



# DISCRETIONARY USE POLICY

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POL-02

## *Purpose / Objective*

The purpose of this policy is to identify the process for dealing with Discretionary Use applications.

## *Definitions*

“Discretionary Use” is subject to the Town of Bonavista Development Regulations, where the uses that fall within the Discretionary Use Classes set out in the Town of Bonavista Development Regulations may be permitted in that Use Zone if the Authority is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant thereto, and to the public interest, and if the Authority has given notice of non-conforming use. Notice shall be given, at the expense of the applicant, for a permit or for approval in principle, to the public by advertisement. Each application must be reviewed on its own merit to verify that it does not have a detrimental impact on the surrounding area.

## *Policy Statement*

The process (outlined in the following section) for dealing with Discretionary Use applications is to be followed by Town Staff and Council to ensure increased efficacy and compliance with Development Regulations when dealing with such applications.

## *Guidelines and Procedures for Application Processing*

1. Application is submitted to Town Management.
  - 1.1. If Management is satisfied that the proposed use would not adversely affect the area, Staff will forward the application to Council for review at a regular Council meeting with a recommendation to approve subject to no objections being received to a Notice of Discretionary Use. Any necessary conditions would be included in the submission.
2. Notice of Discretionary Uses Posted.
  - 2.1. If No objections were received to the Notice, Management will issue the Development Approval without having to return the application to Council.
  - 2.2. If objections are received to the Notice of Dictionary Use. The application, including any objection/comments, will be returned to Council for approval or refusal at a regular Council meeting.
3. Applicant Notification
  - 3.1. Applicants will be notified of the approval or refusal and where applicable, Council may approve with conditions or reasons of refusal.

*Amendment of policy*

- 4. Any motion to amend this policy must be presented to the Council in accordance with section 413 of The Municipalities Act and must be passed by a two-thirds majority of members present.

*Effective Date*

- 5. These rules and regulations shall become effective upon the date of enactment.

*Amendments*

<b>Motion No.</b>	<b>Date:</b>	<b>Description:</b>
23-31	March 13, 2023	New Policy Format Adopted