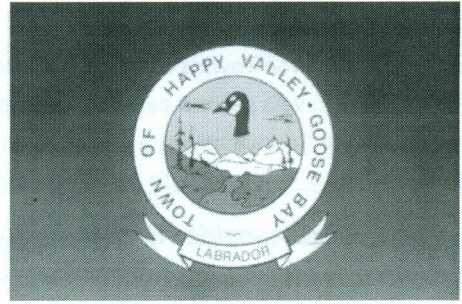


Town of Happy Valley-Goose Bay

Application for a Permit for

Discretionary Land Use

212 Hamilton River Road, PO Box 40, Station B,
Happy Valley-Goose Bay, Newfoundland and Labrador
A0P 1E0



For more information contact the municipal technologist at; 709 896 3321

Date; _____

Applicant;(print name) _____ Signature; _____

(By signing the application, the applicant signifies that, to his/her knowledge, all information contained in the application is correct.)

If the applicant is not the owner of the property please provide a letter that; 1) identifies the property, 2) names the owner of the property, 3) lists owner's contact information, 4) has a statement from the owner saying they authorize the applicant to make an application for the discretionary land use, and, 5) is signed by the owner.

Applicant mailing address;

Applicant phone number(s); _____

Email address (if available); _____

Property address; (where the discretionary land use will be located) _____

Land Use Zone for the property; (from the Town's Development Regulations) _____

Proposed discretionary use; (from the Town's Development Regulations) _____

(NOTE: If you are applying for a permit for a home based business, the business MUST comply with Section 54 of the Town's Development Regulations)

Description and details of the proposed discretionary land use;(Attach letter or drawings if necessary)

Staff Use Only:

Advertisement in newspaper on; (attach photocopy) DATE:	Permit considered by: <input type="checkbox"/> Council, or, <input type="checkbox"/> Staff Name (only if delegated):	Permit considered by Municipal Services Committee on: (only if permit is to be determined by Council) DATE:	Issuance of Permit considered on: DATE:	Permit Outcome: <input type="checkbox"/> Rejected (attach list of reasons) <input type="checkbox"/> Issued (attach copy of permit)
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Attach appeal results if there is an appeal to the Appeal Board under Section 42 of the Urban and Rural Planning Act.

FREQUENTLY ASKED QUESTIONS

What is a “discretionary land use”?

Each land use zone in the Town’s Development Regulations has two categories of uses. The first category is the “permitted use class”. Most zones have a second category of uses called “discretionary use class.” Discretionary uses cannot occur on a property in that zone unless the Council makes a decision, on a case-by-case basis, to allow the discretionary use. You will need to know the zone on the property, then check to see if your proposed land use is listed as a “discretionary use” 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, comments from the public received as a result of an ad in the local newspaper, effects on other land uses, 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 received 5 weeks prior to a Council meeting will, under normal conditions, go to that Council meeting. Staff does their best to take applications to the first available Council meeting while ensuring the required steps in the process are followed.

What process is followed for the application?

All applications for a discretionary land use are considered in the same way. The process includes (in summary);

- **A completed application** received by the Town for a permit for a discretionary land use,
- **Public notification** in a newspaper. The ad is written by Town staff and the newspaper advertising is submitted to the newspaper and paid for by the applicant,
- **A recommendation provided to Council from the Municipal Services Committee** (only where the consideration of the permit has not been delegated to Town staff),
- **Consideration of whether to approve or reject the permit** (either Council, or, delegated staff)

Are there limitations and regulations for discretionary land uses?

A permit for a discretionary land use does not change the Town’s Development Regulations. The Town’s Development Regulations contain requirements for discretionary uses. As an example, the regulations for a home based business support small businesses in a residential area. The regulations restricting home based businesses include; 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 54 in the Town’s Development Regulations for all regulations on home based business.) Other discretionary uses have regulations as well. The permit may also include conditions in addition to the Development Regulations.

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 that the permit holder must follow including requirements and limitations for the discretionary land use. In addition to the conditions of 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 agencies other than the Town may be required. Food preparation for example, requires permits from the Provincial Government Services Centre at 709 896 5428. As another example, trades and services may require certifications or licenses.

Can I change to another discretionary land use or take the permit with me when I move?

Only the discretionary land use listed in the permit is allowed. Changing to another discretionary land use requires a new application and consideration of the issuance of a new permit. A permit for a discretionary land use is only for the specific piece of property listed in the permit and you can’t take the permit with you when you move to another place.

Can a decision about a discretionary 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- 2135 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.