

**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  
 AOP 1E0



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

Date; \_\_\_\_\_

Applicant ;(print name) \_\_\_\_\_ Signature; \_\_\_\_\_

(By signing the application, the applicant indicates that, to his/her 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.)

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)

(A residential appearance with no exterior alteration is important for home based businesses. If this application is for a home based business that has clients and/or requires exterior parking, include a site plan showing the location of parking, driveway, buildings and grass/landscape.)

**Additional questions for an application for a home based business are on the reverse side of application.**

**Description and details of the proposed discretionary land use; (Continue on reverse if necessary)**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Staff Use Only:				
Advertisement in newspaper on; (attach photocopy)	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)	Issuance of Permit considered on:	Permit Outcome: <input type="checkbox"/> Rejected (attach list of reasons) <input type="checkbox"/> Issued (attach copy of permit)
DATE:		DATE:	DATE:	
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***

There are a few questions that people often have about applications for discretionary land uses.

### ***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 it. 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. There is a set waiting period to allow an opportunity for the public to respond to the ad,
- **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 one example, the regulations for a home based business support small businesses that respect the neighborhood qualities of a residential area. The regulations restricting 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 54 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.*

***(More frequently asked questions are on the back...)***

***(Continued ... Frequently Asked Questioned)***

***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 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.

***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 a 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.

***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.

**Acknowledgement - Intent of "Seasonal Residential" Discretionary Land Use  
Town of Happy Valley-Goose Bay**



**ONLY** for applications for the discretionary land use "seasonal residential"

I am applying for Council consideration of the discretionary land use "seasonal residential" under the Town's Development Regulations for the property identified in my application.

- I acknowledge that a seasonal residence or recreational cottage is intended for seasonal or recreational use. It is not to be used as a permanent living quarters nor year round accommodation either by the property owner or others. The Town currently provides either limited or no services, and there is no expectation of improved services in future.
- I undertake to notify any new owner of this information should the ownership of the property or Crown Land grant change.

Name of applicant (print name ) \_\_\_\_\_

(Date) \_\_\_\_\_ (signature) \_\_\_\_\_

Name and signature of property owner if different from applicant

(print) \_\_\_\_\_ (signature) \_\_\_\_\_

**BACKGROUND**

Council has noted that there appears to be some seasonal residential or cottage properties that might actually be used as permanent places of residence. This raises concerns over; violation of discretionary land use approvals under the Town's Development Regulations, inadequate services, residential sprawl beyond serviced areas, lack of evaluation of an area for permanent use, and raised expectations and costs related to Town services.

In response to these issues a policy was supported by Council at the May 27, 2014 Council meeting to ensure that applicants clearly understand the purpose and limitations of "seasonal residential".

All applicants for the discretionary land use are requested to sign this acknowledgement and submit the signed document with the application for a discretionary land use of "seasonal residential". The decision of an applicant to acknowledge the intent and limits of "seasonal residential" will be provided to Committee and Council.

Note, by Council policy, staff will not indicate support for applications for the discretionary land use of "seasonal residential" where this acknowledgement is not provided, and therefore it is not clear that the applicant recognizes the intention and limits of "seasonal residential".