

THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 5351

**TO REGULATE THE MEANS OF ACCESS
TO AND FROM A HIGHWAY**

The Municipal Council of The Corporation of the District of Saanich in open meeting enacts as follows:

1. This bylaw may be cited for all purposes as the “DRIVEWAY ACCESS BYLAW, 1984, No. 5351.”
2. **DEFINITIONS:**
 - a) “**BOULEVARD FRONTAGE**” means the portion of a highway lying between the front property line and the roadway.
 - b) “**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.
 - c) “**DRIVEWAY ACCESS PERMIT**” means a Driveway Access Permit issued pursuant to this bylaw.
 - d) “**DRIVEWAY ACCESS STANDARDS**” means the Municipality of Saanich engineering specifications - standard drawing numbers R10, R14, R15, R16, R18 attached to this bylaw marked Schedule “B”.
 - e) “**HIGHWAY**” means a street, road, lane, bridge, viaduct and any other way open to public use, but does not include a private right-of-way on private property.
 - f) “**MANAGER OF INSPECTION SERVICES**” means the Manager of Inspection Services of The Corporation of the District of Saanich or any person authorized to act on his behalf.
 - g) “**MUNICIPALITY**” means the Corporation of the District of Saanich.
 - h) “**OWNER OF THE PARCEL**” means the person or persons registered in the books of the Land Title Office as the owner of the parcel.

- i) **“PARCEL OF LAND”** means any lot, block, or other area in which real property is held or into which real property is subdivided but does not include a highway.
- j) **“ROADWAY”** means the portion of a highway that is designed and improved for the public use of vehicular traffic.

3. Driveway Access Permit

Subject to section 6 hereof, no person shall construct or cause to be constructed a driveway access unless he is the holder of a valid and subsisting Driveway Access Permit, issued by the Manager of Inspection Services of the Municipality.

4. Administration and Procedure

- a) Driveway Access Permits will be issued by the Manager of Inspection Services.
- b) Applications for Driveway Access Permits shall be made to the Development Division and must be accompanied by a drawing of a suitable scale showing the intended access along with any physical features which may affect construction.
- c) Where an application has been made and,
 - i) the proposed driveway access complies with the provisions of this bylaw, and
 - ii) the applicant has submitted the required deposit,the Manager of Inspection Services may issue a Driveway Access Permit.
- d) The issuance of Driveway Access Permit is conditional upon deposit of the amount set out in Schedule “A” attached hereto.

5. Conditions

Every Driveway Access Permit is subject to the following conditions:

- a) Construction will be in accordance with the Driveway Access Standards, together with the specifications contained in Schedule “C” attached hereto, as well as any particular conditions which may be set due to site conditions.
- b) Construction shall be completed within 12 months of issuance of the permit.

- c) If the owner of the parcel fails to complete the work within the said period, or fails to construct the driveway access in accordance with the Driveway Access Standards or particular conditions, the work may be completed or reconstructed by the Municipality using the amount of deposit to cover the cost of work. Any cost incurred by the Municipality in excess of the amount of the deposit shall be paid by the owner of the parcel.
 - d) No permit holder shall erect, construct, build, place or maintain on any boulevard, any retaining walls or structures without first obtaining written permission from the Director of Engineering.
 - e) The edge of driveways shall have a clearance of 1.5m from hydro and telephone equipment enclosures and 0.5m from utility service boxes.
 - f) In no case shall a continuous driveway culvert be constructed with more than one type of pipe.
6. a) Notwithstanding section 3.0 of this bylaw, an owner of a parcel of land may apply to the Municipality to construct a driveway access to and from a highway to the parcel and, if the proposed driveway access complies with the standards contained in this bylaw, the actual estimated cost thereof shall be paid by the owner and the Municipality shall construct the driveway access.
- b) The cost of any work performed by the Municipality under sections 5 (c) or 6 (a) hereof shall be deemed to be a charge for work done and the provisions of section 435 of the *Municipal Act* shall apply.
7. Bylaw No. 4020, being the "Highway Access Construction Bylaw, 1977", is hereby repealed except insofar as it repeals any other bylaw.

Includes Bylaw Amendments No. 5638, 7621 and 8266/

SCHEDULE "A"

<u>Type of Driveway Construction</u>	<u>Required Deposit</u>
1. Access or Curbed Roadway	
(a) No sidewalk	
(i) mountable curb	\$300
(ii) non-mountable curb - single width	400
(iii) non-mountable curb - double width	500
(b) With Sidewalk	
(i) non-mountable curb - single width	500
(ii) non-mountable curb - double width or commercial	750
2. Access to Roadway without Curb	
(i) no culvert required	300
(ii) culvert required	750

SCHEDULE “B”

Note: Schedule B that is attached to and forms part of this bylaw is available online at [dwayaccess_sched.pdf](#) or can be made available by contacting the Office of the Municipal Clerk at (250) 475-1775.

SCHEDULE "C"

1. The minimum width of any driveway access is as shown on Standard Drawing R18 for the particular use for which it is intended.
2. The maximum grade of a driveway access is 15%.
3. Every driveway access will be surfaced with asphalt, concrete, mineral aggregate or other approved material.
4. A driveway access will not be permitted within 7.5m of the point of intersection of two highways when they intersect at an angle of 135° or less.
5. A driveway access will not be permitted to a highway where no roadway has been constructed.
6. No driveway access shall be constructed unless it is within the boulevard frontage of the property, unless it is impossible or impractical to comply.
7. Where a parcel of land will be accessed by a driveway which is common to, or constructed through, another parcel of land, no permit for driveway access will be issued until an easement permitting the access is registered in the Land Title Office.
8. Where a Driveway Access will cross a roadside drainage ditch, or watercourse, the minimum size culvert shall be 300 mm. The minimum length of the culvert shall be 6.0 m. Larger and longer culverts may be required and will be determined prior to approval of the Driveway Access Permit. The culvert shall consist of reinforced concrete pipe (ASTM C76, Class V) or equivalent corrugated metal pipe (CGSB 34GP-36) and have mortared rock head walls at the inlet and outlet to protect the pipe.
9. No driveway access will be permitted to block the natural flow of roadside drainage.
10. A driveway access must be extended onto the property to permit off-street parking.