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Development and Temporary Use Permit Areas

Rationale:

The new provisions, which become effective January 1, 2001, reflect the *Municipal Act* Reform principles of **broad powers, flexibility, local government accountability**. Specifically, the legislation provides:

- **broader local government authority** by enabling the designation of development permit areas to establish objectives for the form and character of intensive residential development.
- **flexibility** is enhanced by allowing the following to be included in either an official community plan (OCP) or a zoning bylaw:
 - guidelines for addressing development permit area objectives;
 - conditions where a development permit is not required within a development permit area; and,
 - designation of temporary commercial and industrial use permit areas.
- **accountability** is maintained by requiring the OCP to continue to establish the justification for and designation of development permit areas.

New Provisions:

- The authority to designate development permit areas has been moved from section 879 to 919.1 and has been expanded to enable the designation of areas establishing objectives for the form and character of intensive residential development. Prior to these changes the only development permit authority for residential uses was for multi-family residential development. To fulfill the need to house an increase of population in many areas of the province there has been increasing need for higher density residential development. This new power will enable innovative solutions for intensive residential development while achieving standards considered appropriate by the local government and the community.
- Section 919.1(3) enables local governments to specify the guidelines for development permits in either an OCP or a zoning bylaw. This gives local government the ability to place these provisions in the document it considers most appropriate for its area.
- Section 919.1(4) enables the local governments to specify the conditions where a development permit would not be required in either the OCP or the zoning bylaw.

- Section 920.2 enables local governments to designate temporary commercial and industrial use permit areas and specify general conditions regarding their issue, in either an OCP or a zoning bylaw.

Related Provisions:

- Division 2 (Sections 875 to 884) sets out the purpose and effect of an OCP, along with procedural requirements related to the bylaws.
- Section 903 provides authority for zoning bylaws.
- Section 920.01 provides authority for designation of development approval information areas or circumstances (formerly section 879.1).
- Section 970.1 provides authority for designation of heritage conservation areas (formerly section 880).

Practical Considerations:

- This increase in scope of development permits provides local government with authority to set objectives for the form and character of intensive residential development that will assist in alleviating neighbourhood concerns that such developments will not "fit in", thereby assisting in encouraging greater community acceptance of such developments. The ability to address form and character of intensive residential development also enables local governments to work with designers and developers to achieve housing that is not restricted by traditional prescriptive methods of design control.
- "Intensive residential development" is not defined in the legislation. A statutory definition is intentionally absent in order to allow individual local governments to define the term according to community objectives. Some examples of what was intended to be considered as part of this designation are infill housing and small lot development, but obviously "small lot" in one community may mean something quite different than in another. Local governments will want to take particular care in defining the term so that its meaning is clear to all affected parties (i.e., developers, designers and the public) in their community. In addition, some consistency with neighbouring jurisdictions may be desirable in order to provide some certainty for those persons supplying housing in a number of municipalities.
- The ability to include guidelines for development permit areas in either an OCP or a zoning bylaw will provide local government with the flexibility to choose which bylaw is the most appropriate to establish the guidelines. Inclusion in the OCP ensures that all relevant policies for development permits are in one place. However in practice this means the OCP could contain material that is more regulatory than policy in character.

Transitional Provisions:

- There are no transitional provisions relating to these amendments.

Local Government Act References:

Primary Sections: 919.1 (1); 920.2