

Cape Breton Regional Municipality

General Committee

On Planning & Economic Development

WORKSHOP AGENDA

DECEMBER 4, 2018

9:30 A.M.

Council Chambers
2nd Floor, City Hall
320 Esplanade, Sydney, NS

Cape Breton Regional Municipality

General Committee On Planning & Economic Development Workshop

**December 4, 2018
9:30 a.m.**

WORKSHOP AGENDA ITEMS

1. **Unlisted Roads and Shared Driveways** (See page **3**) (*PowerPoint presentation will be provided prior to the Workshop*)

ADJOURNMENT

Please Note: Regular Committee Meeting will Commence at 1:30 p.m.

General Committee on Planning & Development – Proposed Date for Next Meeting and Workshop:

Mr. Malcolm Gillis, Director of Planning & Economic Development, suggested the date of December 4th, 2018 for a dedicated meeting and workshop with Council for extensive review of the Planning Strategy and Land Use By-law with discussion on unlisted roads.



ISSUE PAPER

TO: Council

From: Malcolm Gillis

RE: REQUESTED COUNCIL WORKSHOP

Date: October 30th, 2018

There are approximately 286 known and named unlisted roads or shared driveways in the CBRM. An unlisted road or shared driveway is a motor vehicle travelway servicing more than 2 developed lot parcels under separate ownership that is not owned by the Province or the Regional Municipality. Their total aggregate length is 98 kilometers. 51 kilometers of these unlisted roads/shared driveways are receiving some level of maintenance from CBRM Public Works. As far as the Planning and Development Department is aware, this maintenance service was inherited by the CBRM from the former Municipality of Cape Breton County i.e. CBRM Public Works has not added to it its list of maintained unlisted roads/shared driveways since the inception of the Regional Municipality. The former Municipality assumed responsibility due to lobbying from property owners serviced by the unlisted road or shared driveway. It's not that lobbying efforts have ceased. Rather they have been consistently rejected. Lot parcel owners ask the Regional Municipality to maintain their unlisted roads/shared driveways either because of the cost of maintenance or because they can't agree amongst themselves on the level of maintenance.

When the CBRM adopted its first (and current) Subdivision Bylaw one of the goals was to prohibit the creation of lot parcels to be serviced by unlisted roads or shared driveways. This was an attempt to:

- prevent an increase of traffic because of new developments along these relatively poorly constructed roads;
- prevent their extension; and
- prevent the creation of new unlisted roads/shared driveways.

This goal was to be achieved by a one-two punch of two provisions in the Bylaw. One bans the creation of new lot parcels fronting only on unlisted roads or shared driveways, even if CBRM Public Works is providing maintenance. A second requires that all lot parcels created in a plan of subdivision must have some frontage on a public street/road and that frontage must be approved by the Traffic Authority having jurisdiction (CBRM or the Province) in compliance with their traffic safety provisions.

However, our current and historical air photography shows us that shared driveways are still occurring in rural CBRM. This is happening primarily because driveways are not being constructed at the approved intersection with the public street/road. The lot parcels are being accessed by means of an extension of an existing shared driveway or the creation of a new shared driveway.

There are two concerns with this. (1) The objective of the Subdivision Bylaw is not being reached i.e. more unlisted roads/shared driveways are being created with the expectation that property owners serviced by them will get along and share maintenance responsibilities and (2) civic address/911 errors are occurring because approved driveway intersections used to assign a civic address are not the eventual route used to get to the dwelling on the lot parcel.

Amendments to the Planning Strategy, the Subdivision Bylaw and the Land Use Bylaw need to be adopted to address this. Staff first want to provide Council with a workshop exclusively devoted to this issue to both inform Council and provide a range of options to consider. At one end of the spectrum would be amendments that more effectively curtail the use of existing unlisted roads/shared driveways while at the other end amendments that recognize shared driveways can be a reasonable alternative to the relatively expensive cost of rural driveways and/or new public streets/roads built to CBRM's engineering specifications.

Recommendation:

Staff is recommending that the General Committee agree to schedule a workshop focused on the issue of unlisted roads/shared driveways in rural CBRM. The purpose of the workshop would be to educate Council on the complex issue of unlisted roads/shared driveway developments in rural CBRM prior to Council beginning the formal process of amending the CBRM Planning Strategy, its implementing Land Use Bylaw and the Subdivision Bylaw to resolve the issue described in this issue paper.

Respectfully submitted by:

ORIGINAL SIGNED BY

Malcolm Gillis
Director of Planning and Development

