



**Town of Happy Valley-Goose Bay**

212 Hamilton River Road

P.O. Box 40 Station B, HV-GB AOP 1E0

Phone: (709) 896-3321

muntech@townhvgb.com

**DISCRETIONARY LAND USE APPLICATION**

Refer to Development Regulation: Section 2.4.1, Section 3 & 6 *Revised: November 2023*

OFFICE ONLY:

PERMIT #: DLU-\_\_\_\_\_

Approved: \_\_\_\_\_ Date Received: \_\_\_\_\_

Not Approved: \_\_\_\_\_ Application Fee: \_\_\_\_\_

Section 1: Applicant and Contact Information		
<b>Contact Name</b>		<b>Business Name (if applicable):</b>
<b>Email:</b>		<b>Phone #(s):</b>
<b>Mailing address:</b>		
<b>Town:</b>	<b>Province:</b>	<b>Postal Code:</b>
Section 2: Variance Information		
<b>Property Address</b> (where Discretionary Land Use will be located, if different then applicant address):		
<b>Land Use Zone for the Property</b> (from the Town Development Regulations):	<b>Proposed Discretionary Use(s)</b> (If a Home Based BUiness):	
<b>Will an Accessory Building be used for all or part of this application</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>If Yes, Floor Area Used:</b> _____		
<b>Area Inside Main Residence to be used for HBB:</b> _____ (As per Section 6.3.1, Floor area used for HBB must not exceed 30% of total floor, Main and Accessory Buildings, up to a max of 55m <sup>2</sup> )		
<b>Description and Details of the Proposed Discretionary Use</b> (or additional information, if required):		

I, \_\_\_\_\_ of \_\_\_\_\_ in the Province of Newfoundland & Labrador, do solemnly declare that the plans, specification and statements herein contained in the said application are true and conform to the best of my belief to the requirements of the Regulations of the Town of Happy Valley-Goose Bay with full knowledge of the circumstances connected with same, and that the above Regulations will be complied with in the development whether specified herein or not. I make this solemn declaration, conscientiously believing it to be true and knowing that is of the force and effect as if made under oath.

By signing the application, the applicant indicates, to their best knowledge, all information contained in the application is correct, and further, that all information can be made public including property ownership, name of applicant, and the details of the proposal.

Applicant signature: \_\_\_\_\_

Date: \_\_\_\_\_

Property Owner signature (if required): \_\_\_\_\_

Date: \_\_\_\_\_

This information is being collected to assist the municipality in identifying and addressing problems observed by residents. The information is collected under the authority of section 61(c) of the Access to Information and Protection of Privacy Act, 2015. If you have any questions about the collection, use and disclosure of your information, please contact Nadine MacAulay at [cao@townhvgb.com](mailto:cao@townhvgb.com).



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## Frequently Asked Questions

There are a few questions that people often have about applications for variances.

### **What is "Discretionary Land Use"?**

Each Land Use Zone in the Town's Development Regulations has two categories of uses. The first category is the "Permitted Uses". Most zones have a second category of uses called "Discretionary Uses." Discretionary uses cannot occur on a property in that zone unless the Council decides, on a case-by-case basis, to allow it. You will need to know the zone on the property, then check to see if your proposed use is "Permitted" or "Discretionary" for that zone.

### **What does Council consider in making its decision?**

Council may, or may not, issue a permit for a Discretionary Land Use. In making its decision, Council considers; the general intent and purpose of the Town's Development Regulations, the Municipal Plan, other plans and policies, effects on other land uses, comments from the public received from the public advertising and the overall public interest.

### **Do all applications go to Council?**

Not all applications go to Council. Council can, under certain circumstances, delegate the issuance of some permits to Town Staff. Staff will contact applicants if the permit can be considered by staff and issued without going to Council.

### **How long does it take?**

An application must first be brought to Committee, and Committee must recommend bringing it to Council for a vote. Prior to going to Committee, the application must be advertised to the public for a minimum of seven (7) days. An application received after "7 days before the next committee meeting" will not make the deadline and will be deferred to next month. Typically, committees are held around the middle of the month and therefore an application should be submitted by the end of the first week if they are to be actioned at Committee and Council.

### **What process is followed for the application?**

All applications for "Discretionary Land Use" are considered in the same way. The process includes:

- **Completed Application** – Submitted to the Town Engineering Technician.
- **Public Notification** – An advertisement seeking public input, and/or concerns, is published for a minimum of 7 days.
- **Committee Meeting** – Staff will brief the Community Planning and Development Committee on all applications and recommend an objection or no objection to the application.
- **Council Meeting** – The Committee Chair will bring forward the recommendation to the next Public Council meeting where Council will vote on the recommendation.

### **Are there limitations and regulations for Discretionary Land Uses?**

An application does not change the Town's Development Regulations, but the Regulations contain the requirements for Discretionary Uses. For example, the regulations for a Home-Based Business support small businesses that respect the neighborhood qualities of a residential area. The regulations on Home-Based Businesses include but are not limited to; the types of businesses, the size or area that can be used by the home-based business, and, all outdoor storage and dangerous materials are prohibited. (See Section 6.3 in the Town's Development Regulations for all regulations on home-based businesses.) Other discretionary uses have regulations as well. The permit may also include conditions in addition to the Development Regulations.

*The information in the "Frequently Asked Questions" is of a general nature, may not be complete, and is Intended for convenience only. Refer to the legislation of the Province or the Town's development regulations, procedures, and policies for the actual requirements. Staff at the Town of Happy Valley-Goose Bay would be pleased to answer any questions you may have.*

### **Can I change to another Discretionary Land Use?**

Only the discretionary land use listed in the permit is allowed. Changing to another discretionary land use requires a new application and the issuance of a new permit.

### **Can I take the Discretionary Land Use permit with me when I move?**

A permit for Discretionary Land Use is only for the specific piece of property listed in the permit. You can't take the permit with you when you move to another place.



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## Frequently Asked Questions (Con't)

### ***What will the permit contain?***

If a permit is issued, it will identify the property and indicate the Discretionary Land Use that was approved. It may include conditions the permit holder must follow, including requirements and limitations for the Discretionary Use. In addition to the conditions listed on the permit, all regulations of the Town's Development Regulations must be followed.

A permit for a Discretionary Land Use is limited to the Town's jurisdiction to consider land uses. Approvals from other agencies, in addition to the Town, may also be required. Food preparation as one example, requires permits from the Provincial Government Services Centre at 709 896 5428. As another example, trades and services may require certifications or licenses.

### ***Do I need a Vendor's Permit?***

An application for a vendor's permit is only required where the business wants to sell their goods from a vending vehicle or a stand. For more information on vending permits see the Town's website and click on "applications", or, obtain a copy of the vending permit regulations and a vending permit application from Town Hall.

There is only one fee charged where a business needs both a permit for the discretionary land use and also a vending permit. The fee for the vending permit is not required provided the application for the discretionary land use is successfully approved.

### ***Can a decision about a discretionary land use permit be appealed?***

The decision about a discretionary land use permit application can be appealed (within 14 days of receipt of the Town's decision) to a Provincial Appeal Board under Section 42 of the Urban and Rural Planning Act. Contact the Department of Municipal Affairs for Newfoundland and Labrador for more information at (709)729- 3090 or visit website: <http://www.ma.gov.nl.ca/ma/for/appeals.html> . In accordance with Section 42(11) of the Urban and Rural Planning Act, the Appeal Board cannot overrule a discretionary decision by Council.