DRIVEWAY ACCESS” means that part of a highway between the curb or lateral lines of the roadway and the adjoining property line which is improved to allow vehicular access to the property.

“ROAD FRONTAGE” means the road right of way abutting an urban residential lot that provides driveway access to a principal single family dwelling, duplex dwelling unit, townhome dwelling unit or another principal dwelling unit type. This does not include apartment housing or multifamily housing that has a shared communal parking area.

“URBAN RESIDENTIAL ZONES” means all zones listed as Urban Residential in the District’s Zoning Bylaw, as amended from time to time.

[Bylaw No. 2021-034 deleted reference to Schedule “A” in Section 1]

1. No person shall construct a driveway or a driveway access to an adjoining public highway prior to receiving approval from the Municipality. Written application shall be submitted to the Development Services Department of the Municipality.

[Bylaw No. 2021-004 added Section 2; Bylaw No. 2021-034 deleted the term ‘single family from Section 2.1 and 2.2]

2. **Number of Driveways**

- 2.1 Only one driveway access per road frontage in urban residential zones;
- 2.2 Notwithstanding subsequent sections, secondary driveway accesses in urban residential zones for duplex and multi-unit buildings only may be permitted where an edge-to-edge spacing of 6 m can be provided between the driveway accesses except on collector roads as classified in the Official Community Plan.
- 2.3 Secondary driveway accesses in urban residential zones may be permitted on corner lots upon approval from the Director of Works and Infrastructure except on ~~arterial~~ collector roads as classified in the Official Community Plan.
- 2.4 Upon demonstrated need, the Director of Works and Infrastructure may grant more than one driveway access.

[Bylaw No. 2021-004 added Section 3; Bylaw No. 2021-034 replaced the term ‘driveways’ with ‘driveway accesses’ in Section 3.1 and 3.2]

3. **Location of Driveways**

- 3.1 For all urban and rural residential zones, driveway accesses located on corner lots must be a minimum of 5 m from the lot corner nearest the intersection. Provision of adequate sight distance should be considered in accordance with the TAC Geometric Design Guidelines
- 3.2 For commercial, industrial, agricultural, institutional, comprehensive and multifamily zones, driveway accesses located on corner lots must be a minimum of 12 m from the property line of the adjoining (perpendicular) road. Provision of adequate sight distance should be considered in accordance with the TAC Geometric Design Guidelines.

- 3.3 Where an urban residential zoned lot abuts roads of different classifications, the principal driveway access must access the road of lower classification where reasonable as determined by the Director of Works and Infrastructure.

[Numbering amended by Bylaw 2021-004; Bylaw No. 2021-034 deleted Section 4 in its entirety and replaced with the following Section 4]

4. Driveways and Driveway Accesses shall comply with the following regulations:

4.1 DRIVEWAYS AND DRIVEWAY ACCESSES 45 METRES (150 ft.) OR LESS IN LENGTH

- Minimum driveway and driveway access width shall be 3.6 metres (12 ft.);
- Notwithstanding other sections of this bylaw, the maximum driveway access width shall be no more than 8 m (26 ft.) in urban residential zones. Upon demonstrated need, the Director of Works and Infrastructure or their designate may grant a maximum driveway access width of up to 50% of the length of the lot line for which the driveway access is cited;
- Maximum driveway grade shall not exceed 20% for single lots;
- Maximum driveway grade shall not exceed 20% for accesses where more than one lot is served, and the minimum width is 5 metres (16 feet);
- Minimum driveway and driveway access surface shall be compacted all-weather gravel surface;
- Where a driveway involves an elevation difference in excess of 0.3 metres, such driveway access road shall comply with the standards and regulations shown on Schedule "A" attached hereto;

4.2 DRIVEWAY ACCESS ROADS GREATER THAN 45 METRES (150ft.) IN LENGTH

- Minimum driveway and driveway access width shall be 5 metres (16 ft.);
- Notwithstanding other sections of this bylaw, the maximum driveway access width shall be no more than 8 m (26 ft.) in urban residential zones. Upon demonstrated need, the Director of Works and Infrastructure or their designate may grant a maximum driveway access width of up to 50% of the length of the lot line for which the

driveway access is cited;

- Minimum driveway and driveway access surface shall be compacted all-weather gravel surface;
- Where a driveway involves an elevation difference in excess of 0.3 metres, such driveway access road shall comply with the standards and regulations shown on Schedule "A" attached hereto;
- Maximum driveway grade shall not exceed 12%;

[Bylaw No. 2021-034 replaced the term 'driveway' with 'driveway access' in Section 5]

5. No person shall construct a driveway access in such a manner that it will reduce the clearance from the finished road surface to the underground or overhead utility services. The following clearances must be maintained:

- Overhead Utility Services:
 - Electrical cables.....4.5 metres
 - Communication cables.....4.3 metres
- Underground Utility Services:
 - Electrical cables (ducts).....900 mm
 - Telephone cables (ducts).....600 mm

Any costs incurred to maintain the above clearances will be the responsibility of the Property Owner constructing the driveway access.

[Bylaw No. 2021-034 replaced the term 'driveway access' with 'driveway' in Section 6]

6. In cases where a lot existed prior to the adoption of this Bylaw, and the driveway cannot meet the maximum grade requirements, a driveway access permit may be issued if the property's registered owner agrees to execute and register a Restrictive Covenant and Indemnity against the title of the property. The Indemnity would include a Release of claims by the owner and an indemnity against any other claims that may be brought against the Municipality to gain access for emergency response and fire protection. This Restrictive Covenant would run with the land and bind all subsequent property owners.

7. No person shall permit surface water to run off mud or debris onto a highway during heavy storms or rainfalls from unpaved driveways. Persons that permit surface water to run off their driveways onto a highway so to obstruct, damage or foul such highway will be charged the cost of clearing the mud or obstruction from the highway and repairing the damage to the highway.

8. No person shall permit or allow to permit the placing of any concrete or asphalt on any public highway to connect their driveway to the highway without first obtaining permission from the municipality.

9. The Municipality may as a condition of issuing a Driveway Access Permit, require the owner to supply the Municipality with a Performance Bond or Letter of Credit as a guarantee such driveway access will be constructed in accordance with the Permit.

[Bylaw No. 99-043 added the following paragraph]

The Municipality may as a condition of issuing a Driveway Access Permit, require the owner to supply and install an approved catch basin, drywell, both, or a combination of both, on the property for the purposes of intercepting surface run-off from the owner's property.

10. Every person who violates any provision of this Bylaw commits an offence punishable on summary conviction and shall be liable to a fine of not more than \$2,000.00.

This Bylaw shall be cited as the "**Summerland Driveway Access Bylaw Number 92-047**".

READ A FIRST, SECOND AND THIRD TIMES, by the Municipal Council of the Corporation of the District of Summerland, this 13th day of October, 1992.

RECONSIDERED, FINALLY PASSED AND ADOPTED by the Municipal Council of the Corporation of the District of Summerland this 26th day of October, 1992.

Mayor

Clerk