

# Town of Creston

## Bylaw No. 1981

A bylaw to regulate the provision and maintenance of access to private property.

WHEREAS it is deemed necessary and in the public interest to create a bylaw to regulate the provision and maintenance of access to private property;

NOW THEREFORE, the Council of the Town of Creston, in open meeting assembled, enacts as follows:

### Part 1 Citation

1.1 This Bylaw may be cited as “Property Access Bylaw No. 1981, 2024”.

### Part 2 Severability

2.1 If a portion of this Bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause, or phrase.

### Part 3 Previous Bylaw Repeal

3.1 Town of Creston Bylaw No. 763, cited as “Property Access Bylaw No. 763, 1977”, and all amendments thereto, are hereby repealed.

### Part 4 Definitions

“**Approving Officer**” means the person appointed as an Approving Officer for the Town of Creston.

“**Director of Infrastructure Services**” means a person appointed by the Town of Creston as the Director of Infrastructure Services, or their designate.

“**Driveway**” means the extension of a Driveway Access from the property line to the desired location on the subject property.

“**Driveway Access**” means that part of a Public Street or Lane or Highway and the adjoining property line which is improved to allow vehicular access to the property.

“**Driveway Access Permit**” means a Permit issued pursuant to this Bylaw.

“**Exterior Side Lot Line**” means Exterior Side Lot Line as defined in the Town of Creston’s Zoning Bylaw, as amended from time to time.

“**Front Lot Line**” means Front Lot Line as defined in the Town of Creston’s Zoning Bylaw, as amended from time to time.

“**Highway**” means Highway 3, Highway 3A, Highway 21, or Erickson Road, for the purposes of this Bylaw.

**“Highway Access Permit”** means a permit provided by the British Columbia Ministry of Transportation and Infrastructure.

**“Public Lane”** means a public lane, alley, or other thoroughfare, which affords a secondary means of vehicular access to a lot, at the side or rear of the property.

**“Public Street”** means a street or Provincial Highway or other thoroughfare intended for vehicular use.

**“Property Owner”** means the person or persons registered in the books of the Land Title Office as the owner of the parcel.

**“Road Frontage”** means the road right of way abutting the Front Lot Line of a lot.

**“Town”** means the Town of Creston.

**“Zoning Bylaw”** means the Town of Creston Zoning Bylaw No. 1958, 2022, as amended from time to time.

## **Part 5 Conditions**

- 5.1 Subject to Part 6, no person shall construct or restore a Driveway Access unless they hold a valid and subsisting Driveway Access Permit, issued by the Director of Infrastructure Services.
- 5.2 Where a Driveway Access adjoins a Highway, the Property Owner must hold a valid and subsisting Highway Access Permit.

## **Part 6 Construction**

- 6.1 All driveways must be constructed in accordance with the Town of Creston’s Works and Services Bylaw No. 1170, 1990, as amended from time to time.
- 6.2 Driveway Accesses must be located at the curb parallel to the Front Lot Line.
- 6.3 A Driveway must extend onto the lot to allow for off-street parking.
- 6.4 If a Driveway is decommissioned, all Driveway Accesses must be restored to match current standards and site conditions, as determined by the Director of Infrastructure Services.
- 6.5 All lots are limited to one (1) Driveway Access, unless specifically approved for a secondary Driveway Access by the Director of Infrastructure Services.
- 6.6 In no case shall any lot be permitted more than two (2) Driveway Accesses.
- 6.7 Notwithstanding Section 6.2 and Section 6.5, where a lot’s access is limited to a Public Lane, a person may apply for a primary Driveway Access Permit to access their property from the Public Lane, subject to the approval of the Director of Infrastructure Services.

- 6.8 Notwithstanding Section 6.2 and Section 6.5, where a property is accessible by both a Public Lane and a Public Street, a person may apply for a secondary Driveway Access to the Public Lane, subject to approval by the Director of Infrastructure Services.
- 6.9 Notwithstanding Section 6.2 and Section 6.5, where a property is considered a corner lot, a person may apply for a secondary Driveway Access to access the property from the curb parallel to the Exterior Side Lot Line, subject to approval by the Director of Infrastructure Services.
- 6.10 In no case shall a Driveway Access exceed a width of 7 metres in Residential or Commercial Neighbourhood Zones, as defined in the Town of Creston Zoning Bylaw.
- 6.11 In no case shall a secondary Driveway Access be larger in width than a primary Driveway Access.
- 6.12 All Driveway Access construction on public property, including culvert installation and restoration, must be completed by the Town or a qualified professional approved by the Town.
- 6.13 The removal of a Driveway Access, including restoration of a sidewalk, curb, gutter, and vegetation, shall be at the expense of the Property Owner.
- 6.14 When constructing or removing a Driveway Access, the Property Owner is responsible for all expenses, including, but not limited to, Town labour, materials, professional surveys, and legal expenses.
- 6.15 The Town of Creston may, as a condition of issuing a Driveway Access Permit, require culvert installation.
- 6.16 The Director of Infrastructure Services may, as a condition of issuing a Driveway Access Permit, require the Property Owner to supply and install an approved catch basin, drywell, or related infrastructure, on the property for the purposes of intercepting surface run-off from the owner's property.
- 6.17 The Town of Creston may, as a condition of issuing a Driveway Access Permit, require the Property Owner to supply the Town with a financial security as a guarantee that such driveway access will be constructed in accordance with the Driveway Access Permit.
- 6.18 When constructing a Driveway Access as a result of subdivision, all Driveway Access conditions shall be addressed at the time of subdivision and must be approved by the Approving Officer.

## **Part 7 Application Requirements**

- 7.1 An application for a Driveway Access Permit shall be made to the Director of Infrastructure Services and shall be executed in writing by the Owner(s) of the site that is the subject to the Application.
- 7.2 If there is a change of ownership of a Site that is the subject to an existing Application, the Applicant must promptly provide an updated title certificate and written authorization from the new Owner, and the Director of Infrastructure Services may delay proceeding further with the Application until this information and authorization is provided.

- 7.3 An application for a Driveway Access Permit shall:
- 7.3.1 be submitted to the Director of Infrastructure Services, received by Town staff, in the form prescribed by the Director of Infrastructure Services, which shall be made available on the Town's website, and
  - 7.3.2 include all information required by the form and the Director of Infrastructure Services pursuant to this Bylaw; and
  - 7.3.3 be accompanied by all relevant fees as outlined in Fees and Charges Bylaw No. 1763, 2011, as amended from time to time, made payable to the Town.

## **Part 8 Effective Date**

- 8.1 This Bylaw shall come into full force and effect upon adoption.

READ A FIRST TIME by title and SECOND TIME by content this 23<sup>rd</sup> day of January, 2024.

READ A THIRD TIME by title this 23<sup>rd</sup> day of January, 2024.

ADOPTED this 13<sup>th</sup> day of February, 2024.

"Arnold DeBoon"  
Mayor Arnold DeBoon

"Kirsten Dunbar"  
Kirsten Dunbar, Corporate Officer