

City of Charlottetown
Street Access Bylaw
Bylaw #2023-SA-01

BE IT ENACTED by the Council of the City of Charlottetown as follows:

1. Title

1.1. This bylaw shall be known as, and may be cited as, the “Street Access Bylaw”

2. Purpose

2.1. The purpose of this bylaw is to establish rules and procedures for the application for and approval of modifications to existing accesses and the creation of new accesses to public streets in the City of Charlottetown.

3. Authority

3.1. Section 180 of the *Municipal Government Act* R.S.P.E.I. 1988, Cap.M12.1., provides that a municipality may pass bylaws respecting the access of public streets.

4. Application of Bylaw

4.1. This bylaw applies to all persons seeking to modify or intensify the use of an existing access or to create a new access to a public Street within the City.

5. Definitions

- 5.1. For the purposes of this bylaw, the following phrases, terms, words, and their derivations shall have the meaning given herein. When not consistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.
- 5.2. “**Access Change(s)**” includes the creation or addition of any new Street access or any change or modification to the design, location, configuration, use or intensity of use of an existing Street access.
- 5.3. “**Affected Property Owner**” means the property owner(s) identified on the Assessment Roll in accordance with the *Real Property Assessment Act*, Cap. R-4, R.S.P.E.I.1988, and as provided to the City by the Province at the beginning of each year (with printed and/or electronic updates throughout the year). The City is responsible for only those names on the latest electronic files for the Assessment Roll to the City when sending notices under the provisions of this bylaw.
- 5.4. “**Applicant**” is any person making written application to the City of Charlottetown for private access to a public street.
- 5.5. “**City**” is the City of Charlottetown.

- 5.6. **"City Council"** or **"Council"** is the City Council of the City of Charlottetown.
- 5.7. **"Committee"** is the Public Works Standing Committee of City Council or the standing Committee of Council responsible from time to time for public works.
- 5.8. **"Public Works Department"** is the City's Department of Public Works.
- 5.9. **"Limited Access Route"** is a Street designated to be of considerable importance in the traffic network of the City and upon which the City will attempt to limit access so as to ensure proper flow.
- 5.10. **"Person"** is any person, firm, partnership, association, corporation, company or organization of any kind.
- 5.11. **"Planning Department"** means the Planning & Heritage Department of the City.
- 5.12. **"Street"** includes roads and highways. The terms street, road, and highway are used interchangeably and refer to the Rights-of-way used for vehicular traffic.

6. Access Over City Infrastructure

- 6.1. Persons seeking to modify or intensify the use of an existing access or to create a new access to a public Street within the City shall first obtain approval to do so, in accordance with the City's Driveway Access Over City Infrastructure Policy. The purposes of the approval process are to control access points in the management of traffic and to ensure safe and effective traffic flow.
- 6.2. Streets listed in Appendix "A" shall be considered Limited Access Routes and Access Changes to those Streets shall be reviewed and approved by the City in accordance with the City's Driveway Access Over City Infrastructure Policy.
- 6.3. Streets listed in Appendix "B" are Provincially owned and controlled and Access Changes to those streets are reviewed and determined by the Province.
- 6.4. Where an application is made involving a Limited Access Route or other Street owned and controlled by the City that connects to a Provincially owned and controlled street listed in Appendix "B", the City may consult with the Province on an Access Change request.

7. Public Works Committee

- 7.1. The Committee hereby authorizes and empowers the Manager of the Public Works Department:
 - (a) to, approve or deny Street Access Changes within the City and, where necessary or advisable, to do so in consultation with the Committee, the Manager of the Planning Department and any other applicable City department; and
 - (b) to designate any Street within the City as a Limited Access Route.

8. Application

- 8.1. No Street Access Change shall be permitted unless a completed application form is first submitted to and is approved by the Manager of the Public Works Department. The application shall be in the form prescribed in Appendix "C".
- 8.2. The application shall include a non-refundable processing fee of \$150.00 and a refundable damage deposit equivalent to the estimated value of the work, as determined by the Public Works Department.
- 8.3. Where the application relates to or is associated with an application to the Planning Department, the application shall include a plan detailing the current access and any requested Access Change.
- 8.4. At any time during the application process, the Managers of the Public Works Department and the Planning Department may require the applicant to furnish additional information deemed necessary to fully review and assess the application.
- 8.5. An application received by the Planning Department or any other City department shall be in the form set out in Appendix "C" and shall be forwarded to the Manager of the Public Works Department for review.
- 8.6. If the Applicant is not the Affected Property Owner, a letter of consent from the Affected Property Owner must accompany the application.

9. Application Process

- 9.1. It is the duty and responsibility of the Manager of the Public Works Department to:
 - (a) Have the necessary City staff review applications for Access Changes; and
 - (b) Where necessary or advisable, to require the applicant at their expense to procure an independent traffic study by a qualified traffic engineer assessing the overall impact of the Access Change.
- 9.2. Applications for Access Changes on Limited Access Routes and all other Streets in the City, except Provincially controlled streets as outlined in Appendix "B", shall be reviewed and assessed by the Manager of the Public Works Department.
- 9.3. The Manager of the Public Works Department shall formally notify the Applicant of its decision in writing within thirty (30) days of receipt of a completed application form and payment of the appropriate fees, except in a case requiring a Traffic Study in which case the decision shall normally be made within thirty (30) days of receipt of the Traffic Study.
- 9.4. No work shall commence on the Access Change prior to the issuance of a Permit by the City.

10. General Provisions for Approval

- 10.1. Access from a land parcel to an adjacent public street is not a property right. An Access Change must not significantly impact traffic flows of the street network and/or

potentially cause hazardous traffic situations. The City shall work to allow access to the public streets; however, the City must give appropriate consideration to impacts on safe and efficient traffic flows on the street.

General Factors

10.2. In determining if a proposed Access Change be approved, the following factors shall be considered:

- (a) The need for the proposed Access Change;
- (b) Existing accesses available to the Affected Property Owner;
- (c) The existing accesses of other properties on the Street;
- (d) The potential loss of parking in an urban area;
- (e) The distance to adjacent intersections or accesses;
- (f) The anticipated additional volume of traffic on the Street, as well as volumes anticipated using the access to the subject property and using accesses to adjacent properties;
- (g) Traffic sightlines;
- (h) Posted speed limits;
- (i) Alternate property accesses possible; and
- (j) The impact on public safety and convenience for the subject property and for the general public in providing optimal traffic flows overall on the City's Street Network.

Driveway Width

10.3. In addition to the factors for consideration in section 10.2, the following criteria regarding driveway width shall apply to all applications for Access Change:

- (a) For a low to medium density residential property located on a corner lot, the driveway opening at the curb must be located no closer than 11 metres from the property line of the intersecting street.
- (b) The minimum width of a driveway opening at the curb for low to medium density residential property having a frontage on a street shall be 4 metres.
- (c) The maximum width of a driveway opening at the curb for low to medium density residential properties having a frontage on a street shall be as follows:
 - i. For single detached dwellings with a lot frontage of 18 metres or more, the driveway opening at the curb shall be 5 metres wide. A 6-metre-wide driveway opening at the curb is allowed if either of the following conditions exist:
 - 10.3.c.i.1.1. The proposed dwelling has an attached front facing garage.
 - 10.3.c.i.1.2. The proposed dwelling is located 5 metres or more from the side property line on the driveway side.

- ii. For single detached dwellings with a lot frontage of less than 18 metres, the maximum width of the driveway opening at the curb shall be 5 metres.
 - iii. For semi-detached/duplex/rowhouse/townhouse dwellings with separate driveways, the maximum width of the driveway opening at the curb shall be 5 metres.
 - iv. For semi-detached/duplex/rowhouse/townhouse dwellings with a shared driveway, the maximum width of the shared driveway opening at the curb shall be 8 metres.
- (d) For a commercial property, a site plan must accompany the Application, which will be reviewed by the Manager of the Public Works Department.

Other

10.4. When the Access Change involves an area with an existing concrete sidewalk, approval shall be subject to the following conditions:

- (a) The portion of the sidewalk which aligns with the Access Change shall be dropped to be level with the adjoining driveway and adjoining road.
- (b) The portion of the sidewalk which approaches the driveway from the left and the right sides shall be ramped in order to create a safe transition.
- (c) The ramp shall be created using the same material used to construct the sidewalk.

10.5. When the Access Change involves an area with an existing concrete curb, approval shall be subject to the following conditions:

- (a) To permit the Access Change, the concrete curb may either be saw cut or excavated and reformed.
- (b) Any ramp created to transverse over the concrete curb shall be done using the same material as used by the City.

10.6. When the Access Change involves an area with a drainage ditch, the Applicant shall install a drainage culvert, which size shall be determined by the Public Works Department.

11. Post-Approval

11.1. When an Access Change approval involves property on a City right-of-way, the Applicant shall be required to schedule two inspections with the City as follows:

- (a) A pre-inspection is required prior to the pouring of concrete or repairing asphalt; and
- (b) A post-completion inspection is required to review the final work and restoration of the site.

11.2. Within 30 days of the post-completion inspection, the Applicant may request the return of the damage deposit, which request will be reviewed and approved by the Public Works Department.

12. Repair Cost

12.1. When an Access Change approval involves any alteration to or construction affecting a City Street or right-of-way, and the City Street or right-of-way is damaged or requires additional repairs, infrastructure or upgrades to conform to City service standards for Streets or rights-of-way, as a result of the Access Change by the Applicant, the Applicant shall be responsible for the full cost associated with the repairs and/or upgrades to the satisfaction of the Manager of the Public Works Department.

13. Clean Up and Maintenance

13.1. When an Access Change approval involves any alteration to or construction on or around a City Street or right-of-way, the Applicant shall be responsible, throughout the construction phase and at the completion of the construction phase, for ensuring that all non-road materials, including, but not limited to, debris, mud and gravel are cleared from the City Street or right-of-way at all times.

13.2. In order to ensure compliance with section 13.1, the Applicant must undertake a thorough cleaning of the construction site a minimum of once per day and as many other times as is deemed necessary.

14. Repeal of Existing Bylaw

14.1 Upon adoption, this bylaw replaces the City of Charlottetown Street Access Bylaw initially established and adopted on June 11, 2008.

15. Effective Date

15.1. This Street Access Bylaw, Bylaw #2023-SA-01, shall be effective on the date of approval and adoption below.

First Reading:

This Street Access Bylaw, #2023-SA-01, was read a first time and approved by a majority of members present at the Council meeting held on the 13th day of March, 2023

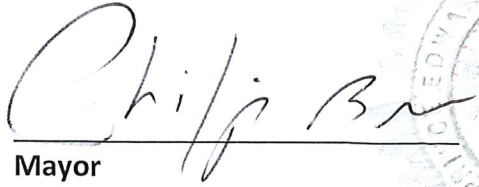
Second Reading:

This Street Access Bylaw, #2023-SA-01, was read a second time and approved by a majority of members present at the Council meeting held on the 27th day of March, 2023

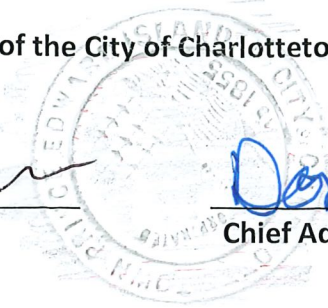
Approval and Adoption by Council:

This Street Access Bylaw, #2023-SA-01, was adopted by a majority of Council members present at the Council meeting held on the 27th day of March, 2023.

Witness the corporate seal of the City of Charlottetown



Mayor





Chief Administrative Officer

This Street Access Bylaw, #2023-SA-01, adopted by the Council of the City of Charlottetown on the 27th of March is certified to be a true copy.



Chief Administrative Officer Signature

March 28, 2023

Date

Appendix “A”

Limited Access Routes

The following are street sections deemed to be of considerable importance in the City’s traffic network and upon which the City shall attempt to limit access to ensure proper traffic flow. Persons seeking access on these street sections should be aware that all other options for property access may be required to be pursued before access is allowed. In some cases, an existing parcel may not be feasible for direct access to the adjacent public street.

| Street Name | From | To |
|---------------------|-------------------|-----------------------------|
| Allen St | University Ave | St Peters Rd |
| Belvedere Ave | Brackley Pt Rd | North River Rd |
| Brackley Pt Rd | Belvedere Ave | northern City boundary |
| Capital Dr | University Ave | Upton Rd |
| Grafton St | Riverside Dr | Edward St |
| Kensington Rd | Esher St | Riverside Dr |
| Lr Malpeque Rd | Capital Dr | Melody Ln (City boundary) |
| Malpeque Rd | Capital Dr | Perimeter Highway |
| Melody Ln | Lr Malpeque Rd | Malpeque Rd |
| Mt Edward Rd | St Peters Rd | Sherwood Rd |
| North River Rd | Capital Dr | Brighton Rd |
| Royalty Junction Rd | Winsloe Rd | eastern boundary |
| Sherwood Rd | Brackley Pt Rd | Lr Malpeque Rd |
| St Peters Rd | Perimeter Highway | Mt Edward Rd |
| Water St | Grafton St | Weymouth St |
| Winsloe Rd | Malpeque Rd | Campbell Rd (City boundary) |
| University Ave | Capital Dr | Grafton St |
| Upton Rd | Perimeter Highway | Royalty Road |

Appendix "B"

Provincial Road Network

The following are street sections within the boundaries of the City of Charlottetown but under ownership and control of the Province as part of the Provincial road network. Access to these street sections shall be through the approval of or consultation with the Province.

| Street Name | From | To |
|------------------------------|---------------------|-----------------------|
| Hillsborough Bridge approach | Hillsborough Bridge | Riverside Dr |
| Riverside Dr | Bridge approach | St Peters Rd |
| Arterial Highway | St Peters Rd | Upton Rd |
| Upton Rd | Perimeter Highway | Capital Dr |
| Capital Dr | Upton Rd | North River bridge |
| Sleepy Hollow Rd | Lr Malpeque Rd | Royalty Rd (boundary) |
| St Peters Rd | Perimeter Highway | east-bound |
| Malpeque Rd | Perimeter Highway | west-bound |
| Lr Malpeque Rd | Melody Ln | Fox Run Dr |

Appendix "C" Application Form



| | |
|---|---------------------|
| Applicant | Name _____ |
| | Address _____ |
| | Telephone No. _____ |
| | Email Address _____ |
| <input type="checkbox"/> Property Owner OR <input type="checkbox"/> Property Owner's Written Authorization | |

I am applying to the City of Charlottetown for approval to:

Construct a new driveway crossing

Remove or alter an existing driveway crossing

Other Describe _____

| |
|---|
| Property Address: _____ |
| Street accessed by proposed driveway (if different from above): _____ (Corner property, accessed via driveway) _____ |

Property Owner (or Authorized Applicant) Signature

Date

AN APPROVED CONTRACTOR IS REQUIRED TO DO THE WORK. The contractor must be issued a Construction Permit prior to commencing work. Prior to commencing any work, the contractor or owner shall deposit, with the City, cash or an Irrevocable Letter of Credit in the amount of 100% of the estimated cost of the work, as determined by the Manager of Public Works, as a guarantee that the work will be completed to the City's standards and specifications.

| |
|---------------------------|
| Contractor Company: _____ |
| Contact Name: _____ |
| Phone No.: _____ |

SITE PLAN REQUIREMENTS

A site plan, to scale, is required with this application, and must include the following information:

- All buildings on the property, in relation to the property lines
- Details within the street fronting the property, e.g. sidewalks, boulevards, curbs, trees, utility poles, boulevard services, manholes, hydrants, lamp standards, bus shelters, benches etc.
- Existing or proposed driveway crossings and on-site parking areas, with all dimensions and grades
- Dimensions between the proposed edges of driveway, and any above ground obstruction (e.g. utility poles, trees, hydrants)

APPLICATION CHECKLIST

Driveway Access Request form

Site Plan

| | |
|-------------------------|--------------------|
| OFFICE USE | |
| Date of Receipt: _____ | Approved by: _____ |
| Date of Approval: _____ | Permit #: _____ |