

Section 3 Administration

3.1 Approvals

- 3.1.1 It shall be the duty of the Director of Planning, or the Development Permit Board on his behalf, to exercise on behalf of Council such powers as are hereby expressly delegated to him.
- 3.1.2 Save and except as provided in section 3.3, it shall be the duty of the Director of Planning to administer the provisions of this By-law.
- 3.1.3 Approval shall be granted by the issuance of a development permit, if such permit is required in accordance with development permit approval process specified in the Zoning and Development By-law.

3.2 Relaxation

- 3.2.1 The Director of Planning, in the exercise of his jurisdiction, may relax the provisions of this By-law, except for the number of accessible parking spaces required under section 4.8.4 for cultural and recreational uses, churches, chapels, places of worship, or similar places of assembly, in any case where literal enforcement would result in unnecessary hardship relating to any of the following:
- (a) required setbacks to off-street parking areas and parking spaces with associated manoeuvring aisles where, in the opinion of the Director of Planning, the landscaping provided or to be provided is adequate to warrant such relaxation, except that in a C-1 or R District, no relaxation shall be granted which has the effect of reducing the front yard to less than the required depth of an adjoining front yard;
 - (b) required screening on the boundary of a parking area serving a school, park or similar use on a site in excess of 0.8 hectares, in cases where the distance between such boundary and R districts outside the site of the principal use served by the parking area is in excess of 75 metres;
 - (c) the number of off-street parking spaces, loading spaces, passenger spaces, or accessible parking spaces required or permitted;
 - (d) the location of off-street parking spaces relative to the site they are intended to serve;
 - (e) the conservation of a building in an HA District or in the sub-area C2, or of a protected heritage property;
 - (f) the proportion of small car spaces;
 - (g) the requirement that parking or loading spaces be located so that each individual occupancy within a development has access to required spaces;
 - (h) the number of off-street bicycle spaces required;
 - (i) the requirement that bicycle spaces be located no lower than the first complete parking level below grade,
 - (j) the width of off-street accessible parking spaces, after consultation with the City Engineer and Chief Building Official; and
 - (k) the vertical clearance of off-street accessible parking spaces and of entrances, exits, drive aisles, other access to off-street accessible parking spaces, and egress there from, after consultation with the City Engineer and Chief Building Official.

- 3.2.2 The Director of Planning, in consultation with the City Engineer, on conditions that are satisfactory to them, may reduce the minimum number of required off-street parking spaces.
- 3.2.3 The conditions referred to in section 3.2.2 must include the following:
- (a) the owner of the development must provide of a Transportation Demand Management Plan satisfactory to the Director of Planning; and
 - (b) the owner of the development must register against title to the development, with such priority as the Director of Legal Services may require, and in form and substance satisfactory to the Director of Legal Services, a covenant under section 219 of the Land Title Act of British Columbia, statutory right of way, or other instrument satisfactory to the Director of Legal Services, securing the Transportation Demand Management Measures set out in the Transportation Demand Management Plan, as appropriate.
- 3.2.4 The Director of Planning, before granting any relaxation pursuant to section 3.2, shall be satisfied that any property owner likely to be adversely affected is notified. Such notification shall be in the form appropriate to the circumstances.
- 3.2.5 Any appeal from a decision of the Director of Planning made in the exercise of his discretion shall be to the Building Board of Appeal.