



## **HIGHWAY ACCESS BYLAW**

### **BYLAW NO. 91-038**

This consolidation is a copy of a bylaw  
consolidated under the authority of  
section 139 of the *Community Charter*.  
(Consolidated on June 1, 2015 up to  
Bylaw No. 15-028)

This bylaw is printed under and by  
authority of the Corporate Administrator  
of the Corporation of the City of Victoria.

NO. 91-038

**HIGHWAY ACCESS BYLAW****A BYLAW OF THE CITY OF VICTORIA**

(Consolidated to include Bylaws No. 93-116, 13-081 and 15-028)

to regulate access to highways.

Pursuant to Sections 579(1)(c),(d), and (e), 579(3) and 964 of the Municipal Act, the Municipal Council of the Corporation of the City of Victoria enacts as follows:

1 This bylaw may be cited as the "HIGHWAY ACCESS BYLAW."

2 In this bylaw,

"arterial street"

means a highway which forms a principal transit corridor or a principal truck route and which maximizes traffic movement between neighbourhoods and within the region;

"City Engineer"

means the City Engineer of The Corporation of the City of Victoria or any person designated by him;

"collector street"

means a highway which forms a primary route from local streets to arterials, which collects and disperses traffic to the local street system and which forms a minor transit route or limited truck route;

"commercial crossing"

means a driveway crossing which provides vehicular access to the parking and loading areas of any lot zoned and used for commercial purposes;

"corner lot"

means any lot which abuts at least two highways which intersect each other;

"driveway"

means that portion of a lot that provides access to parking or loading spaces within the lot and is considered to be the extension of the lot's driveway crossing;

"driveway crossing"

means the improved section of a curb, sidewalk or boulevard constructed to provide vehicular access to one or more lots from any highway;

"high density development"

means any residential, hotel, or office development which consists of four or more storeys;

"highway"

includes any 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;

"industrial crossing"

means a driveway crossing which provides vehicular access to the parking and loading area of any lot which is zoned and used for industrial purposes;

"local street"

means a minor highway including a lane which provides for local traffic only, is not a truck route and the capacity of which is low;

"secondary arterial street"

means any highway which forms a transit corridor or a truck route and which maximizes traffic routing between neighbourhoods;

"secondary collector street"

means a highway which collects and disperses traffic within a local street system, is a secondary route from local streets to collectors and secondary arterials and is not a truck route;

"street boundary"

means that boundary of a lot abutting on a highway;

"street line"

means the outside edge of that area designed or intended for use by the general public for the passage of vehicles;

"total highway frontage"

means the sum of all those boundaries of a lot abutting on a highway.

- 3 If a conflict exists between the classification of streets as set out in Bylaw 87-130, the STREETS AND TRAFFIC BYLAW and the definitions in this bylaw, the classification in the STREETS AND TRAFFIC BYLAW shall prevail.
- 4 With the exception of agents, servants or employees of the City acting in the course of their employment, no person shall construct, remove, widen or repair a driveway crossing without first having applied to and received the approval of the City Engineer.
- 5 All applications, with the exception of those applications referred to in Section 11, shall be in the form prescribed in Schedule "A" to this bylaw.
- 6 All applicants shall ensure that the driveway crossing is constructed in accordance with the dimensions prescribed in Schedule "B" to this bylaw.
- 7 All applicants shall comply with the provisions of this bylaw.
- 8 If approval for a driveway crossing has been granted and the applicant has not completed construction of the driveway crossing within one year from the date approval was given, the City Engineer may revoke, in writing, the driveway crossing approval.
- 9 Any person who applies for and obtains a building permit and who requires a driveway crossing shall comply with the provisions of this bylaw.
- 10 The City Engineer may approve a driveway crossing width which exceeds the maximum widths prescribed in Schedule "B" if the vehicles requiring access to the lot require a greater maximum width.
- 11 The City Engineer may approve a driveway crossing width which is less than the minimum widths prescribed in Schedule "B" if the width would cover 25% or more of the street boundary of the lot or if the location of the existing buildings on the lot makes compliance impossible.
- 12 (1) The driveway crossings for all corner lots shall be
  - (a) located at least 8.0 m from the point of intersection of those street boundaries of the lot which are adjacent to the intersection; and
  - (b) sited on the highway having the more minor street classification.

(2) Notwithstanding section 12(1)(b), the City Engineer may, at his or her discretion, approve siting a driveway crossing for a corner lot on a higher classified highway if compliance with Section 12(1)(b) would, in his or her opinion:

  - (a) be impractical due to a lot configuration precluding compliance with 12(1)(a);
  - (b) result in an unsafe crossing;
  - (c) interfere with protected or significant trees as defined by the Tree Preservation Bylaw No. 05-106, or existing infrastructure which cannot be reasonably removed or relocated; or

- (d) result in traffic patterns that are inconsistent with a transportation plan approved by Council, including but not limited to the Greenways Plan, Cycling Master Plan, Pedestrian Master Plan, or the Official Community Plan.

13 No person shall construct a driveway crossing within a bus zone, as designated under the STREETS AND TRAFFIC BYLAW, without the prior written consent of both the British Columbia Transit Authority and the City Engineer.

14 The minimum distance between any commercial crossings and/or any industrial crossings shall be 12.0 m where these crossings provide access to an arterial street, a secondary arterial street or a collector street.

15 Notwithstanding section 21(1), where there is more than one driveway crossing providing access to a lot or to a single development situated on more than one lot, the minimum distance between the driveway crossings shall be 12.0 m unless the driveway crossings accommodate one way traffic, in which case the minimum distance shall be 10.0 m.

16 (1) The surface of a driveway crossing shall have a minimum clearance of 1.2 m measured horizontally from any above ground public, private or municipal utility equipment, any above ground public, private or municipal utility box, and any lamp standard or tree and 1.0 m measured vertically from any below-ground public, private or municipal utility equipment.

(2) All applicants shall be permitted to construct a driveway crossing over public, private or municipal underground utility boxes provided the casting of the utility box is of sufficient thickness to support the traffic which will be using the driveway crossing and provided the applicable public or private utility company has given written approval to do so.

(3) The applicant shall be fully responsible for any relocation or removal of the items listed in subsection (1), including costs, if any.

(4) The City Engineer may relax the minimum clearance required in subsection (1) if the applicable authority has consented in writing to do so.

17 Where vehicular access to a lot will be through an adjoining property, approval to construct a driveway crossing shall not be given until an easement through the adjoining property has been registered in the Land Title Office.

18 An easement required pursuant to the preceding section shall be in a form approved by the City Solicitor and shall contain a covenant in favour of The Corporation of the City of Victoria restricting the use of the easement area to ingress and egress.

19 Where vehicular access to a lot will be through an adjoining property and by way of a driveway crossing which is already in existence, the owner of the lot requiring an easement shall ensure that the driveway crossing conforms to the requirements of this bylaw and that the easement is in a form approved by the City Solicitor and contains a covenant in favour of the Corporation of the City of Victoria restricting the use of the easement area to ingress and egress.

20 A lot that contains, as its only primary use, a single family dwelling, as defined in the Zoning Regulation Bylaw, must not have more than one driveway crossing.

21 (1) Subject to section 20, one driveway crossing is permitted for every 20 m, or portion of every 20 m, of highway frontage, to a maximum of two driveway crossings, for

- (a) a lot; or
- (b) a single development that is on more than one lot and that contains fewer than 100 parking spaces.

(2) The City Engineer may permit an additional driveway crossing which provides a drive through drop-off and pick-up area to a high density development on a lot that fronts on more than one highway.

22 A lot or a single development which is situated on more than one lot which has 100 or more parking spaces may have one driveway crossing for each 30.0 m of total highway frontage or portion thereof, to a maximum of three driveway crossings.

23 The City Engineer may permit an additional driveway crossing to a lot or to a single development located on more than one lot in order to provide emergency access or to provide access to a separate off-street loading area.

24 The City Engineer shall not issue permission for the construction of a driveway crossing until the owner of the lot has provided a paved driveway from the street line into the lot for a minimum distance of 6.0 m.

25 The grade of all driveway crossings from the street line to the street boundary shall not exceed 10%.

26 The grade of that portion of a driveway measured from the street boundary for a distance of 6.0 m into the lot shall not exceed

- (a) 3% for any lot which is zoned or used for commercial or industrial purposes;
- (b) 6% for any lot which is zoned or used for residential purposes on any street other than a local street;
- (c) 8% for any lot which is zoned or used for residential purposes on any local street.

27 (1) The City Engineer may relax the grades in sections 25 and 26, up to a maximum of 15%, if the applicant is unable to comply due to limitations which are specific to the lot.

(2) This relaxation shall not apply to claims of hardship on the part of the applicant.

28 No person shall erect, construct, plant or maintain, within the area shown in heavy outline in Schedule "C", any structure, landscaping, fencing or any other thing which exceeds 1.0 m in height, as measured from that point at the centre of the driveway

where the driveway intersects the street boundary, such that it creates a safety hazard on the adjacent highway.

- 29 Any person who contravenes any provision of this bylaw is liable upon conviction to a penalty of not less than \$25.00.
- 30 Section 72 of Bylaw 87-130, the STREETS AND TRAFFIC BYLAW, is repealed.
- 31 Section 12(i) of Schedule "C" of Bylaw 80-159, the ZONING REGULATION BYLAW, is repealed.

Passed and received third reading by the Municipal Council the 25<sup>th</sup> day of July 1991.

Reconsidered and adopted by the Municipal Council the 8<sup>th</sup> day of August 1991.

**"MARK JOHNSTON"**  
CITY CLERK

**"MARTIN SEGGER"**  
ACTING MAYOR

## Schedule "A"

**Corporation of the City of Victoria  
ENGINEERING DEPARTMENT**

**Application Form - Driveway Crossings**

(pursuant to Bylaw 91-38)

Application No. _____	
APPLICANT	Name: _____
	Address: _____
	Telephone No.: _____
	<input type="checkbox"/> property owner <input type="checkbox"/> property occupant

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

- construct a new driveway crossing.
- remove, widen or repair an existing driveway crossing.
- other. Describe: \_\_\_\_\_

on \_\_\_\_\_ Street to provide access to the following property.

Address: _____
Legal Description: _____

- request City to provide a firm quote of the costs to construct the driveway crossing or other work described above.
- authorize City to do complete installation of driveway crossing or other work as described above.
- request approval for private contractor to install concrete portion of driveway crossing or other work described above.

Contractor's name: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

OFFICIAL USE	
ESTIMATE	Concrete portion (includes excavation, preparation) \$ _____
	Miscellaneous (paving, boulevard, trees, etc.) \$ _____
	Total \$ _____
This application is approved subject to the conditions outlined on the reverse side of this form.	
Approved by: _____	Date: _____
Note: This application is not a construction permit and does not authorize commencement of this work.	

Form 7  
March 1991

### INSTRUCTIONS TO APPLICANT

An area plan to a scale of 1 : 2 000 showing the location of the site in relation to the surrounding street system and a site plan to a scale of 1: 2 000, in a form substantially similar to the City's Engineering Design Drawing Standard EI-1002, shall accompany this application and shall provide the following information:

- the building in relation to the property lines,
- existing and proposed parking areas within the property completely dimensioned,
- existing driveway crossings to remain (using solid lines) and indicate existing driveway crossings to be removed (using dashed lines),
- detail within the street fronting the property e.g. trees, utility poles, boulevard services, castings, hydrants, lamp standards, transit facilities, etc.,
- offsets and dimensions of sidewalks, boulevards and curbs,
- proposed driveway and parking area grades,
- zoning and existing use of property,
- dimensions from the edge of the driveway crossing to utility equipment.

### GENERAL INFORMATION

- If the applicant wishes the City to do the complete installation of the driveway crossing he shall sign a xeroxed copy of the application in the appropriate location on the front page and return it to the Engineering Technician.
- An approved private contractor may be permitted to excavate, form and pour only the concrete portion of the driveway crossing. Contractors are required to obtain approval from the Engineering Department prior to commencement of work. You may submit a tentative list of private contractors for our consideration and approval once this application has received approval.
- If the applicant wishes to hire a private contractor to install the concrete portion of the driveway they must arrange a site meeting with the Engineering Technician and all interested contractors to discuss the scope of the work prior to their bids being submitted to the applicant.
- If you decide to hire a private contractor to install the concrete portion of the driveway you will be required to provide payment to the City to pay for the miscellaneous items in the estimate prior to the commencement of any construction.
- Prior to the commencement of any work to be performed by a contractor 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 contractor's portion of the work as a guarantee that the work will be performed to City standards and specifications.

### OFFICIAL USE

#### CONDITIONS OF APPROVAL

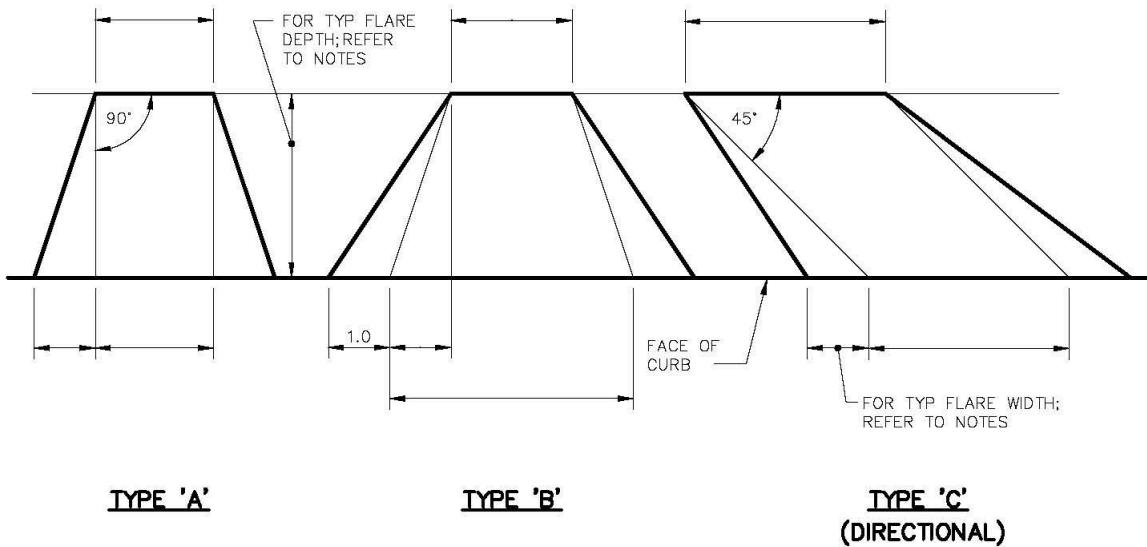
- Construction shall not commence until construction approval has been granted by the City of Victoria.
- The applicant agrees to abide by all the relevant City regulations and bylaws pertaining to driveway crossings and onsite parking.
- Approval may be invalidated if information supplied by the applicant is found to be incorrect.
- This approval terminates one year from the date of its issuance.

## SCHEDULE "B" (HIGHWAY ACCESS BYLAW 91-38)

TABLE - STANDARD WIDTHS FOR DRIVEWAY CROSSINGS

LAND USE	STREET CLASSIFICATION	NO. OF PARKING STALLS	DRIVEWAY VEHICLE CAPACITY	DRIVEWAY TYPE	CROSSING WIDTH (W)	
					* MIN.	MAX.
COMMERCIAL OR INDUSTRIAL	ALL	N/A	ONE	B	5.0m	7.0m
		N/A	TWO	B	9.0m	11.0m
RESIDENTIAL **	ARTERIAL; SECONDARY ARTERIAL	4 OR LESS	ONE	B	3.5m	5.0m
		GREATER THAN 4	TWO	B	6.0m	7.0m
	COLLECTOR; SECONDARY COLLECTOR; LOCAL	10 OR LESS	ONE	A	3.5m	4.5m
		GREATER THAN 10	TWO	A	5.5m	6.0m
ALL	ALL	N/A	ONE	C	6.0m	9.0m

\* REFER TO BYLAW NO. 91-38; HIGHWAY ACCESS BYLAW, PARAGRAPH 10 AND 11  
 \*\* IF THE LAND USE IS A COMBINATION OF COMMERCIAL OR INDUSTRIAL WITH RESIDENTIAL THEN THE PERMITTED DRIVEWAY CROSSING WIDTH (W) SHALL BE ACCORDING TO THE COMMERCIAL OR INDUSTRIAL REQUIREMENTS

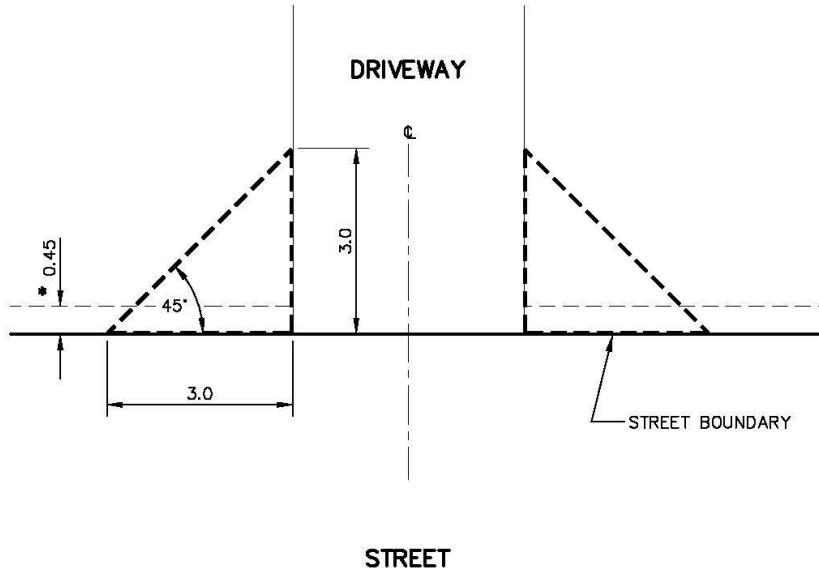


**NOTES:**

- 1 FLARE DEPTHS SHALL BE 3.0m UNLESS OTHERWISE APPROVED BY THE CITY ENGINEERING DEPARTMENT.
- 2 FLARE WIDTHS SHALL BE 1.0m WIDE AT FACE OF CURB UNLESS OTHERWISE APPROVED BY CITY ENGINEERING DEPT.
- 3 DRIVEWAY CROSSING WIDTHS (W) SHALL BE CALCULATED TO THE NEAREST 0.5m INCREMENT.
- 4 FOR CONSTRUCTION DESIGN CRITERIA REFER TO CITY ENGINEERING SPECIFICATIONS PART 2 AND DETAIL DRAWING STD215.

DATE	REVISION DESCRIPTION	APP'D
CORPORATION OF THE CITY OF VICTORIA		
TITLE		
TYPICAL DRIVEWAY CROSSINGS		
ENGINEERING DEPARTMENT		
	SCALE AS NOTED	SHT. NO. 1 OF 1
	DATE 91/03/19	DRAWING NUMBER
	APP'D BY E.I.	TA-64

**SCHEDULE "C"**  
**HIGHWAY ACCESS BYLAW 91-38**



\* PURSUANT TO S.3 OF THE TREES AND INSECT CONTROL BYLAW,  
 NO PERSON SHALL PLANT ANY TREE, SHRUB, BUSH OR HEDGE  
 CLOSER THAN 0.45m TO THE STREET BOUNDARY.

DATE	REVISION DESCRIPTION	APP'D
CORPORATION OF THE CITY OF VICTORIA		
TITLE		
TYPICAL DRIVEWAY SIGHT LINE CLEARANCE		
ENGINEERING DEPARTMENT		
	SCALE AS NOTED	SHT. NO. 1 OF 1
	DATE 91/06/03	DRAWING NUMBER
	APP'D BY E.I.	TA-70