

# **TOWN OF PACQUET**

## **MUNICIPAL PLAN**

**1999 - 2009**

Prepared for the Town of Pacquet by the  
Urban and Rural Planning Division  
Department of Municipal and Provincial Affairs  
Government of Newfoundland and Labrador



**URBAN AND RURAL PLANNING ACT**


**TOWN OF PACQUET**

**MUNICIPAL PLAN 1999 - 2009**

***NOTICE OF APPROVAL***

I, Oliver Langdon, Minister of Municipal and Provincial Affairs, pursuant to the provisions of the Urban and Rural Planning Act, hereby approve the **Town of Pacquet Municipal Plan 1999 - 2009**, adopted by Council on the 5th day of May, 2000.

Dated at St. John's this 27 day of May, 2002.

  
**OLIVER LANGDON**  
**Minister of Municipal & Provincial Affairs**



## URBAN AND RURAL PLANNING ACT

### COUNCIL RESOLUTION TO ADOPT MUNICIPAL PLAN

Resolved, pursuant to Section 15 of the Urban and Rural Planning Act, that the Council of the Town of Pacquet adopt the Municipal Plan.

Resolved further, pursuant to Section 17 of the Urban and Rural Planning Act, that the Council of Pacquet apply to the Minister of Municipal and Provincial Affairs for the setting of the time and place of a Public Hearing to consider objections or representations to the Municipal Plan.

PROPOSED BY: Wayde Gillingham

SECONDED BY: Roy Sacrey

Certified as a correct copy of a Resolution passed at a meeting of Council held at the Town of PACQUET on the 05<sup>th</sup> day of MAY, 199~~9~~2000.

Verna E. Guenther  
Mayor

Janis Sacrey  
Clerk



**SEAL AND SIGNATURE**

Signed and sealed pursuant to Section 15(3) of the Urban and Rural Planning Act this 5<sup>th</sup>  
day of May, 199\_2000

(SEAL)

Verna E. Greenbo  
Mayor

**CLERK'S CERTIFICATE**

Certified that the attached Municipal Plan is a correct copy of the Municipal Plan adopted by  
the Council of the Town of Pacquet on the 5 day of MAY, 199\_2000

Janis Saewy  
Town Clerk





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## **BACKGROUND REPORT**

### ***1.0 Introduction***

The Town of Pacquet was incorporated in 1962. The Town Council made a resolution to have a Municipal Plan prepared on 1989/02/13, and subsequently the Minister of Municipal and Provincial Affairs established the Pacquet Municipal Planning Area. On 89/04/10, the Lieutenant Governor in Council made an Interim Development Order and Development Regulations giving the Council control over development within the Municipal Planning Area. The Order and Regulations are intended to apply for the interim period between resolving to prepare a Municipal Plan and the actual coming into effect of the Municipal Plan.

A Municipal Plan is prepared in two phases. The first is the preparation of a Background Report based upon surveys and analysis. It presents an inventory of the existing situation and outlines the problems and potentials with respect to development of the community. The Municipal Plan contains policies and proposals that will guide development for the next ten year period, and ensure a proper form and structure for the community.

This Background Report and the Municipal Plan are related to the area of land contained within the Pacquet Municipal Planning Area, as shown on Future Land Use Map I.

### ***1.1 Location and Regional Setting***

The Town of Pacquet is located on the northern tip of the Baie Verte Peninsula, twenty five kilometres west of the regional centre of Baie Verte. It is linked by a gravel road to Route 414, which is the main transportation link for communities on the northern and eastern coasts of the Baie Verte Peninsula.

## 1.2 Economy

The fishery and mining industries have always played an important function in Pacquet's economy. Although the closure of the cod fishery has had an impact, other species such as crab and lump fish are still being harvested and processed at the National Sea Fish Plant. The recent mineral finds and new mining exploration on the peninsula has also resulted in new employment opportunities for Pacquet's residents, and indications are this part of the economy will continue to grow.

Retail trade and government services in the form of health care, social services, and education are also important to the local economy and comprises approximately one quarter of the total workforce.

## 1.3 Population

The Town's population has been declining over the past two decades. The 1991 census shows a population of 326, and 291 for 1996. This represents a 10 percent decrease from the 1986 population of 336. This information is summarized in the following table.

YEAR	POPULATION	PERCENT CHANGE
1971	430	
1976	427	-1%
1981	395	-7%
1986	336	-15%
1991	326	-3%
1996	291	-10%

This decline corresponds to the population trends for the remainder of the Baie Verte Peninsula and surrounding area. From 1991 to 1996, the population of the general area (Census Division 8) changed from 51,882 to 48,247, a decrease of 7 percent.

Since economic conditions have a direct bearing on population growth, future population levels will mainly depend upon the performance of the fishery and the mining sectors. If the past population trends are indicative of the future, then population levels for the next ten year period will likely be between 250 and 275 persons. On the other hand, if the community continues its diversification in the fishery and/or the cod stocks return, and the mining industry maintains its growth, then Pacquet's population should remain between 300 and 325, and it may even experience a slightly higher increase.

#### **1.4    *Housing***

The single detached dwelling is the predominant housing type in the community. There are also several mobile homes. The total number of occupied houses in 1996 was 90, a decrease of 6 from 1991. Backlot development is uncommon.

Most of these are alongside the main road, Route 417, which follows the crescent shape of the harbour. Several short dead end roads branch off the main road, and some houses are located here as well.

Although the economy of the community appears to be stagnant at present, a return of the fishery coupled with the increased employment opportunities generated by the mining sector could create a whole new economic landscape. With increased employment, there will likely be pressure on the land base for new residential land. Should this situation develop, an area of land, north of the United Church, has already been identified and studied by the Council and its engineering consultants as having potential for 30 to 40 lots.

#### **1.5    *Social/Public Services***

- Pacquet has no school. Elementary students are bussed to nearby Woodstock, while the High School students are sent to Baie Verte.

- It has two churches, a Pentecostal and a United Church.
- The community has a twenty member volunteer fire brigade, equipped with a pumper truck.
- All development is serviced with the community water system, while only 35 are connected to the community sewer.
- Pacquet and Woodstock share the waste disposal site, which is located between Woodstock and Route 414.
- Like its neighbouring communities, Pacquet depends on the regional centre of Baie Verte for its medical, police protection, and financial services.
- The Department of Social Services and the Community Council office share the same building.
- The Town's recreational services consists of a swimming area, a municipal park, outdoor ice rink, and a ballfield.

### ***1.6 Municipal Finance***

The Town is managing a \$329,671.00 budget. Local revenues account for \$55,000.00 of this amount, while government assistance and other miscellaneous revenues account for the remainder. The mill rate for property tax is 6.0 mills, the poll tax is \$145.00 per year, and the water and sewer tax is \$240.00 per year.

The total debt charges for the Town is \$288,059, which is approximately \$3000.00 per household.

## **THE MUNICIPAL PLAN**

### **2.0    *Foreward***

#### **PLANNING IN NEWFOUNDLAND**

### **2.1    *The Municipal Plan***

This Municipal Plan has been prepared in accordance with the requirements of Section 14 of the Urban and Rural Planning Act, following surveys and studies of land use, population growth, the local economy, present and future transportation and communication needs, public services, social services and other relevant factors.

The Plan outlines the goals, objectives and policies of Council regarding the development of the Municipal Planning Area over the next ten years. This Municipal Plan, consisting of a written text in which the goals, objectives and policies are set out, also includes Land Use Maps indicating the proposed allocation of land into various Land Use categories.

### **2.2    *Ministerial Approval***

When the Municipal Plan is formally adopted by resolution of the Council under Section 15(1) of the Act, two copies must be impressed with the Seal of the Council and signed by the Mayor. The Council must then give notice of its intention to seek the approval of the Minister of Municipal and Provincial Affairs by publishing a notice in the Newfoundland Gazette and in a newspaper published,

or circulating, in the community. The notice must state where and when the Municipal Plan may be inspected by any interested person and the time and place set by the Minister for the hearing of any objections or representations. At the Public Hearing, a Commissioner appointed by the Minister will hear the objections and representations, and subsequently forward to the Minister a written report, together with copies of all the evidence taken at the Public Hearing.

After the Public Hearing is concluded and the Commissioner's report has been submitted, the Council must apply to the Minister for approval of the Municipal Plan. The Minister requires two copies of the Municipal Plan certified correct by the Clerk of the Council, a copy of the adopting resolution and of all written objections and representations considered at the Public Hearing. On receipt of this material, the Minister may approve the Municipal Plan, with or without modification, or may disapprove it and order that a new Municipal Plan be prepared. Upon approval, the Minister will endorse a copy of the Plan and return it to the Council. Within ten days of receipt of the final approval by the Minister, a notice of approval must be published in the Newfoundland Gazette and in a local newspaper.

### ***2.3 The Effect and Variation of the Municipal Plan***

When the Municipal Plan comes into effect, it is binding upon the Council and upon all other persons, corporations and organizations. The Plan has to be reviewed by the Council at the end of every five years from the date on which it comes into effect and at that time revised as necessary to take account of developments which can be foreseen during the next ten-year period.



The Municipal Plan may be amended in whole or in part for just cause by repeating the process by which it was adopted and approved initially.

#### **2.4    *Development Schemes***

At any time after the adoption of the Municipal Plan, the Council can prepare and adopt Development Schemes under Section 30-32 of the Act for the purpose of carrying out specific proposals of the Municipal Plan.

A Development Scheme may provide for the acquisition, assembly, consolidation, subdivision and sale or lease by the municipality of land and buildings which are necessary to carry out provisions of the Municipal Plan. The Scheme may reserve land for future acquisition as the site of any public roadway, service or building, or for a school, park or other open space and may make such agreements with the owners of the land as will permit its acquisition and use for those purposes. The Development Scheme may also specify the manner in which any particular area of land is to be used, subdivided or developed, and may regulate the construction of buildings which would interfere with the carrying out of the Development Scheme.

#### **2.5    *Municipal Plan Administration***

When a Municipal Plan comes effect, the Council is required to develop a scheme for the control of the use of land in strict conformity with the Municipal Plan in the form of land use zoning, subdivision, and any other regulations necessary. After adoption by the Council, these regulations must be submitted to the Minister for approval.

Regulations must comply with the requirements of the Urban and Rural Planning Act, and Standard Provincial Regulations have been developed to form the basis of these regulations. Councils are also advised, if they have not already done so, to adopt the National Building Code of Canada as its building regulation.

The day-to-day administration of the Municipal Plan, and subsequent regulations, is in the hands of staff members authorized by the Council. Council staff have the duty of issuing all necessary permits approved by Council and making recommendations to the Council in accordance with the Municipal Plan policies and implementing regulations regarding all development in the Municipal Planning Area.

### **3.0 GOALS, OBJECTIVES, AND POLICIES**

#### **3.1 Goals:**

Goals are formulated in broad terms and are derived from the values and desires held by the community. The following goals are therefore general expressions of the Council's intent for the future community with respect to matters under its jurisdiction or influence.

- ➔ To provide for the orderly growth of the town by designating appropriate areas to meet its land requirements over the next ten years.
- ➔ To provide an orderly layout of the community for efficient development of land use and infrastructure.
- ➔ To protect the sensitive quality, aesthetic and recreational values of the natural environment of the planning area.

#### **3.2 Objectives and Policies**

While goals are long term ambitions of Council, the objectives are short range steps in achieving those goals. The objectives are more specific and represent a basis for the development of the Municipal Plan's policies.

The policies are statements expressing a course of action usually with respect to a particular land use class, and implement the concepts contained within the goals and objectives. For implementation of the policies and the land use classes, detailed standards and precise requirements are outlined in the Development Regulations.

### ***3.2.1 The Future Town***

The Town of Pacquet can expect little population growth over the next ten years and therefore its present physical form will remain unchanged. There will likely be a small demand for the single detached dwelling and this can be met by concentrating development in areas that are served by municipal services. Residential development may also continue in the area just north of the United Church where engineering studies have already determined that this area can support a small residential subdivision.

- Objectives**
- Compact development of the town will be promoted except where growth dictates that expansion is necessary.
  - Land uses will be allocated recognizing natural constraints and limitations, and to minimize effects on the natural environment.
- Policy**
- Council shall adopt Development Regulations to implement the policies of the Municipal Plan.

- Approval of all future development shall be contingent upon its compliance with minimum standards for streets, lots and municipal services in order to protect the community from the longer term problems associated with substandard development.

### **3.2.2 *Mixed Development***

Pacquet does not have any central business area, with the non-residential uses being located throughout the community. The Municipal Plan recognizes this and allows for this continued mixture of uses, while at the same time preserving the predominant residential character of the community. This designation is applied to the main road around the crescent shaped harbour and most of its branch roads.

- Objectives**
- To protect the existing and future development from land use conflicts.
  - To encourage the infilling of vacant serviced land.
- Policy**
- This policy shall apply to the Mixed Areas as shown on Future Land Use Map II.
  - All development must have adequate road access and lot frontage on a public road.

- When non-residential uses are placed near residential uses, the residential use shall be protected from incompatible aspects of the non-residential development. This shall be done by providing adequate sideyards, separation, screening and buffering.
- Where municipal water and/or sewer services are provided, new development must be connected to these services before occupancy is permitted. Where on site services are proposed, it must be demonstrated that the site has the capacity to bear such services over the long term without adverse or off-site impacts.
- A maximum floor area for non-residential uses shall be established in order to ensure non-residential uses are in keeping with the existing scale of residential development.
- The primary use shall be residential. Other uses of a commercial, public, light industrial, and open space type may be permitted provided they do not create any nuisance to adjacent land uses. Council shall require adequate off-street parking for each development.
- Council may also consider exploration in this designation.

- Home based businesses and developments compatible with the residential component may also be permitted at the discretion of Council.

### **3.2.3 COMMERCIAL**

Two areas located on the main road into town are selected for future commercial sites. The area is not serviced by water or sewer, and Council is not planning to service the area during the life of this Municipal Plan.

**Objectives**

- To provide suitable land to accommodate the establishment of new commercial and public development.

- To protect new commercial development from non-compatible uses.

- To attract new commercial development to the Town.

**Policy**

- All new development shall front on a public road.

- Adequate off street parking shall be provided for all uses in order to prevent parking and traffic problems.

- All development shall conform to the appropriate standards for on lot water and sewer systems.

- Uses that may locate here shall be those of a commercial, light industrial, and public type. Council may also consider mineral workings and exploration in this designation.

#### **3.2.4 Environmental Protection**

The watershed for the community's water supply is located several kilometres west of the community, and is protected under the Department of Environment and Labour's legislation. Almost one half of the watershed is located outside the municipal planning area.

- Objectives**
- To provide for a safe and dependable water supply for Pacquet.
  - To prevent pollution or harmful development in the municipal water supply area.
- Policy**
- This policy shall apply to the Environmental Protection designation shown on Future Land Use Map I.
  - All proposals for development within the watershed must have approval of the Water Resources Division, Department of Environment and Labour.



- Future uses within this designation will be those related to the conservation of the water supply. Forestry uses and mineral exploration may also be permitted at the discretion of Council.

### **3.2.5 Rural Resource**

The planning area includes tracts of merchantable forest and provides for a good source of aggregates. It also includes water resources in the form of saltwater coastline, ponds and streams. The Municipal Plan recognizes these resources and offers measures for their proper utilization and protection.

- Objectives**
- To ensure the natural resources are utilized to such a degree as to secure their availability for future generations. This includes the forests, wildlife, fish, aggregate, historical, water and agricultural resources.
  - To protect the rural areas from pollution.
  - To minimize land use conflicts.
  - To respect government land management policies.
- Policy**
- This policy shall apply to the Rural Resource area as shown on Future Land Use Maps I and II.

- The land within this designation may be used for uses associated with forestry, mineral working, mineral exploration, agriculture, recreation, transportation, industrial, seasonal residential, tourism, and cemeteries.
- The Council may consider an industrial use if the use is not suited for location in the built up part of the community because of extensive land requirements, outdoor storage, or other features of its operation.
- The Council may consider a seasonal residential use provided that a buffer is maintained between the seasonal residential use and the urban areas, and it is not located on the main road into the community.

## **4. MUNICIPAL PLAN IMPLEMENTATION**

### **4.1 Introduction**

In order to enforce and implement the policies of the Municipal Plan, Land Use Zoning, Subdivision and Advertisement Regulations (referred to as Development Regulations) and a capital works program are required. The Regulations and capital works program must conform to Municipal Plan policies.

### **4.2 Development Regulations**

Development Regulations ensure that development takes place in accordance with the goals and objectives and the framework of the land use policies of the Municipal Plan. The manner in which the Regulations are drafted and the form in which they appear must comply with the requirements of the **Urban and Rural Municipal Planning Act**. Like the Municipal Plan, these Regulations are binding upon the Council and all other persons and organizations. The Development Regulations consist of five parts: General Regulations, General Development Standards, Advertisement Regulations, Subdivision of Land Regulations and Land Use Zones. The first four will be similar for all towns and communities in the province. However, the Land Use Zone section (Schedule C), is tailored to conform to the respective Municipal Plan of each municipality.

#### **I. General Regulations**

Among other things, the General Regulations govern matters relating to the power and authority of a municipality to regulate development within its Municipal Planning Area and establish conditions relating to the issuing of permits.

## **II. General Development Standards**

The General Development Standards relate to such matters as the siting of buildings on building lots, building height, setback from the street, buffers between certain types of development, parking and access requirements, non-conforming uses and other related matters.

## **III. Advertisement Regulations**

Advertisement regulations control the size, shape, location, siting, illumination and material construction of advertisements for the protection of the safety and convenience of the general public and neighbouring properties and the general aesthetics of the Municipal Planning Area.

## **IV. Subdivision of Land Regulations**

Subdivision regulations govern the development and division of larger parcels of land into two or more lots for the purpose of development. They include standards for street improvements, lot sizes and lot layouts, procedures for dedicating land for public purposes and other necessary requirements as prescribed.

## **V. Land Uses Zones**

Zoning is a means of ensuring that development conforms with the Municipal Plan, and that it is properly situated and does not conflict with or adversely affect neighbouring uses. It can ensure that new growth is concentrated within or adjacent to developed areas, promoting a compact form to make the most efficient use of public services and utilities. Land Use Zone tables are presented in Schedule C of the Development Regulations. For each land use zone

a list of Permitted and Discretionary uses are presented as well as standards to which development must conform before it may take place.

#### **4.3 Development Control**

The Municipal Plan is a legal document which is binding upon all persons, groups, or organizations, including the municipal council. Before any land development can take place, an application must first be made to Council for permission. Development may take place only after Council has reviewed the application and granted approval. Anyone who fails to follow the required application process or who otherwise violates the Municipal Plan or Regulations can be prosecuted and may be ordered to remove any illegal structure and restore the site and buildings on it to their original state.

Day-to-day administration of both the Municipal Plan and Development Regulations are the responsibility of Council and its authorized staff members. It is the duty of authorized staff members to implement the Municipal Plan through the Development Regulations, refer development applications to outside agencies and to issue all required permits when approval is granted.

An application to develop must be made on the proper application form prescribed by Council. All applications must show as accurately as possible the location of the site of proposed development and include a plot plan showing the location of existing and proposed buildings and structures on the proposed site.

Council will consider the application to determine whether or not it conforms with the requirements of the Development Regulations and the policies of the Municipal Plan. If it conforms Council will approve the application and inform the applicant and state any conditions that may apply. If the proposed development does not conform to the Municipal Plan or Regulations, the application must be refused. Any applicant who is dissatisfied with

the decision of Council may appeal to an Appeal Board. The Appeal Board shall either confirm the decision or require that Council's decision be varied or reversed.

Council has discretionary authority to grant a variance to a proposed development which does not strictly comply with the development standards. However the proposed development must conform to the general intent of the Municipal Plan. A proposed development must not change the permitted land use, or negatively impact on adjoining properties.

#### **4.4 Public Works**

Essential to the implementation of the Municipal Plan is the carrying out of annual public works projects. The Town's water and sewer servicing program and any future capital works programs must conform with applicable policies and land use designations of the Municipal Plan. Water and sewer projects must not contribute to sprawl, since that would conflict with the Municipal Plan's goal of promoting compact development. Council must also demonstrate its ability to cover its share of costs in any capital works requests. It should also be recognized that extensions of the water and sewerage systems required for (or as a part of) new development (including residential subdivisions) are the responsibility of developers and not the municipal or provincial governments. Upon completion of the water and sewer servicing program (or individual phases of it) improvements to local roads should be undertaken in accordance with the Town's financial capability (and in conformity with the Municipal Plan) on a prioritized basis. The development of additional recreational facilities should also be carried out on a year-to-year basis subject to the Town's financial capabilities.

#### **4.5 Development Schemes**

Sections 31-33 of the **Urban and Rural Planning Act** provide Council with the authority (upon adoption of a Municipal Plan) to prepare and adopt Development Schemes.




Development Schemes are detailed localized Municipal Plans outlining the manner in which a specified part of the Municipal Planning Area is to be developed. Through a Development Scheme, land may be reserved for such things as public roadways, residential subdivisions, schools, parks or open space. Development Schemes can also provide for the acquisition, subdivision, sale or lease of land and buildings by the municipality. They are prepared and adopted in a manner similar to the process of adopting a Municipal Plan and, when approved, form part of the Municipal Plan.





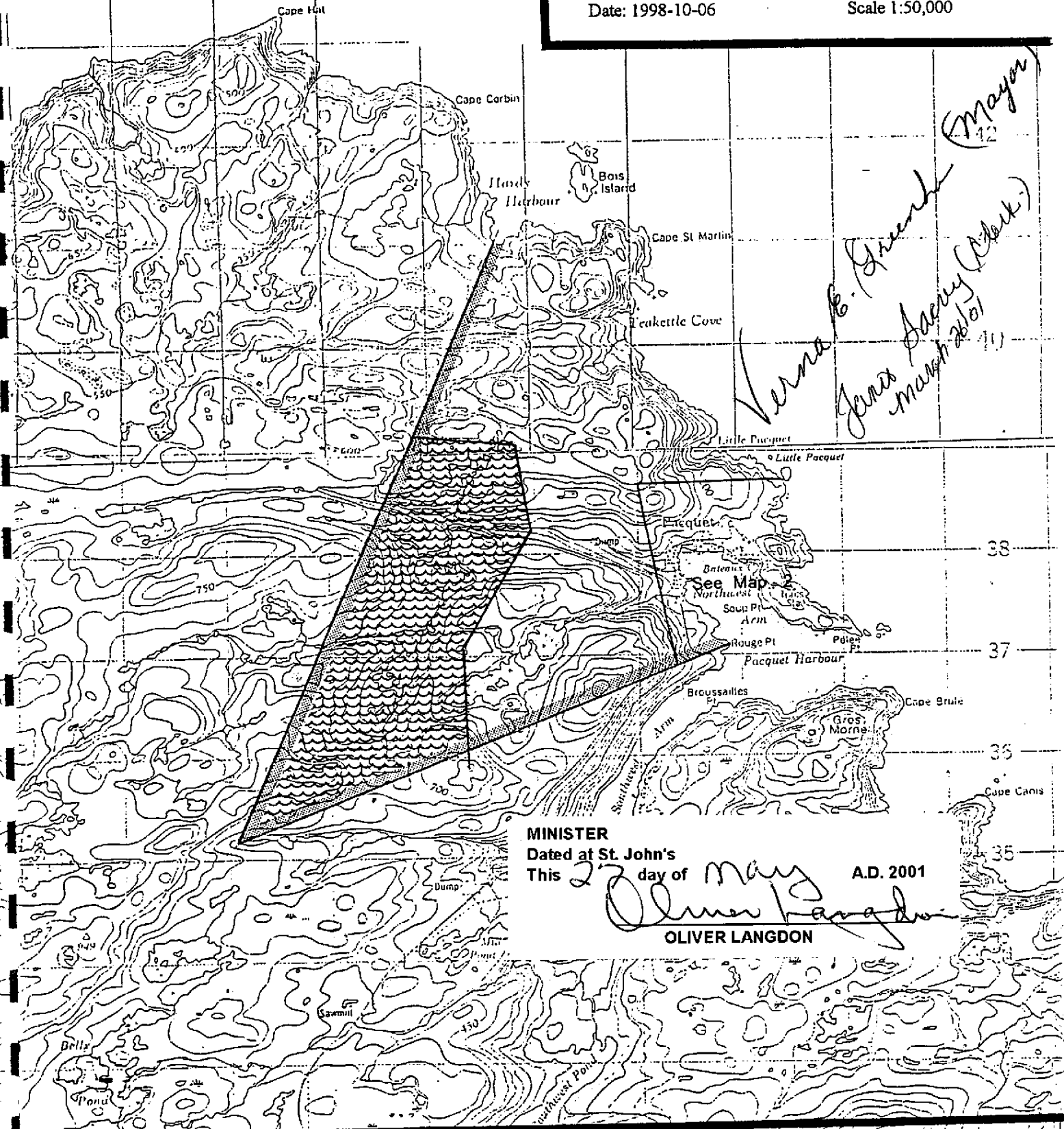
TOWN OF  
PACQUET

Future Land Use MAP 1

-  Environmental Protection  
 Rural Resource  
 Planning Area Boundary

Date: 1998-10-06

Scale 1:50,000



MINISTER

Dated at St. John's

This 27 day of May

A.D. 2001

OLIVER LANGDON

