



Discretionary Use Application Guidelines

As per the Town of Torbay's Development Regulations, **DISCRETIONARY USE** means a use that is listed within the discretionary use classes established in the use zone tables of the Council's Development Regulations.

It is recommended that applicants discuss their proposal with Planning & Development staff prior to submitting an application. If you are submitting an application for a Discretionary Use within the Town of Torbay, you are required to obtain approval from the Town prior to commencing construction or operation of a new use. This information is intended as a general guideline only, outlining the processes in place. All proposals must comply with the Town of Torbay's Development Regulations, which can be viewed at www.torbay.ca or at the Town Office. Please note that no construction or operation of a new use may commence prior to obtaining a permit or permission to operate.

Submitting your application:

The applicable application form must be completed and submitted with the following:

- Applicable non-refundable processing fee. The Town accepts cash, debit, cheque or online banking payments. The Town does not accept credit card payments.
- Written authorization from the owner if you are not the current property owner.

The application must be received no later than 12:00 pm, Thursday prior to the Regular Public Council Meeting. Please call the Town Office for Council meeting dates and times or visit www.torbay.ca. Application forms are available at the Town office or on our website at www.torbay.ca.

PLEASE NOTE: The timeframe for processing discretionary use applications varies depending on the type of application. Please discuss with the Planning & Development Department prior to submitting an application.

Obtaining an Approval in Principle for a Discretionary Use:

Prior to receiving approval for the discretionary use, the following items are required:

- Discretionary use applications require Council approval. Prior to Council Approval advertisement/resident notification is required. Depending on the application type, the application will either be refused, deferred for advertisement or deferred for further review by the Planning Land Use Development Committee (PLUD) prior to advertisement/resident notifications.

Advertisement/Resident Notification:

- If Council defers the application for advertisement, the application will be advertised in the newspaper and notices will be delivered to residents living in the surrounding area.
- Following advertisement/resident notification, the application may be deferred for further review. Also, please note that the application may have to be reviewed by organizations/departments other than the Town of Torbay. The time period for processing discretionary use applications varies depending on the application.
- Discretionary Use advertisement costs will be invoiced back to the applicant. If you do not have a customer account, please make arrangements with the Town's Finance Department to have one created for you.

Approval in Principle:

If the application is approved in principle, the requirements for issuance of a permit/permit to operate/occupancy permit depend on the application. For guidelines pertaining to your proposal please contact the Town of Torbay's Planning Department for further information.

Any approval from the Town shall not relieve the property owner and/or developer from completing all remaining work in accordance with the approved plans and specifications and any further regulations of the Town or other regulatory agency.

If there is any discrepancy between these Guidelines and the Town of Torbay's Regulations, the Regulations override this information.