

STREET ACCESS BYLAW

EFFECTIVE June 11, 2008

BEING A BYLAW OF THE CITY OF CHARLOTTETOWN WITH RESPECT TO ACCESS OF PUBLIC STREETS, PURSUANT TO THE PROVISIONS OF SECTION 64 OF THE *CHARLOTTETOWN AREA MUNICIPALITIES ACT*, R.S.P.E.I., 1988, CAP. C-4.1.

BE IT ENACTED BY CITY COUNCIL OF THE CITY OF CHARLOTTETOWN AS FOLLOWS:

PART I: SHORT TITLE

1. 1.1 This bylaw shall be known and cited as "**Street Access Bylaw**".

PART II: DEFINITIONS

2. 2.1 For the purposes of this bylaw, the following phrases, terms, words, and their derivations shall have the meaning given herein. When not consistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.
- 2.2 "**Applicant**" is any person making written application to the City of Charlottetown for private access to a public street.
- 2.3 "**City**" is the City of Charlottetown.
- 2.4 "**City Council**" or "**Council**" is the City Council of the City of Charlottetown.
- 2.5 "**Committee**" is the Police and Bylaw Enforcement Committee.
- 2.6 "**Limited Access Route**" is a Street designated to be of considerable importance in the traffic network of the City and upon which the City will attempt to limit access so as to ensure proper flow.
- 2.7 "**Person**" is any person, firm, partnership, association, corporation, company or organization of any kind.
- 2.8 "**Property Owner**" is the person identified by the *Real Property Assessment Act*, R.S.P.E.I. 1988, Cap. R-4 as the owner
- 2.9 "**Street**" is any street, highway, sidewalk, alley, avenue, or other public way or public grounds in the City.

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PART III: STATUS

3. 3.1 Persons seeking to modify an existing access or create a new access to a public Street within the City shall first obtain permission to do so. The purposes of the approval process are to control access points in the management of traffic and to ensure safe and effective traffic flow.
- 3.2 Intensification of property use under an existing zoning designation and with existing accesses may be cause for the City to review access permissions.
- 3.3 Streets listed in Appendix “A” shall be considered Limited Access Routes and access changes to those streets shall be approved by the Committee.
- 3.4 Streets listed in Appendix “B” are Provincially controlled and access changes to those streets shall be approved by the Province.

PART IV: POLICE AND BYLAW ENFORCEMENT COMMITTEE

4. 4.1 The Police and Bylaw Enforcement Committee of the City Council is hereby authorized and empowered:
 - (a) to, in consultation with PublicWorks, Planning and/or other City departments, approve or deny Street access changes within the City of Charlottetown;
 - (b) to designate any Street within the City of Charlottetown, as a Limited Access Route;
 - (c) to assign the right to approve any request except for a Limited Access Route.

PART V: APPLICATION

5. 5.1 No street access shall be created, widened or moved unless a written application is submitted and approved by the Committee or its assigns. The written application shall state the name and address of the Applicant; the nature, location and purpose of the access change; the date the proposed change shall occur; and any other information that may be reasonably required by the Committee.
- 5.2 Where the application requires the involvement of the Planning Department of the City, the application shall be accompanied by a plan detailing the current and requested access locations, property boundaries or nearby street intersections.

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- 5.3 Any access application received through the Planning Department shall be forwarded to the Committee for review.
- 5.4 If the Applicant is not the registered Property Owner, a letter of consent from the Property Owner must accompany the application.

PART VI: APPROVAL

- 6. 6.1 It is the duty and responsibility of the Committee to:
 - (a) Have staff review applications for altered or new accesses;
 - (b) Determine the applications that the staff can approve and the applications that will require the Committee's approval.
- 6.2 Applications for access changes on Limited Access Routes must be reviewed and approved by the Committee.

PART VII: GUIDELINES FOR APPROVALS

- 7. 7.1 Access from a land parcel to an adjacent street is not a property right. An access must not significantly impact traffic flows of the street network and/or potentially cause hazardous traffic situations. The City shall work to allow access to the public streets; however, the City must give appropriate consideration to impacts on safe and efficient traffic flows on the street.
- 7.2 In determining if access shall be approved, the following factors shall be considered:
 - (a) The existing property accesses available;
 - (b) The accesses of properties on the street;
 - (c) The potential loss of parking in an urban area;
 - (d) The distance to adjacent intersections or accesses;
 - (e) The anticipated volume of traffic on the street, as well as volumes anticipated using the access to the property and using accesses to adjacent properties;
 - (f) Traffic sightlines;
 - (g) Posted speed limits;

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- (h) Alternate property accesses possible; and
- (i) The interests of the City in providing traffic flows on the streets.

PART VIII: LIABILITY

- 8. 8.1 The City of Charlottetown shall not be held liable for access to any street which may affect any of the abutting property owners or any other person on the street, providing that the access has considered the general interest of the public and the property owner.

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APPENDIX “A”

LIMITED ACCESS ROUTES

The following are street sections deemed to be of considerable importance in the City’s traffic network and upon which the City shall attempt to limit access to ensure proper traffic flow. Persons seeking access on these street sections should be aware that all other options for property access may be required to be pursued before access is allowed. In some cases, an existing parcel may not be feasible for direct access to the adjacent public street.

| Street Name | From | To |
|---------------------|-------------------|-----------------------------|
| Allen St | University Ave | St Peters Rd |
| Belvedere Ave | Brackley Pt Rd | North River Rd |
| Brackley Pt Rd | Belvedere Ave | northern City boundary |
| Capital Dr | University Ave | Upton Rd |
| Grafton St | Riverside Dr | Edward St |
| Kensington Rd | Esher St | Riverside Dr |
| Lr Malpeque Rd | Capital Dr | Melody Ln (City boundary) |
| Malpeque Rd | Capital Dr | Perimeter Highway |
| Melody Ln | Lr Malpeque Rd | Malpeque Rd |
| Mt Edward Rd | St Peters Rd | Sherwood Rd |
| North River Rd | Capital Dr | Brighton Rd |
| Royalty Rd | Lr Malpeque Rd | north-west City boundary |
| Royalty Junction Rd | Winsloe Rd | eastern boundary |
| Sherwood Rd | Brackley Pt Rd | Lr Malpeque Rd |
| St Peters Rd | Perimeter Highway | Mt Edward Rd |
| Water St | Grafton St | Weymouth St |
| Winsloe Rd | Malpeque Rd | Campbell Rd (City boundary) |
| University Ave | Capital Dr | Grafton St |
| Upton Rd | Perimeter Highway | Royalty Road |

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APPENDIX “B”

PROVINCIAL ROAD NETWORK

The following are street sections within the boundaries of the City of Charlottetown but under ownership and control of the Province as part of the Provincial road network. Access to these street sections shall be through the approval of the Province.

| Street Name | From | To |
|------------------------------|---------------------|-----------------------|
| Hillsborough Bridge approach | Hillsborough Bridge | Riverside Dr |
| Riverside Dr | Bridge approach | St Peters Rd |
| Perimeter Highway | St Peters Rd | Upton Rd |
| Upton Rd | Perimeter Highway | Capital Dr |
| Capital Dr | Upton Rd | North River bridge |
| Sleepy Hollow Rd | Lr Malpeque Rd | Royalty Rd (boundary) |
| St Peters Rd | Perimeter Highway | east-bound |
| Malpeque Rd | Perimeter Highway | west-bound |
| Lr Malpeque Rd | Melody Ln | Fox Run Dr |

STREET ACCESS BYLAW Summary of Amendments

| Amendment Summary | Previous Wording | Amendment Detail | 1st Reading | 2nd Reading | 3rd Reading |
|---|------------------|------------------|-------------|-------------|-------------|
| To introduce new bylaw to regulate access to public streets | | | 09-Jun-08 | 09-Jun-08 | 11-Jun-08 |
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