

## Designation of development permit areas

**488** (1) An official community plan may designate development permit areas for one or more of the following purposes:

- (a) protection of the natural environment, its ecosystems and biological diversity;
- (b) protection of development from hazardous conditions;
- (c) protection of farming;
- (d) revitalization of an area in which a commercial use is permitted;
- (e) establishment of objectives for the form and character of intensive residential development;
- (f) establishment of objectives for the form and character of commercial, industrial or multi-family residential development;
- (g) in relation to an area in a resort region, establishment of objectives for the form and character of development in the resort region;
- (h) establishment of objectives to promote energy conservation;
- (i) establishment of objectives to promote water conservation;
- (j) establishment of objectives to promote the reduction of greenhouse gas emissions.

(2) With respect to areas designated under subsection (1), the official community plan must

- (a) describe the special conditions or objectives that justify the designation, and
- (b) specify guidelines respecting the manner by which the special conditions or objectives will be addressed.

(3) As an exception to subsection (2) (b), the guidelines referred to in that subsection may be specified by zoning bylaw but, in this case, the designation is not effective until the zoning bylaw has been adopted.

(4) If an official community plan designates areas under subsection (1), the plan or a zoning bylaw may, with respect to those areas, specify conditions under which a development permit under section 489 would not be required.

## Activities that require a development permit

**489** If an official community plan designates areas under section 488 (1), the following prohibitions apply unless an exemption under section 488 (4) applies or the owner first obtains a development permit under this Division:

- (a) land within the area must not be subdivided;
- (b) construction of, addition to or alteration of a building or other structure must not be started;

- (c) land within an area designated under section 488 (1) (a) or (b) [*natural environment, hazardous conditions*] must not be altered;
- (d) land within an area designated under section 488 (1) (d), (h), (i) or (j) [*revitalization, energy conservation, water conservation, greenhouse gas reduction*], or a building or other structure on that land, must not be altered.

### **Development permits: general authority**

**490** (1) Subject to this section, a local government may, by resolution, issue a development permit that does one or more of the following:

- (a) varies or supplements a land use regulation bylaw or a bylaw under Division 11 [*Subdivision and Development: Requirements and Related Matters*];
  - (b) includes requirements and conditions or sets standards under section 491 [*development permits: specific authorities*];
  - (c) imposes conditions respecting the sequence and timing of construction.
- (2) The authority under subsection (1) must be exercised only in accordance with the applicable guidelines specified under section 488 in an official community plan or zoning bylaw.
- (3) A development permit must not
- (a) vary the use or density of the land from that permitted in the bylaw except as authorized by section 491 (3) [*variation in relation to health, safety or protection of property*], or
  - (b) vary the application of a zoning bylaw in relation to residential rental tenure.
- (4) A development permit must not vary a flood plain specification under section 524 (3).
- (5) If a local government delegates the power to issue a development permit under this section, the owner of land that is subject to the decision of the delegate is entitled to have the local government reconsider the matter.

### **Development permits: specific authorities**

**491** (1) For land within a development permit area designated under section 488 (1) (a) [*protection of natural environment*], a development permit may do one or more of the following:

- (a) specify areas of land that must remain free of development, except in accordance with any conditions contained in the permit;
- (b) require specified natural features or areas to be preserved, protected, restored or enhanced in accordance with the permit;
- (c) require natural water courses to be dedicated;
- (d) require works to be constructed to preserve, protect, restore or enhance natural water courses or other specified natural features of the environment;

- (e) require protection measures, including that vegetation or trees be planted or retained in order to
  - (i) preserve, protect, restore or enhance fish habitat or riparian areas,
  - (ii) control drainage, or
  - (iii) control erosion or protect banks.
- (2) For land within a development permit area designated under section 488 (1) (b) [*protection from hazardous conditions*], a development permit may do one or more of the following:
  - (a) specify areas of land that may be subject to flooding, mud flows, torrents of debris, erosion, land slip, rock falls, subsidence, tsunami, avalanche or wildfire, or to another hazard if this other hazard is specified under section 488 (1) (b), as areas that must remain free of development, except in accordance with any conditions contained in the permit;
  - (b) require, in an area that the permit designates as containing unstable soil or water which is subject to degradation, that no septic tank, drainage and deposit fields or irrigation or water systems be constructed;
  - (c) in relation to wildfire hazard, include requirements respecting the character of the development, including landscaping, and the siting, form, exterior design and finish of buildings and other structures;
  - (d) in relation to wildfire hazard, establish restrictions on the type and placement of trees and other vegetation in proximity to the development.
- (3) Conditions and requirements under subsection (2) may vary the use or density of land, but only as they relate to health, safety or protection of property from damage.
- (4) Before issuing a development permit for land within a development permit area designated under section 488 (1) (b), a local government may require the applicant to provide a report to assist the local government in determining what conditions or requirements it will impose under subsection (2) of this section.
- (5) A report required under subsection (4) must
  - (a) be provided by the applicant at the applicant's expense, and
  - (b) be certified by a professional engineer with experience relevant to the applicable matter.
- (6) For land within a development permit area designated under section 488 (1) (c) [*protection of farming*], a development permit may include requirements for screening, landscaping, fencing and siting of buildings or other structures, in order to provide for the buffering or separation of development from farming on adjoining or reasonably adjacent land.
- (7) For land within a development permit area designated under any of the following, a development permit may include requirements respecting the character of the development, including landscaping, and the siting, form, exterior design and finish of buildings and other structures:
  - (a) section 488 (1) (d) [*revitalization of commercial use area*];

- (b) section 488 (1) (e) [*intensive residential development*];
  - (c) section 488 (1) (f) [*commercial, industrial or multi-family residential development*];
  - (d) section 488 (1) (g) [*resort region development*].
- (8) For land within a development permit area designated under section 488 (1) (f), a development permit may include requirements respecting the character of the development, as referred to in subsection (7) of this section, but only in relation to the general character of the development and not to particulars of the landscaping or of the exterior design and finish of buildings and other structures.
- (9) For land within a development permit area designated under section 488 (1) (h), (i) or (j) [*energy conservation, water conservation, greenhouse gas reduction*], a development permit may include requirements respecting the following in order to provide for energy and water conservation and the reduction of greenhouse gas emissions:
- (a) landscaping;
  - (b) siting of buildings and other structures;
  - (c) form and exterior design of buildings and other structures;
  - (d) specific features in the development;
  - (e) machinery, equipment and systems external to buildings and other structures.
- (10) For land within a development permit area designated under section 488 (1) (h), (i) or (j), a development permit may establish restrictions on the type and placement of trees and other vegetation in proximity to the buildings and other structures in order to provide for energy and water conservation and the reduction of greenhouse gas emissions.

## Division 8 — Temporary Use Permits

### Designation of temporary use permit areas

**492** For the purposes of section 493, an official community plan or a zoning bylaw may

- (a) designate areas where temporary uses may be allowed, and
- (b) specify general conditions regarding the issue of temporary use permits in those areas.

### Temporary use permits for designated areas and other areas

**493** (1) On application by an owner of land, a local government may issue a temporary use permit as follows:

- (a) by resolution, in relation to land within an area designated under section 492;
- (b) by bylaw, in relation to land within an area outside a municipality, if there is no official community plan in effect for the area.

(2) A temporary use permit may do one or more of the following: