

October 2023

TOWN OF O'LEARY 2022-23 OFFICIAL PLAN REVIEW | SUMMARY OF PROPOSED CHANGES

TABLE OF CONTENTS

1. Overview	1
<i>General.....</i>	<i>1</i>
<i>Administration.....</i>	<i>1</i>
<i>Planning Structure</i>	<i>1</i>
2. Official Plan	1
<i>Content and Organization</i>	<i>1</i>
<i>Official Plan Policy Changes.....</i>	<i>2</i>
Social Policies.....	2
Economic Policies	2
Physical Policies	2
<i>Environmental Policies</i>	<i>3</i>
<i>Future Land Use Map and Zoning Map.....</i>	<i>3</i>
Updates to the Future Land Use Map:.....	3
Updates to the Zoning Map:	3
3. Key Bylaw Changes.....	3
Title	3
Application Requirements – Part 4.....	4
General Provisions – Part 5.....	4
General Changes	4
4. Next steps.....	4
5. Proposed Zoning	5
6. Key Proposed Setbacks.....	6

1. OVERVIEW

The work for the review of the current Official Plan and Development Bylaw has included meetings with Planning Board, two general public engagement sessions, and analysis of existing documents, including understanding previous planning approaches, as well as exploring and identifying emerging trends and planning requirements.

General

While official plans can flag areas for exploration or future initiatives, the documents are primarily focused on land use and the other elements of planning, and the review does not extend to municipal bylaws beyond the Development Bylaw, nor did it include the development of detailed strategies such as economic development or property maintenance and beautification.

Administration

The municipality continues to be served by a relatively small staff complement. Development control is managed through the CAO, Planning Board, and Council, and planning services are rarely brought in except in the case of more complicated files or plan reviews.

Planning Structure

The Town’s approach to managing land use has generally been functioning well. The Town manages land use through the official plan and development bylaw, processing development permit and subdivision applications internally. One significant change has been the provincial adoption of the National Building Code; however, the municipality has entered into the agreement with the Province to have the National Building Code and building permit applications administered provincially. Development and subdivision applications remain within the purview of the municipality.

The following sections outline areas of major change proposed for the Plan and Bylaw.

2. OFFICIAL PLAN

Content and Organization

Technical data in the existing documents was updated and the proposed draft streamlines goals and objectives to create a clearer hierarchy and tie policies, plan actions, and bylaw standards more directly to goals and objectives. Given the overall shifting and rearranging of content, the new documents should be read in their entirety to get a clear understanding of the new approach. The existing official plan also contains a number of policies and plan actions that are no longer relevant or appropriate, which have been removed or modified in the proposed draft. The vision statement for the O’Leary of 2038 is:

O’Leary is a community that provides a range of attractive and affordable housing opportunities together with an exceptional quality of life and a positive environment for local commercial and industrial growth.

Official Plan Policy Changes

Social Policies

▪ *Housing*

Housing is a key need and priority for the Town. Updated policies regarding residential uses were developed to ensure that different housing types and forms can be added to ensure diversity of choice and the ability to meet the needs of people in different stages of life. Principles of diversity, equity, and inclusion and the fact that housing is a human right suggest that enabling the creation of housing forms to meet the needs of different income levels is also important.

Policies were created to support clustered housing, which can include a range of dwelling and ownership forms with multiple dwellings on the same parcel, including as vacant land condominiums.

Policies were added to revise the approach to permitted uses and density in the three residential zones, adding moderate levels of density to all zones. Secondary suites will be permitted in all single-detached dwellings and accessory dwellings (garden suites) will also be permitted. Mini homes and tiny homes have been added as a permitted use in the low-density residential (R1) zone in order to provide more housing flexibility. Shared housing has been introduced as an umbrella category of housing rather than focusing on all potential combinations of single occupancy housing, dormitories, and institutional residential uses.

▪ *Institutional, Community Safety and Support, and Recreation*

Additional policies were added to supplement existing policies in these areas.

▪ *Equity and inclusion*

Policies were added to highlight the importance of considering equity and inclusion in the development of municipal policies, programs, and services.

Economic Policies

▪ *Resource Uses*

The policies and plan actions surrounding agricultural and resource uses were largely refined and clarified, with more guidance being provided for the criteria to be used in the consideration of transitioning to non-resource uses. Given the urgent need for housing and with the ample supply of agricultural lands beyond Town boundaries, the zoning of existing agricultural lands was changed to residential and commercial designation and zoning, although the existing agricultural uses were explicitly protected for those properties.

▪ *Commercial and other economic activity*

Commercial policies were updated to reflect current local conditions and flexibility regarding home-based businesses was added.

▪ *Energy independence*

Policies were developed surrounding solar and other renewables, with a focus on the placement of solar systems. Wind turbines were identified as a permitted use in the agricultural zone.

Physical Policies

▪ *Infrastructure, Trails, Active Transportation, Accessory structures*

Policies and plan actions were updated as appropriate. Actions related to trails and active transportation are supported in policy and are given some standing as a consideration during the approval of subdivisions and

parkland, along with recreation and transportation planning. The Town’s regulation of accessory structures has been updated.

Environmental Policies

Environmental protection remains a high priority. The majority of the existing environmental goals, objectives, policies and plan actions are standard and, while not unique to the municipality, represent a solid foundation of environmental protections related to land uses. One environmental consideration not included in previous planning documents was climate change, both mitigation and adaptation, although the Town is protected from some of the more significant impacts compared to coastal municipalities.

Future Land Use Map and Zoning Map

Updates to the Future Land Use Map:

The purpose of the Future Land Use Map is to provide a high-level overview of how the municipality expects to distribute different land uses throughout the planning area, and categories generally include agricultural/resource, residential, commercial, industrial, institutional, and open space. The Zoning Map drills down into certain categories of use, particularly in relation to residential zones, but must be consistent with the Future Land Use Map.

- The commercial designation was extended along Main Street to address shortages in commercial space.
- Some designation titles were updated.
- Current agricultural lands have been designated for residential uses, although the agricultural category and zone will be retained for future use.
- A number of other minor corrections and adjustments were made to reflect current uses.

Updates to the Zoning Map:

- Updates reflect the new categories of zones. In particular:
 - The properties currently zoned for agricultural uses were changed to residential and commercial, depending on adjacent uses and most appropriate future uses.
 - Underlying zones such as General Commercial were updated to reflect the Future Land Use Map.
 - A number of residential zones were adjusted to reflect new policies and objectives in the Plan, including in the Pate Subdivision and lands to the south-west of the town.
 - The environmental reserve zone is now shown as an overlay.
 - The RM (mini-home residential) zone has been removed.

3. KEY BYLAW CHANGES

Title

The new bylaw will be called the Land Use Bylaw and will replace the existing Subdivision and Development Control Bylaw.

Application Requirements – Part 4

The Bylaw has updated requirements relating to when permits are required and what must be included in applications. These changes are included for clarity to ensure complete applications are received and to ensure that applications can be easily assessed.

General Provisions – Part 5

In addition to general rewording and revisions throughout, the Bylaw includes updated rules for:

- Accessory buildings and structures now include detached garages but does not distinguish between these and other accessory structures. Size requirements have changed.
- Home based businesses are now more flexible, permitted in more dwelling types generally; as well as in accessory structures on single detached lots
- New standards for developments adjacent to watercourses and wetlands, including building setbacks are measured from the edge of the buffer (similar to provincial approach)
- Some lot size standards updated to harmonize with approach in other municipalities
- Updated height restrictions and exemption approaches;
- Options for clustered housing such as vacant land condominiums;
- Ground-mounted solar panels shall not be permitted in front or flanking yard in residential zones;
- Garden suites now permitted, in addition to secondary suites permitted, and restrictions on user removed;

General Changes

- Updated definitions
- Updated parking requirements
- Broader list of permitted uses in Commercial Zone to match range of existing uses along Main Street as the zoning is extended.
- Generally, permitted uses in each zone have been updated and clarified, with some changes (see table at end)
- Variance process has been updated
- Notification distances for variances and amendments have been updated
- Subdivision process and requirements have been updated, including integration of standards for collector roads have been integrated into the bylaw, parkland dedication for all subdivisions of 3 or more lots, with an option for cash-in-lieu based on the estimated future value of the approved lot, excluding structures.

4. NEXT STEPS

The October 30th statutory public meeting will be the final public engagement meeting where final documents will be presented for public comment. Any changes made after that final meeting must relate directly to feedback from the public at the statutory meeting and any subsequent changes or new content unrelated to public discussion would require another public meeting, above and beyond the terms of the original review workplan.

5. PROPOSED ZONING																	
Proposed Uses By Zone	R1	R2	R3	C1	M1	PSI	O1	A1	Proposed uses by Zone	R1	R2	R3	C1	M1	PSI	O1	A1
Residential									Accessory								
Single Detached	P	P	P	P				P	Accessory structures	A	A	A	A	A	A	A	A
Duplex / Semi-detached	P	P	P	P				SP	Accessory dwelling units (secondary, garden) (single detached lot)	A	A	A	A				A
Townhouse		P**	P	P				SP	Home based businesses	A	A	A	A				A
Stacked Townhouse			P	P					B&Bs, STRS (single detached lot)	A***	A***	A***	A				A***
Multiple Unit Dwellings / apartment			P	P					Parking Lots				P			A	
Tiny homes	P								Institutional								
Mini Homes	P								Institutional (incl civic centres, clubs)				P		P		
Shared housing			P****	P					Childcare (early learning)	SP	SP	SP	P				SP
Shared housing with special care		P	P	P				SP	Recreation (incl parks, golf, rec uses, rec admin offices) see zone for list						P	P	
Clustered housing (min 6 units, can include tiny homes and mini homes, as well as all other residential)			P														
Commercial									Agricultural and Industrial								
Commercial				P	A	A			Agricultural, resource uses, forestry		P*		P*				P
Service stations, auto trade, except scrap yard				SP					Resource commercial and resource industrial uses								SP
Temporary Commercial				P					Wind (large and small)								P
Banks and financial institutions; business or professional offices; craft breweries; craft workshop and studios; funeral homes and crematoria; lounges and restaurants; and retail stores, service shops and personal service shops				P	P				Manufacturing & assembly, warehousing, transport operations, auto trade activities other than scrap yard, wholesale operations, farm machinery and heavy equipment, farm machinery and heavy equipment dealerships and repair shops; heavy equipment depots; contractors' yard;					P			
* specific PIDs only ** max 4 units in R2 zone *** SP for B&Bs with more than 3 bedrooms **** max 8 bedrooms per building P = Permitted A = Accessory Use SP = Special Permit Use									Storage of sand and aggregate, asphalt and concrete plants, auto salvage facility					SP			

6. KEY PROPOSED SETBACKS

Proposed Setbacks	Lot Area	Frontage (m.)	Front Yard & Flanking Yard (m.)	Rear Yard (m.)	Side Yard (m.)	Max Height (m.)	Lot Coverage %	Existing Setbacks	Lot Area	Frontage (m.)	Front Yard & Flanking Yard (m.)	Rear Yard (m.)	Side Yard (m.)	Max Height (m.)	Lot Coverage %
Residential								Residential							
Single Detached, tiny homes, mini homes	Regs	30.5 (100 ft)	6.1 (20 ft)	4.5 (14.8 ft)	3 (9.8 ft)	12.2 (40 ft)	35	Single Detached, tiny homes, mini homes	Regs	30.5 (100 ft)	6.1 (20 ft)	4.57 (15 ft)	3.05 (10 ft)	10.67 (35 ft)	25
Duplex	Regs	38.1 (125 ft)	6.1 (20 ft)	4.5 (14.8 ft)	3 (9.8 ft)	12.2 (40 ft)	35	Duplex	Regs	30.5 (100 ft)	6.1 (20 ft)	4.57 (15 ft)	3.05 (10 ft)	10.67 (35 ft)	35
Semi-detached	Regs	19/ unit (63.2 ft / unit)	6.1 (20 ft)	4.5 (14.8 ft)	3 (9.8 ft)	12.2 (40 ft)	35	Semi-detached	Regs	30.5 (100 ft)	6.1 (20 ft)	4.57 (15 ft)	3.05 (10 ft)	10.67 (35 ft)	35
Townhouse	Regs	15.2/unit (49.9 ft / unit)	6.1 (20 ft)	4.5 (14.8 ft)	3 (9.8 ft)	12.2 (40 ft)	35	Townhouse	Regs	30.5 (100 ft)	6.1 (20 ft)	4.57 (15 ft)	3.05 (10 ft)	10.67 (35 ft)	
Stacked Townhouse	Regs	15.2/stack (49.9 ft / stack)	6.1 (20 ft)	4.5 (14.8 ft)	3 (9.8 ft)	12.2 (40 ft)		Stacked Townhouse	(new)						
Multiple Unit Dwellings / apartment	Regs	49 (161 ft)	6.1 (20 ft)	4.5 (14.8 ft)	3 (9.8 ft)	12.2 (40 ft)		Multiple Unit Dwellings / apt	Regs	30.5 (100 ft)	6.1 (20 ft)	4.57 (15 ft)	3.05 (10 ft)	10.67 (35 ft)	
Commercial	1,394 15000 ft ²	30.5 (100 ft)	4.6 (15 ft)	4.5 (14.8 ft)	3 (9.8 ft)	15.25 (50 ft)		Commercial	Regs	30.5 (100 ft)	6.1 (20 ft)	4.57 (15 ft)	3.05 (10 ft)	10.67 (35 ft)	
Industrial	1,394 15000 ft ²	30.5 (100 ft)	4.6 (15 ft)	4.5 (14.8 ft)	3 (9.8 ft)	15.25 (50 ft)		Industrial	Regs	30.5 (100 ft)	6.1 (20 ft)	4.57 (15 ft)	3.05 (10 ft)	10.67 (35 ft)	
Institutional	1,394 15000 ft ²	30.5 (100 ft)	4.6 (15 ft)	6.1 (20 ft)	3 (9.8 ft)	15.25 (50 ft)		Institutional	0.2 ha (0.5 ac)	45.72 (150 ft)	15.24 (50 ft)	7.62 (25 ft)	6.1 (20 ft)	10.67 (35 ft)	
Recreation	1,394 15000 ft ²	30.5 (100 ft)	4.6 (15 ft)	6.1 (20 ft)	3 (9.8 ft)	15.25 (50 ft)		Recreation	0.4 ha (1 ac)	45.72 (150 ft)	15.24 (50 ft)	15.24 (25 ft)	7.62 (25 ft)	10.67 (35 ft)	
Agricultural	0.4 ha (1 ac)	45.72 (150 ft)	15 (49.2 ft)	15 (49.2 ft)	4.5 (14.8 ft)	12.2 (40 ft)		Agricultural	0.4 ha (1 ac)	45.72 (150 ft)	15.24 (50 ft)	15.24 (50 ft)	4.57 (15 ft)	10.67 (35 ft)	
Other Notes								Other Notes							
* All new lots must at minimum meet the Province-Wide Minimum Development Standards Regulations under the Planning Act, regardless of the zone or use.								Regs = Province-Wide Minimum Development Standards Regulations under the Planning Act							

	All uses		
Used for human habitation	Only where a <i>dwelling</i> is a permitted <i>accessory use</i>		
Located in front yard or flankage yard	Not permitted		
Minimum distance to any lot line	1.52 m. (5 ft.) (no change)		
Minimum distance from <i>main building on lot</i>	3.05 m. (10 ft.) (no change)		
Maximum <i>height</i>	The lesser of 6.7 m. (22 ft.) or the <i>height</i> of the <i>main building</i> on the <i>lot</i> (no change)		
	Residential Use	Commercial, Industrial, Institutional, Farm Use	Parcel > 0.4 ha (1 acre), regardless of use
Maximum number of <i>accessory structures</i>	2	No limit	1 additional per each additional 0.4 ha or part thereof
Maximum combined <i>floor area</i>	93 m ² (1,000 ft ²)	No limit	93 sq. m. (1,000 sq. ft.)