



## Planning, Engineering and Development

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# DEVELOPMENT INFORMATION BULLETIN

## DISCRETIONARY USES

*This is one in a series of Development Information Bulletins prepared to assist Property Owners and Developers to undertake specific types of development in the City of Mount Pearl. For further information on other Bulletins available in the series please contact Planning, Engineering and Development.*

### INTRODUCTION

A Discretionary Use is defined as “a use that is listed within the discretionary use classes established in the use zone tables of the Mount Pearl Development Regulations.” The types of Discretionary Uses which may be permitted in individual use zones vary. A discretionary use application requires a technical review by City staff, is subject to a public notification and review process, and is subject to the discretion of Council to approve or refuse.

### THE APPROVAL PROCESS

The applicant submits a development application form along with associated information. A Discretionary Use Application fee accompanies this application. This fee, and any other required application fees, must be paid in full before the application can be accepted for processing. Please note that the fees are non-refundable once the application has been accepted for processing and are also non-refundable regardless if the application is ultimately approved or rejected by Council. Please see the City’s Schedule of Rates and Fees.

Planning, Engineering and Development staff will advise the Applicant of the information required to be submitted with the application. After the application is officially accepted for processing, it will be reviewed by Planning, Engineering and Development and other City staff where necessary. Once it has been determined that the application meets the City’s technical requirements, staff will proceed to advertise the application as is required in accordance with the City of Mount Pearl Development Regulations and *The Urban and Rural Planning Act*.

The public notification process will involve the advertisement of the application for a minimum of two weeks in a local newspaper and the distribution by mail of written notices to property owners within a minimum 150-metre radius of the application site.

This is an office consolidation prepared for easy reference. The City’s Regulations are subject to periodic amendments. For the most recent and official version of the regulations pertaining to “Discretionary Uses”, please refer to the City of Mount Pearl Development Regulations.

Both notices are intended to advise the public of the receipt of the application and the name of the applicant. The notices will also include a date for the receipt of written representations by Planning, Engineering and Development for anyone wishing to express an interest in the application.

If written representations are received, a briefing session will be held by members of Planning, Engineering and Development staff. The written representations along with the notes of the briefing session will accompany the Planning, Engineering and Development Committee report when the discretionary use application is considered by Council.

If approved, Council will issue a conditional development permit that is valid for one year unless otherwise stated in the permit. The applicant will then be required to apply for a building permit prior to the actual commencement of construction or building and to ensure that all other approvals are in place.

The time involved for processing a Discretionary Use Application, from receipt of the completed application form and required information, to a decision by Council, is approximately four to six weeks; however, depending on the nature of the application, this time frame may vary. The applicant will be advised by Planning, Engineering and Development in writing of the progress of the application during the review process.

If an application for a Discretionary Use is not approved by Council, the Applicant has the right to appeal the decision to the Local Board of Appeal. It should be noted however, that the Appeal Board cannot overrule a discretionary decision of Council respecting a Discretionary Use Application.

## **APPEAL**

Once Council has made a decision on the Discretionary Use Application, the Applicant or any other interested persons have the right to appeal Council's decision to the Board of Appeal. Such appeals must be made within 14 days of the receipt of Council's written decision. Additional information on the appeal process may be obtained from Mount Pearl Planning, Engineering and Development.

## **FURTHER INFORMATION**

Any person who wishes to make an application pertaining to a Discretionary Use should contact Planning, Engineering and Development, Mount Pearl City Hall, 3 Centennial Street, Mount Pearl, NL, Telephone (709) 748-1000 or Email at [planning@mountpearl.ca](mailto:planning@mountpearl.ca).

**Please note: When the applicant is not the property owner, the property owner's authorization signature must appear on the application form before an application pertaining to a Discretionary Use may be officially accepted by Planning, Engineering and Development for processing.**