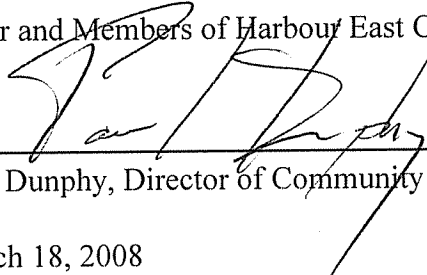


Item 10.1.2



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

Harbour East Community Council  
April 3, 2008

**TO:** Chair and Members of Harbour East Community Council  
**SUBMITTED BY:**   
Paul Dunphy, Director of Community Development  
**DATE:** March 18, 2008  
**SUBJECT:** Regulating Driveway Widths, Dartmouth

**SUPPLEMENTARY REPORT**

**ORIGIN**

At the November 1, 2007 meeting of Harbour East Community Council (HECC), staff were directed to prepare a report concerning the establishment of regulations to set maximum driveway widths.

A staff report entitled "Regulating Driveway Widths, Dartmouth", December 21, 2007, was prepared for the January 10, 2008 meeting of HECC (Attachment A). At this meeting staff were directed to provide more information about this issue.

**RECOMMENDATION**

It is recommended that Harbour East Community Council not initiate a process to establish regulations to set maximum driveway width for residential dwellings.

## **BACKGROUND**

Under the Dartmouth Land Use By-law (LUB), there are no restrictions on the width of a driveway; nor does it regulate landscaping. Consequently, residents are able to pave their entire front yard. In the previous report dated December 21, 2007, staff had identified three options to control driveway width. Council directed staff to provide more information about these options and requested information on specific topics. The three options identified by staff were to control:

- i) soft landscaping;
- ii) width of a driveway with standard driveway dimensions; and
- iii) width of a driveway as a percentage of the yard.

At the January 10, 2008 meeting of Harbour East Community Council, staff were requested to provide responses to the questions noted below.

## **DISCUSSION**

### **What is the Legality of this Amendment?**

The Municipal Government Act (MGA) grants municipalities the authority to regulate landscaping and parking areas. Part VIII Section 4(h) allows municipalities to regulate the establishment and location of off-street parking, while Section 5(d) allows municipalities to regulate or require vegetation and trees in relation to a development.

Controlling driveway widths is difficult to enforce as permits are not required to pave a driveway. Without a permit, there is no staff review and therefore, no means for an individual to become aware that paving would not be in compliance with the Dartmouth LUB. It would also be difficult to effectively grandfather properties as staff have no record of what existed on a lot prior to any amendments. Any amendments would generally impact new development proposals. In order for these amendments to be effective, a new permit would be required..

### **Is There a Percentage of Sod Required?**

The December 21, 2007 Staff report, as shown in Attachment A, outlined three options that identified different methods of controlling driveway width. Option 1 included recommendations for controlling the hard and soft elements of landscaping to constrain parking areas. This option requires that a percentage of the yard be maintained as soft landscaping which captures all forms of planting including sod. Staff do not recommend requiring a percentage of the yard to be grassed as it overly restricts a landowners ability to choose appropriate plantings. Staff recommend that, should Council choose to proceed with Option 1, the individual land owner be permitted to choose the desired soft landscaping.

### **What is the Impact on Aesthetics?**

Excessive amounts of asphalt can degrade neighbourhood aesthetics. Controlling driveway dimensions can improve neighbourhood aesthetics if a significant number of residents are paving their yards and parking a large number of vehicles. Staff are not aware of such a situation at present and therefore, do not see the need to take action at this time.

**How does the LUB Distinguish between Driveway and Landscaping?**

The Dartmouth LUB does not require driveways and parking areas to be surfaced for any residential development with less than 3 units. To distinguish between driveway areas and landscaped areas, the Dartmouth LUB could be amended to require that all driveways and parking areas are to be surfaced to provide a clear distinction between the two areas.

**What is the Required Curb Cut?**

By-law S-300, (By-law Respecting Streets), regulates driveway openings and establishes the required curb cut. Residential buildings with four units or less are required to have a driveway opening that is a minimum of 10 feet and a maximum of 16 feet wide.

**BUDGET IMPLICATIONS**

None.

**FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

**ALTERNATIVES**

1. Council may choose not to initiate a process to amend the Dartmouth Land Use By-law to regulate driveway widths. This is the recommended course of action for the reasons stated in the report and the December 21, 2007 staff report.
2. Council may choose to direct staff to initiate a process to amend all Land Use By-laws to regulate driveway widths. This is not the recommended course of action.
3. Council may choose to initiate a process to amend only the Dartmouth Land Use By-law to regulate driveway widths based upon controlling soft landscaping and/or controlling the width of a driveway. This is not the recommended course of action.

**ATTACHMENTS**

Attachment A: Regulating Driveway Width Report, dated December 21, 2007

Attachment B: Excerpts from Various Land Use By-laws

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Jennifer Chapman, Planner, 490-3999



Report Approved by: Austin French, Manager, Planning Services, 490-6717

Attachment A  
Regulating Driveway Width Report, January 10, 2008

Harbour East Community Council  
January 10, 2008

**TO:** Chair and Members of Harbour East Community Council

**SUBMITTED BY:**

*Denise Schofield*

Denise Schofield, Acting Director of Community Development

**DATE:** December 21, 2007

**SUBJECT:** Regulating Driveway Widths, Dartmouth

**ORIGIN**

At the November 1, 2007 meeting of Harbour East Community Council, staff were directed to prepare a report concerning the establishment of regulations to set maximum driveway widths.

**RECOMMENDATION**

It is recommended that Harbour East Community Council not initiate a process to establish regulations to set maximum driveway width for residential dwellings.

## **BACKGROUND**

Under the Dartmouth Land Use By-law (LUB), there are no restrictions on the width of a driveway; nor does it regulate landscaping. Consequently, residents are able to pave their entire front yard. A paved front yard may not negatively impact streetscapes and neighbourhood aesthetics due to a lack of green space and the placement of multiple vehicles in this area. However if a number of front yards are paved on a street, neighbourhood aesthetics may be impacted.

This report examines driveway widths for as-of-right residential uses. Multi-unit dwellings are permitted under the development agreement process in Dartmouth, which allows for the consideration of these controls on a site by site basis.

## **DISCUSSION**

Paving the front yard can become an issue when it is occurring frequently. At this time, staff do not see this as a widespread issue that needs to be addressed due to the very limited number of complaints received. This could be addressed during the next review of the Dartmouth Land Use By-law.

If Council chooses to proceed with this amendment, staff have identified three options to control driveway widths— one method is to establish soft landscaping regulations for front yards and the other two options are alternative ways of limiting the size of the driveway area. If the intent is simply to prevent cars from parking in the front yard, controlling the size of the driveway area would be sufficient. On the other hand, if the goal of the amendment is to ensure that green space is maintained and to reduce paved areas in the front yard, in addition to controlling parking, requiring a minimum amount of soft landscaping in this area is the optimal method.

### **Option 1: Controlling Soft Landscaping**

The Dartmouth LUB defines landscaping but does not differentiate between hard and soft landscaping, as shown in Attachment “A”. Hard landscaping refers to the constructed landscape elements such as fences, paving and trellises. Soft landscaping is the vegetative components of a landscaped system. By not clarifying the difference between the two types of landscaping, a paved yard is deemed to be landscaped. Establishing criteria that control the hard and soft landscaping would protect the green elements of the yard. Requiring a percentage of the yard to be maintained as soft landscaping removes an individual the ability to pave the entire yard and, subsequently, controls parking in the front yard.

### **Option 2: Controlling the Width of a Driveway**

There are two alternatives available to control the width of a driveway on private property. By-Law S-300 currently regulates the width of driveway openings at the street.

**i) Specific Driveway Dimensions**

The first is to establish a rigid number that states the required driveway width. This number would get bigger as lot frontages got correspondingly larger i.e provide space for a single car, two cars, three cars etc. This option makes it easy to quickly ascertain the permitted driveway width and ensures that the entire paved area is useable for parking.

**ii) Percentage of the Yard**

The other option is to regulate driveway width by permitting a specific percentage of the frontage to be able to be used for a driveway. This is the option that is currently being used in the Halifax and Downtown Dartmouth Plan areas. These areas regulate driveway widths by permitting a maximum of 33% of the front yard to be used for a driveway, as shown in Attachment "A". This option allows greater flexibility in the event of an unusual circumstance, such as a property with an extremely large frontage. However lots with less than 25 feet of frontage are not able to comply with this regulation and still provide an adequately sized parking space.

**Townhouses**

Requiring a maximum percentage of the front yard to be used for driveways becomes an issue for properties with smaller frontages, as it can lead to undersized parking areas. Townhouses, which have a permitted frontage of 20 feet, are not able to supply an adequate parking size due to this regulation. The Halifax LUB's do not apply this provision to townhouses. However this is not the case in Downtown Dartmouth. In the Downtown Dartmouth Plan Area, townhouses are not able to comply with this regulation. Any regulations that attempt to control driveway size should address the issue.

**Conclusion**

Due to the complexity of the issue, the lack of complaints received by staff, and resources required to implement the amendment, staff recommend that HECC not initiate the amendment process at this time. If Council decides to initiate an amendment, the issue of driveway widths should be addressed on a region wide basis and not just for the Dartmouth Plan Area.

**BUDGET IMPLICATIONS**

None.

**FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

**ALTERNATIVES**

1. Council may choose not to initiate a process to amend the Dartmouth Land Use By-law to regulate driveway widths. This is the recommended course of action for the reasons stated in the report.

2. Council may choose to initiate a process to amend all Land Use By-laws to regulate driveway widths. This is not the recommended course of action for the reasons stated in this report.
3. Council may choose to initiate a process to amend only the Dartmouth Land Use By-law to regulate driveway widths based upon controlling soft landscaping and/or controlling the width of a driveway. This is not the recommended course of action for the reasons stated in this report.

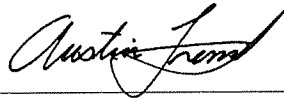
**ATTACHMENTS**

Attachment "A": Excerpts from Various Land Use By-laws

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate m.

meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208

Report Prepared by : Jennifer Chapman, Planner, 490-3999



Report Approved by: Austin French, Manager, Planning Services, 490-6717

**Attachment B**  
**Excerpt's From Various Land Use By-law's**

**Dartmouth LUB**

- (vb) *LANDSCAPED* - means covered by vegetation comprising any combination of trees, hedges, shrubs, flowers, grass or other vegetative ground cover, or by a combination of vegetation and decorative stonework, brick, tile or wood. (As amended by By-law C-657, Feb2/89)

**Downtown Dartmouth LUB**

**Downtown Neighborhood Zone**

9. (1) *PURPOSE:* *The goal of the Downtown Neighbourhood Zone is to protect the integrity and character of existing residential neighbourhoods by limiting the type, scale and design of new development, renovations, and home based businesses.*

- (2) *PERMITTED USES:*

Single Unit Dwellings  
Two Unit Dwellings  
Converted Dwellings  
Bed and Breakfasts in conjunction with single unit dwellings  
Home Business Uses  
Public Parks and Playgrounds  
Townhouse and multiple residential uses in existence on the effective date this By-law  
Institutional uses **in existence on the effective date of the amendment (HECC-July 5, 2007; Effective-July 23, 2007)**  
Accessory Uses

- (3) *ADDITIONAL USES WHICH MAY BE CONSIDERED THROUGH SITE PLAN APPROVAL:*

- Townhouse Dwellings
- Neighborhood Commercial Uses
- Downtown Business Uses Along Prince Albert Road between Eaton Avenue and Pleasant Street



(4) *ADDITIONAL USES WHICH MAY BE CONSIDERED BY DEVELOPMENT AGREEMENT:*

- Multiple unit dwellings and townhouses on those sites noted on Schedule B.
- Conversions of registered heritage properties to uses of land not permitted above.
- Expansion of the St. Georges Tennis Club

(5) **ZONE STANDARDS**

**One & Two Unit Dwellings and Institutional Uses**

<u>Neighbourhoods</u> (refer to Schedule B)	<u>Minimum Lot Area</u>
Harbourview	2500 square feet (232.3 square metres)
Park Avenue	3000 square feet (278.7 square metres)
Austenville	3000 square feet (278.7 square metres)
Prince Albert	3000 square feet (278.7 square metres)
Hazelhurst	4000 square feet (371.6 square metres)
<u>Neighbourhoods</u> (refer to Schedule B)	<u>Minimum Lot Frontage</u>
Harbourview	25 feet (7.6 metres)
Park Avenue	30 feet ( 9.1 metres)
Austenville	30 feet ( 9.1 metres)
Prince Albert	30 feet ( 9.1 metres)
Hazelhurst	40 feet (12.2 metres)
<u>Maximum Height</u>	30 feet (9.14 metres) except that this may be waived under Section 9 (8) where existing buildings exceed this height or where the grades of a lot present design limitations (HECC - Sept 5/02, Effective - Sept 29/02)
<u>Maximum Lot Coverage</u>	40%

**Townhouse Dwellings:**

<b>Minimum Lot Area per dwelling unit</b>	<b>2000 square feet (185.7 square metres)</b>
<b>Minimum Frontage per dwelling unit</b>	<b>20 feet (6.096 metres)</b>
<b>Maximum Lot Coverage</b>	<b>35 %</b>
<b><u>Neighbourhoods</u></b>	<b><u>Minimum Number of Units per Building</u></b>
<b>Harbourview</b>	<b>3</b>
<b>Park Avenue</b>	<b>3</b>
<b>Austenville</b>	<b>3</b>
<b>Prince Albert</b>	<b>3</b>
<b>Hazelhurst</b>	<b>4</b>
<b>Maximum Number of Units per Building</b>	<b>6</b>
<b>Minimum Side Yard for End Units</b>	<b>10 feet (3 metres)</b>
<b>Maximum Height</b>	<b>30 feet (9.14 metres)</b>

**(HECC - June 29/06, Effective - July 01/06)**

**(7) SPECIAL REQUIREMENTS - PARKING**

- (a) Notwithstanding anything contained in this bylaw, no area of the front yard greater than 33 percent **of the lot width (HECC - Sept 5/02, Effective - Sept 29/02)** shall be used for vehicular access, manoeuvring or parking;

**Halifax Mainland LUB**

**Parking**

- 9(a) The owner of a building shall provide off-street automobile parking space according to the following:
  - (i) Every building hereafter erected or altered for use as a dwelling shall therein or upon such lands appurtenant hereto provide and maintain accommodation for the parking or storage of motor vehicles for the use by the occupants of such dwelling;

- (ii) Such accommodation shall consist of one parking space for each dwelling unit contained in such dwelling;
  - (iia) Notwithstanding clause (ii), for R-3 uses in the R-3 Zone, in the "**Bedford Highway Area**", such accommodation shall consist of:
    - (a) one space for every unit of two or more bedrooms; and
    - (b) one space for every four or less bachelor or one-bedroom units.
- (iii) For R-1, R-2, R-2P, R-2AM and R-2T uses, except townhouses, a maximum of 33 percent of the front yard shall be used for vehicular access, manoeuvring and parking.

### **Halifax Peninsula LUB**

- 6(11) Notwithstanding anything contained in this by-law, except Sections 6(3), 6(10), and 13, for residential uses other than townhouses, no area of the front yard greater than 33 percent shall be used for vehicular access, manoeuvring or parking
- (a) except for a driveway, not greater than 8 feet in width which provides access to a garage within the building or parking space in the side or rear yard or,
  - (b) a parking space not greater than 8 feet by 16 feet in the front yard for a residential building existing on 18 October 1995, provided that the parking space is perpendicular to the street on which it has its entrance. In the case of irregular shaped lots or where the side lines are not perpendicular to the street, the parking space is to be as perpendicular as possible to the street as may be determined by the Development Officer.