

Report 10.1



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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/cagenda.html> then choose the appropriate m.

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

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### Council Report Sign-Off Sheet

**Subject: Regulating Driveway Widths, Dartmouth**

Meeting Date: \_\_\_\_\_ January 10, 2008 \_\_\_\_\_  Regular Council  In Camera  Information Report  
 Community Council  Board/Committee

Prepared by: \_\_\_\_\_ Jennifer Chapman, Planning Applications \_\_\_\_\_ Date: November 6, 2007  
 Name and Business Unit

√	Stakeholder - Internal	Reviewed By	Date/Time	Time Spent on Report	Initial/Signature
	Not Required (unique to originating BU)				
	BPIM				
	CD				
	FINANCE - FinTrack - Accounts - Financial Consultants - Procurement - Manager	<i>D Kerzic</i>	<i>Jan 31 08 3:05 pm</i>		
	FIRE				
	HR				
	IAM				
	LEGAL - By-Laws - Admin Orders - Other				
	POLICE				
	TPW				
	LIBRARY				
	HRWC				
	COUNCILLOR(s)				
	<b>Stakeholder - External</b>				