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**REVISED**

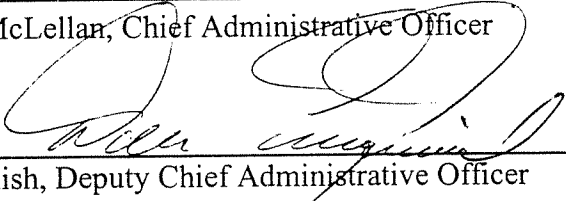
Halifax Regional Council  
December 16, 2003

*January 13, 2004*

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**

  
George McLellan, Chief Administrative Officer

  
Dan English, Deputy Chief Administrative Officer

**DATE:** December 9, 2003

**SUBJECT:** Bylaw S-305, Streets Bylaw

**ORIGIN**

Proposed amendments brought forth by staff to reflect current development changes.

**RECOMMENDATION**

It is recommended that Council approve in Principle By-Law S-305 as outlined in the report and direct staff to arrange for the formal adoption by Council.

## BACKGROUND

The Streets Bylaw was approved by Council in 1997. This report deals with two specific aspects of the bylaw. These are location, number and width of driveways; and the length of time which HRM holds performance security after acceptance of work performed by private contractors within the public right of way.

## DISCUSSION

### Driveway Width

Since the approval of Streets Bylaw, there has been a resurgence in redevelopment in the downtown core. The requirements for driveways in the bylaw are specific and do not allow for variations for unique situations. Redevelopment in the downtown core has created situations in which driveways cannot practically be placed on a lot due to the lot's narrow size. This has caused some lots to be developed without a driveway, thereby forcing more on-street parking. In some cases, the specified width of driveway on a narrow street can adversely affect existing traffic flow, especially in commercial areas. Due to the unique nature of our street network, the proposed bylaw amendment will allow staff to approve driveways which best suit the existing lots and reduce impacts on traffic.

### Number of Driveways

The current bylaw does not allow for consideration of extenuating circumstances when determining the number of driveways servicing a lot. An aging population and creation of in-law suites have allowed more families to remain intact in the home, at times with advanced medical problems. The bylaw currently does not allow staff to consider these extenuating circumstances when determining the number of driveways permitted for a lot.

### Performance Security

Private contractors are responsible for any excessive settlement which occurs in their street cuts. Minor settlement is expected anytime a street is cut. However, excessive settlement will cause significant depressions and ruts in the road. HRM holds performance security to ensure work is completed in accordance with HRM Specifications, thereby minimizing the settlement. The bylaw currently requires this security to be held for six months after the work is accepted. Depending on the time of year the work is completed, the bylaw may require that the security deposit be returned before the street cut has gone through winter spring freeze/thaw cycle. Going through these freeze/thaw cycles is a critical test of the street's reconstruction. The bylaw amendment will ensure that HRM has the security deposit long enough to properly assess the street restoration. If the contractor's work has failed, HRM will still have the security deposit to carry out proper restoration at the contractor's cost, rather than the taxpayers.

### Housekeeping Amendments

Proposed amendments have been made to the bylaw to clarify the residential and commercial driveway definitions, making them consistent with the Engineering Specifications. In doing so, this change will allow staff to approve driveways which more appropriately reflect the traffic generation created, rather than the land use only.

Proposed amendments would also have appeals to this bylaw heard by the Appeal Committee as stimulated in Bylaw A-100, Respecting License and Permit Appeals.

**BUDGET IMPLICATIONS**

No impacts to the budget.

**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**

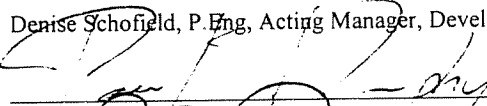
Council could decide to maintain the current bylaw clauses. This is not recommended.

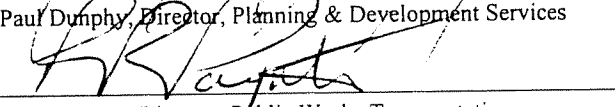
**ATTACHMENTS**

Attachment A: Proposed Bylaw S-305

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Denise Schofield, P. Eng, Acting Manager, Development Engineering, 490-6252

Report Approved by:   
Paul Dunphy, Director, Planning & Development Services

  
Rick Paynter, Director, Public Works Transportation

Appendix A

BE IT ENACTED by the Council of the Halifax Regional Municipality, under the authority of Section 309 of the *Municipal Government Act*, that Bylaw S-300, the Streets Bylaw, is amended as follows:

1. Subsection (3) of Section 24 of said Bylaw S-300 is amended by striking out the word "six" and substituting therefor the word "twelve".
2. Section 34 of said Bylaw S-300 is amended by
  - (ii) adding "(1)" immediately after the Section number;
  - (ii) striking out clauses (b) and (c) and replacing with the following clause:
    - (b) Two-way driveways serving residentially used property with 4 or fewer units shall have a width not less than 10 feet (3m) and not greater than 16 feet (5m) at a point where the driveway meets the edge of the public right of way, except where the property frontage exceeds 60 feet (18 m), a driveway up to 20 feet (6m) in width may be permitted;
    - (c) Two-way driveways serving commercially, institutionally or residentially used property with 5 or more units shall have a width not less than 23 feet (7m) and not greater than 33 feet (10m) at a point where the driveway meets the edge of the public right of way;
    - (d) Two-way driveways serving industrial used property or property which is zoned for industrial or construction and demolition use shall have a width not less than 33 feet (10m) and not greater than 39 feet (12m) at a point where the driveway meets the edge of the public right of way.
  - (iii) adding immediately following subsection (1), the following subsection:
    - (2) Notwithstanding subsection (1), where there are limiting or special circumstances, the Engineer may approve a driveway width subject to special conditions, where in the opinion of the Engineer the driveway will not affect the safe movement of traffic.
3. Section 35 of said Bylaw S-300 is amended by adding immediately following subsection (2) thereof the following subsection:
  - (3) Notwithstanding subsection (1), where there are limiting or special circumstances, the Engineer may approve an additional driveway subject to special conditions, where in the opinion of the Engineer the driveway will not affect the safe movement of traffic

**Appendix A**

4. (1) Subsection (2) of Section 42 of said Bylaw S-300 is amended by striking out the word "Council" therefrom and by substituting therefor the words "Appeal Committee".
- (2) Subsection (4) of said Section 42 is amended by striking out the word "Council" wherever it appears in the subsection and by substituting therefor the words "Appeal Committee"