


POLICY

	Policy:	Driveway Alteration or Installation Policy		
	Department:	Engineering and Public Works		
	Division:	Engineering	By-Law No.:	N/A
	Administered By:	Manager of Engineering	Approval Date:	Dec. 14, 2020
	Replaces:	N/A		
	Attachment(s):	1. <i>Right-of-Way Application Form</i> 2. <i>By-Law 2018-061, Right of Way By-Law</i>		

1. POLICY STATEMENT

The Corporation of the Town of Amherstburg is committed to the safe access and egress through the Town's Right of Way to private properties. This policy outlines the requirements and standards for driveways.

2. PURPOSE

2.1. This policy ensures property owners construct driveways as specified by the Corporation.

3. SCOPE

3.1. This policy applies to all new and modified residential, commercial, industrial and institutional driveways; with or without curb cuts and culverts located on municipal roads within the Town of Amherstburg.

3.2. This policy shall represent the standards and specifications for driveways.

3.3. This policy shall be reviewed every five (5) years from the date it becomes effective, and/or sooner at the discretion of the CAO or designate.

4. DEFINITIONS

4.1. **Abandoned Driveway** refers to a driveway that no longer serves to connect a private property to the travelled roadway by virtue of the fact that the driveway surface has been removed and/or the private property has been altered such that a vehicle cannot fully enter onto the private lands and/or alternate means of access has been approved.

4.2. **Alteration** refers to the actions of removal, replacement, widening, narrowing or abandoning.

4.3. **Driveway** refers to an access within the municipal right-of-way facilitating or supporting vehicular travel (continuous, intermittent or temporary) between the travelled roadway and a private property.

Common definitions, acronyms, and terms are available in the Glossary located on the Town's Policies webpage.

5. INTERPRETATIONS

Any reference in this policy to any statute or any section of a statute shall, unless expressly stated, be deemed to be reference to the statute as amended, restated or re-enacted from time to time. Any references to a by-law or Town policy shall be deemed to be a reference to the most recent passed policy or by-law and any replacements thereto.

6. GENERAL CONDITIONS

6.1. Installation or Alteration of Driveways

6.1.1. Permits for any installation or alteration of driveways within the municipal right-of-way are mandatory.

6.1.2. All permits shall comply with all applicable by-laws, policies and regulations.

6.2. Terms and Conditions

A permit for the installation or alteration of a driveway will be subject to the following terms and conditions:

6.2.1. All work must be completed within two (2) years of permit issuance or the permit will lapse and be revoked.

6.2.2. Terms and conditions on installation and alteration work:

- a. All work is to be built to the standards of the Town of Amherstburg, all applicable legislation, regulations, and permit conditions;
- b. The applicant must not commence any work until the permit is issued;
- c. The applicant must request and receive locates for all underground utilities prior to commencing work;
- d. The applicant must provide 24 hours' notice to the corporation prior to commencing work; and,
- e. A traffic management plan in accordance with Book 7 Temporary Conditions of the Ontario Traffic Manual, where required, must be submitted 24 hours' prior to the work commencing;

6.2.3. All driveways within the municipal right-of-way shall connect to a driveway within a private lot to provide access/egress to private property. The portion of the driveway on the municipal right-of-way shall not be used to perform any other function, including parking of vehicles or storage of materials and equipment.

- 6.2.4. All driveways must conform to the Zoning By-law requirements, save and except driveways which provide public utility access to roadside equipment.
- 6.2.5. A driveway permit may not be issued where the installed or altered driveway does not provide suitable sightline clearance at the entry point into the road allowance.
- 6.2.6. Every driveway located within the municipal right-of-way is provided for the sole purpose of servicing the private lands and shall be maintained in good service condition.
- 6.2.7. All risk, responsibility and expense associated with any driveway located on any municipal right-of-way is the responsibility of the serviced property owner.
- 6.2.8. No driveway shall meet the travelled portion of the road allowance at an angle of less than sixty degrees (60°).
- 6.2.9. Abandoned driveways shall be removed from within the municipal right-of-way and the right-of-way reinstated by the property owner to the satisfaction of the Director of Engineering and Public Works (or designate). The cost of such removal and reinstatement work shall be at the sole expense of the property owner.
- 6.2.10. Driveways within the municipal right-of-way shall have a positive slope between 1% min. and 8% max.
- 6.2.11. Negative driveway slopes are not permitted within the urban municipal right-of-ways and are discouraged on private property due to storm water and drainage issues.
- 6.2.12. The Director of Engineering and Public Works (or designate) may direct the removal or alteration of any driveway (including any abandoned driveway location) within the municipal right-of-way which has not been:
 - a. Permitted;
 - b. Installed or altered in accordance with the permit issued; or,
 - c. Maintained in a good service condition.
- 6.2.13. In the event the permit holder refuses or fails to complete the driveway works as approved, remove a non-permitted driveway or to properly remediate an abandoned driveway location as directed by the Director of Engineering and Public Works (or designate), the Director of Engineering and Public Works (or designate) is hereby authorized to remove the driveway and/or perform the remediation works as deemed necessary. All costs incurred by the Town in performing such work shall be added to the tax roll of the property owner and collected in the same manner as taxes.
- 6.2.14. The Town reserves the right to alter or close (temporarily) any driveway with advance notice except in the case of unplanned emergency work where appropriate notice cannot be reasonably given. This right also extends to

authorized service providers (utilities) operating within the municipal right-of-way. Any work which requires the disruption of an existing driveway by the Town or an authorized service provider shall be reinstated to its pre-disturbed condition or better; however, recognizing that there may be variations in colour between new and aged material and that such variations will be deemed acceptable. The limit of reinstatement shall be between the edge of the road and the municipal right-of-way or where the municipal sidewalks are present, between the edge of the road and the municipal sidewalk.

6.3. Maximum Number of Driveways

- 6.3.1. For residential lots, a maximum of one driveway per lot is permitted. The driveway may cross a front lot line or flankage lot line (but not both lot lines unless approved by the Director of Engineering and Public Works or designate).
- 6.3.2. Notwithstanding 6.3.1, there shall only be one driveway permitted in any residential zone, other than the R1A Zone where two driveways may be permitted based on a minimum of 30 metres of frontage on the streetline. Two driveways are permitted for multiple residential unit buildings.
- 6.3.3. Notwithstanding 6.3.1, where a residential circular driveway is proposed and meets the criteria set out in the section 6.7 on circular driveways below, a second driveway on the same frontage will be allowed.
- 6.3.4. For agricultural uses, driveways to parking areas shall be provided from an approved street by means of one or more unobstructed driveways not less than 3 metres in width and not more than 10 metres in width. The maximum number of driveways shall be not more than two driveways for the first 100 metres of lot frontage plus one driveway for each additional 100 metres of lot frontage thereafter.
- 6.3.5. For commercial, industrial and institutional properties, the number of driveways and physical properties shall be approved through the site plan application process.

6.4. Driveway Width

The calculation of driveway width shall apply at the lot line and additionally where the driveway meets the travelled portion of the road.

- 6.4.1. The minimum width of a driveway shall be 3.0 metres.
- 6.4.2. The maximum width of a driveway within the municipal right-of-way shall be:
 - a. For lots with frontages less than 15.24 metres, maximum of 50% of the lot frontage.
 - b. For lots with frontages larger than 15.24 metres, the maximum driveway width shall be 7.62 metres.

- c. Commercial, industrial and institutional; as per Ontario Provincial Standard Drawing (OPSD) 350.010.
- 6.4.3. Notwithstanding 6.4.2 and 6.7.2, the Director of Engineering and Public Works may review maximum allowable driveway widths for residential properties on a case by case basis.
- 6.4.4. Notwithstanding 6.4.2, driveway widths for cul-de-sac lots with reduced frontage will be reviewed by the Director of Engineering and Public Works on a case by case basis.
- 6.4.5. Notwithstanding 6.4.1, one walkway access material may be connected to the side of a driveway. The maximum width of the walkway access at the point of attachment shall be 1.5 metres, however the combined width of the driveway and the sidewalk shall not exceed 50% of the lot frontage. The walkway shall terminate at the municipal sidewalk (private side) or property line if there is no sidewalk. No additional curb cut will be allowed for a walkway.
- 6.4.6. Driveway banding curbs are allowed on either side of a driveway. All driveway banding curbs shall:
 - a. Be set flush with the top of the sidewalk elevation within 300 mm, either side of the sidewalk.
 - b. On an urbanized roadway, be set flush with the top of roadway curb elevation where the driveway curb connects to the municipal curb along the edge of roadway.
 - c. On a rural roadway, terminate at the start of the shoulder area or a minimum of 1.0m back from the edge of pavement (where shoulders are less than 1.0m in width) and be tapered over a distance of 300mm prior to the termination point so as to avoid blunt terminations.

6.5. Driveway Setbacks

- 6.5.1. The minimum distance between a point of intersection of street lines, (such point of intersection being determined in the manner set out the Town's Zoning By-law definitions for sight triangle), and a driveway providing access to a lot from an improved street, measured along the street line intersected by such driveway, shall be 8 metres.

6.6. Hammerhead Driveways

- 6.6.1. A driveway with a hammerhead turnaround shall be permitted on lots or parcels having frontage greater than 15.24 metres provided that where it is located in the front yard, the driveway area remains less than 50% of the lot frontage.

6.7. Circular Driveways

- 6.7.1. A circular driveway shall be permitted on lots or parcels having frontage greater than 30 metres.
- 6.7.2. The maximum cumulative width of the driveway entrances, measured at the point of crossing the property line (front or flankage) shall be 7.62 metres.
- 6.7.3. The minimum separation distance between two driveway entrances on the same lot that cross the same lot line, measured at the property line, shall be a minimum of 7 metres.

6.8. Culverts

- 6.8.1. In ditched right-of-ways, driveway culverts are required, other than at highpoints. All culverts shall be new; corrugated/ribbed steel (CSP) or High Density Polyethylene 320 KPA (Boss 2000) pipe; diameter and length to be specified on the permit.
- 6.8.2. Culverts shall be backfilled with a minimum compacted base of 100 mm of Granular "A" and cover of 150 mm Granular "A."
- 6.8.3. Driveway side slopes should be graded to a maximum of 1.5:1 from the entrance platform to the ends of the culvert invert at the bottom of the ditch with gabion stone. Headwalls may also be approved at the Town's discretion.
- 6.8.4. Driveways installed over Municipal Drains shall be installed in accordance and through the procedures of the Drainage Act.

6.9. Curb Depressions, Curb Cuts and Sidewalks

- 6.9.1. The municipal sidewalk and roadway curb shall be continuous through all driveways, except in instances where the driveway operates as part of a signalized intersection.
- 6.9.2. Curb depressions/cuts are to be the same width as the driveway, as indicated in this policy.
- 6.9.3. For installations/alterations of residential driveways, curb cutting may be permitted where an approved curb cutting contractor is used.

6.10. Driveway Surface, Materials and Construction

- 6.10.1. All driveway aprons constructed within the Town's urban right-of-ways shall be surfaced with a hard homogenous surface material such as; asphalt, concrete, interlocking bricks, etc.
- 6.10.2. Compacted granular base for a residential driveway within the right-of-way shall be 150mm (6") min. of Granular "A."

- 6.10.3. Concrete shall be 125mm (5") thick with no wire mesh located within the Town's right-of-way.
- 6.10.4. Compacted hot-mix asphalt for a residential driveway shall be 75mm (3") min. Other materials may be used as approved.
- 6.10.5. Only asphalt surfaces, crushed stone or gravel shall extend to the road edge where curbs are not present. Concrete brick and other hard surfaces shall terminate at a point as not to interfere with winter operations.
- 6.10.6. Fencing, gates, curb, pillars, headwalls, etc. shall not be constructed or installed in the right-of-way unless approved by the Town.

6.11. Insurance and Security

- 6.11.1. Where a permit for a driveway is issued, securities are required for the protection of municipal property, including but not limited to the road surface, curb, sidewalk, etc. The required securities, as determined by the Town, shall be held by the Town until all works have been completed and inspected by the Town.
- 6.11.2. Where a contractor is employed to construct or modify a driveway, a copy of the contractor's insurance certificate is required with the Town of Amherstburg as identified as co-insured.
- 6.11.3. Before receiving a driveway permit, the applicant shall agree in writing to indemnify fully and save harmless the Town of Amherstburg, its officers, agents and employees from and against any and all actions, claims, demands, damage, loss or expense whatsoever arising from or incidental to the issuing of such permission, for the installation/alteration of any part of the municipal right-of-way in any respect whatsoever necessary to provide the permitted driveway.

7. RESPONSIBILITIES

- 7.1. **Council** has the authority and responsibility to:
 - 7.1.1. Approve the *Driveway Alteration or Installation* Policy.
- 7.2. The **CAO** has the authority and responsibility to:
 - 7.2.1. Review and propose revisions to the *Driveway Alteration or Installation* Policy.
- 7.3. The **Director of Engineering and Public Works** has the authority and responsibility to:
 - 7.3.1. Ensure compliance with the *Driveway Alteration or Installation* Policy.
 - 7.3.2. Order driveways to be remediated or removed.
 - 7.3.3. Approve the driveway width for cul-de-sac lots.
 - 7.3.4. Review second driveways requests on front lot line or flankage lot lines.
 - 7.3.5. Review and authorize, where the Director deems necessary, requests for exceeding the maximum allowable residential drive-way width.

- 7.4. The **Manager of Engineering** has the authority and responsibility to:
 - 7.4.1. Implement the *Driveway Alteration or Installation* Policy.
- 7.5. **Staff** have the authority and responsibility to:
 - 7.5.1. Abide by the *Driveway Alteration or Installation* Policy.

8. REFERENCES AND RELATED DOCUMENTS

- 8.1. By-Law 2018-061, Right of Way By-Law
- 8.2. *Ontario Traffic Manual*
- 8.3. *Ontario Provincial Standard Drawings*