

**TOWN OF O'LEARY**  
**OFFICIAL PLAN**

**P. Wood & Associates**  
**April 2014**

<b>TITLE</b>		
<b>TABLE OF CONTENTS</b>		<u>Page</u>
<b>1.0</b>	<b>INTRODUCTION</b>	<b>5</b>
1.1	Purpose	5
1.2	Planning Area	5
1.3	Legal Enablement	5
1.4	Time Frame	6
1.5	Plan Content	6
1.6	Official Plan Review	7
<b>2.0</b>	<b>THE TOWN OF O’LEARY</b>	<b>8</b>
2.1	Historical Background	8
2.2	Municipal Organization	9
2.3	Site and Situation	9
	Map 1 – Location	11
2.4	Population	12
	Table 1 – Town of O’Leary Population	12
	Table 2 – Town of O’Leary Age Characteristics	13
2.5	Present Land Use	13
	2.5.1 General	13
	2.5.2 Residential	14
	Map 2 – Present Land Use	15
	2.5.3 Rural Resource	16
	2.5.4 Commercial and Industrial	16
	2.5.5 Institutional	16
	2.5.6 Parks and Recreation	17
2.6	Building Permit Activity	17
	Table 3 – Town of O’Leary Annual Development Levels 1986-2012	18
2.7	The Local Economy – O’Leary and its Service Area	19
2.8	Transportation	20
2.9	Municipal Affairs	20
	2.9.1 Sanitary Sewer	20
	2.9.2 Central Water	21
	2.9.3 Fire Protection	21
	2.9.4 Police Protection	21
	2.9.5 Solid Waste Management & Recycling	21
	2.9.6 Social and Recreation	21
<b>3.0</b>	<b>ENVIRONMENT</b>	<b>22</b>
3.1	Surface Water and Groundwater	22
<b>4.0</b>	<b>FUTURE DEVELOPMENT GOALS</b>	<b>22</b>

4.1	Introduction	22
4.2	Future Development Concept	23
4.3	Goals	23
	4.3.1 General	24
	4.3.2 Social	24
	4.3.3 Economic	24
	4.3.4 Physical	24
	4.3.5 Environmental	25
<b>5.0</b>	<b>OBJECTIVES, POLICIES AND PLAN ACTIONS</b>	<b>25</b>
5.1	Introduction	25
5.2	Residential	25
	Objectives	26
	Policy PR-1 Zoning	26
	Policy PR-2 Residential Development Standards	27
	Policy PR-3 Accessory Apartments	28
	Policy PR-4 In-Home Occupations	28
	Policy PR-5 Bed & Breakfast	28
	Policy PR-6 Prefabricated Homes	29
	Policy PR-7 Housing Development & Promotion	29
5.3	Commercial	30
	Objectives	31
	Policy PC-1 Zoning	31
	Policy PC-2 Buffers	32
	Policy PC-3 Core Area Development Plan	32
	Policy PC-4 New Retail Space	33
	Policy PC-5 Tourism Development	33
	Policy PC-6 Signage	34
5.4	Industrial	34
	Objectives	34
	Policy PM-1 Zoning	35
5.5	Agriculture	35
	Objectives	36
	Policy PA-1 Zoning	36
	Policy PA-2 Livestock Operations	36
	Policy PA-3 Riparian Zones	37
5.6	Transportation	37
	Objectives	37
	Policy PT-1 Access	38
	Policy PT-2 Maintenance	38
5.7	Environment	38
	Objectives	39
	Policy PE-1 Individual Wells	39
	Policy PE-2 Point Sources of Pollution	39
	Policy PE-3 Central Services	40

<b>Policy PE-4</b>	<b>Alternate Energy Systems</b>	<b>40</b>
<b>6.0</b>	<b>GENERAL LAND USE PLAN</b>	<b>40</b>
	<b>Map 3 – General Land Use Plan</b>	<b>42</b>
<b>7.0</b>	<b>IMPLEMENTATION</b>	<b>43</b>
<b>7.1</b>	<b>Administration</b>	<b>43</b>
<b>7.2</b>	<b>Development Bylaw</b>	<b>43</b>
<b>7.2.1</b>	<b>Approval of Development or Change of Use</b>	<b>43</b>
<b>7.2.2</b>	<b>Development Agreements</b>	<b>44</b>
<b>7.2.3</b>	<b>Variances</b>	<b>44</b>
<b>7.3</b>	<b>Budgeting</b>	<b>44</b>
<b>7.3.1</b>	<b>Budget Policies</b>	<b>44</b>
<b>7.4</b>	<b>Review</b>	<b>45</b>
<b>7.5</b>	<b>Amendments</b>	<b>45</b>
<b>7.6</b>	<b>Appeal Procedure</b>	<b>45</b>

## 1.0 INTRODUCTION

---

### 1.1 PURPOSE

The Official Plan for the Town of O’Leary is a formalized statement of Goals, Objectives, Policies and Plan Actions approved by Council concerning the nature, extent and pattern of land use and development within the Community until the year 2029.

The Town’s Goals as set out in the Plan indicate overall policy direction while the Objectives and Policies deal with specific topics and issues. Plan Actions are statements indicating specific initiatives or directions which will be undertaken to implement the Plan’s Policies and Objectives.

The Official Plan guides the physical, social and economic development of the Community. It provides the policy framework for the Community of O’Leary Zoning and Subdivision Control (Development) Bylaw and policy direction for Council’s actions in relation to: economic development initiatives; public works; social programs; municipal services; environmental standards; and fiscal management.

### 1.2 PLANNING AREA

The Official Plan covers all the geographical area contained within the legal municipal boundaries of the Town of O’Leary. Although the Official Plan can only control those matters which arise within the Community’s legal boundaries, consideration must also be given to what is happening in adjacent municipalities and, indeed, the West Prince Area and the Province as a whole.

### 1.3 LEGAL ENABLEMENT

The Town of O’Leary derives the majority of its powers from the *Planning Act* and the *Municipalities Act*. The *Planning Act* empowers Council to appoint a planning board, adopt an Official Plan and subsequently adopt land use control bylaws. The *Municipalities Act* empowers the community to make bylaws and/or develop programs and strategies which help, in part, to implement other aspects of the Official Plan.

#### 1.4 **TIME FRAME**

The Official Plan will guide the physical, social and economic development of O’Leary until the year 2029. Periodic reviews will take place as required, but the reviews must occur at least once every 5 years pursuant to the requirements of the *Planning Act*.

#### 1.5 **PLAN CONTENT**

The *Planning Act, R.S.P.E.I., 1988, Cap P-8*, requires that an Official Plan shall include:

- a statement of economic, physical, social and environmental objectives;
- a statement of policies for future land use, management and development, expressed with reference to a specified period not exceeding fifteen years;
- proposals for its implementation, administration and the periodic review of the extent to which the objectives are achieved.

This document contains six sections:

- 1) Introduction
- 2) The Town of O’Leary
- 3) Future Development Goals
- 4) Objectives, Policies and Plan Actions
- 5) General Land Use Plan; and
- 6) Implementation

The first section deals with the purpose, scope and legal enablement for the Official Plan. The second section summarizes the background studies and provides a description of the physical, social and economic characteristics of the Town. The third section provides a broad summary of how the Town desires to see its development unfold in the future. The fourth section is the core of the document, stating objectives, policies and intended actions for specific topics. The fifth section includes the General Land Use Plan or Official Plan Map. The last section sets out the process for administering and implementing the Official Plan and Development Bylaw.

## 1.6 OFFICIAL PLAN REVIEW

An Official Plan is intended to be a dynamic planning tool and is therefore subject to periodic review and/or amendment. The Village of O’Leary appointed its first Planning Board in 1985. The first Official Plan was completed and adopted in 1990. A comprehensive review of this Plan was performed in 2000 and a revised Official Plan adopted at that time, together with a revised Zoning and Subdivision Control Bylaw. This document, therefore, represents the third Official Plan for the Town of O’Leary.

While there has not been a significant amount of development occur in O’Leary since 2000, Planning Board determined that the current Official Plan did not meet the standards which have been established in other municipalities across Prince Edward Island and a relatively comprehensive upgrading was recommended. A major upgrading of the Zoning and Subdivision Control Bylaw was also recommended.

### Current Review

The review of the 2000 Official Plan commenced in 2013 as per the requirements of Section 15.1 (1) of the *PEI Planning Act*. A consultant was retained to undertake the review and a new Planning Board was appointed as per Section 9(2) of the Act. Funding assistance was received from the Federally and Provincially funded Capacity Building Fund administered by the Provincial Infrastructure Secretariat Office. The Planning Board held a series of meetings to identify a direction for various plan review topics for the consultant.

A current land use survey was performed to obtain current land use information.

Background studies were undertaken to obtain demographic and social information as well as information from agencies and operations that supply services to the Town.

A public meeting was held to obtain public input into the planning process. A portion of this meeting included an exercise in community goal and action formulation concerning the topics of residential, municipal services, recreation and environmental issues.

As part of the public consultation process, two separate newsletters were prepared highlighting the various stages of the planning process and summarizing land use and development issues as they arose.

## **2.0 THE TOWN OF O'LEARY**

---

### **2.1 HISTORICAL BACKGROUND**

Well over 100 years ago the Village of O'Leary was born when the western Prince County rail system was laid. O'Leary station was built at the location where the rail crossed the O'Leary Road. That location has not changed to this very day.

By the time the Island's 1880 Meacham's Atlas was being produced, the railway lands had been developed to include a siding and two spur lines opposite the main station. In addition to the station building, the railroad company constructed a coal shed and a water tank. All of these facilities were shown in the Atlas.

The Village quickly developed into a service centre for the area. The spur lines were used to serve James Barclay's stream-driven sawmill and warehouse north of the O'Leary Road. They also served the Post Office, then managed by John Frost.

On the south side of O'Leary Road, Robert Ellis and a Ramsay-Barclay enterprises both built stores, and John MacDonald set up a cooperage. Thus began the first manufacturing, trade and commerce in O'Leary.

The earliest residents of the Village came from a variety of places. Hugh and Charles Murray moved in from Bedeque, and David and Lorenzo Ramsay from Port Hill. O'Leary's first tailor was William Jelley. Robert Ellis moved in from Springfield West to open his store. Thomas Robinson came from Unionvale with his family, and the Dickens family came from the eastern part of the Province to open O'Leary's first blacksmith shop.

Two names which are significant in the history of O'Leary Station are Peter N. Pate and James Barclay. Barclay came to O'Leary from Ellerslie and brought his bride from Bedeque. He owned a store in partnership with D.C. Ramsay and a railroad siding warehouse. He also built the Willow Hotel. Peter Pate moved in 1888 from West River. At various times he owned a store, cannery, machine shop and cooperage. He also served for a time as Justice of the Peace and Magistrate for Prince County. He opened the first bank in O'Leary – the Bank of New Brunswick. Entrepreneurs such as Barclay and Pate helped O'Leary to quickly establish itself as a robust new community.

In addition to its entrepreneurs, O'Leary also had the good fortune to attract vigorous medical men. In 1886, Dr. Daniel McLaughlin came to

O'Leary and built the Dr. George Dewar house. Later, Dr. H. E. MacEwen joined the practice, with A. J. Matheson dispensing drugs from a dispensary in Dr. McLaughlin's house. An impressive number of doctors have served in the community over the years since 1886.

A wide business community continued to develop in O'Leary. In 1889, Swabey and John Jelley opened the Jelley Carriage Shop and Funeral Home. The funeral home operated until 1974, when its name changed to Ferguson Funeral Home. By the last year of the 19<sup>th</sup> Century, Thomas Turner was running a tannery, John Reilly was making boots and Phillip Evans was manufacturing harness. W.H. Dennis was competing with the Jelley's by making sleighs and carriages in his shop, while D.P. Campbell ran a store and George Bernard had a barber shop in his home. Later, Martin Griffin opened a photographic studio near the west end of Main Street.

Every early community had its tinkers and O'Leary was no exception. In January, 1938, Fred Champion threw the switch in his electrical power plant to light O'Leary's streets and the homes of his first customers. He wired buildings and expanded his electric power service for several miles around. In January, 1949, his generating plant was lost in a fire.

O'Leary was incorporated as a Village under the **PEI Village Services Act** in 1951. The first commissioners appointed were Alton Rayner, Ralph Adams and Bernard Shea. During the life of the **Village Services Act**, commissioners were elected at annual meetings. Currently, under the **Municipalities Act**, the Community has a 6-member Council, a full-time Administrator and a Recreation Director.

Potato farming is obviously a large factor in O'Leary's commercial activity today. O'Leary is a recognized marketing place, and retails supplies, machinery and services to the industry. At one point three large companies packed and shipped potatoes in the Community –C.F. Willis & Son Ltd., O'Leary Co-op and H.B. Willis Co. Ltd. These companies had large labour forces and channeled thousands of dollars in wages into the community annually. The CIL Fertilizer plant and the Massey-Ferguson machinery dealership were two other major farm-related businesses in the Village. The CIL plant has since been taken over by Cavendish Farms.

An important key to O'Leary's community growth is the spirit of co-operation by which people work together for the betterment of the community. One example is the O'Leary Farmers Co-op which at its peak operated a general store, a hardware and building supply store, a service station, a feed mill, and a potato warehouse. All of this was

achieved on a “one member – one vote” basis. Another notable co-operative is the Central Credit Union, formed by a merger of the former Saint Mark’s, Saint Anthony’s and O’Leary Credit Unions.

The co-operative spirit already demonstrated will need to continue if O’Leary is to grow and prosper. It is expected that such co-operation will continue, not only among O’Leary residents, but also between the Community and its surrounding service area. The Official Plan for O’Leary will seek to build on the positive aspects of co-operation among people and communities.

## **2.2 MUNICIPAL ORGANIZATION**

As noted above, the Village of O’Leary was incorporated in 1951. Amendments to the Municipalities Act in 1983 resulted in a name change to the Community of O’Leary. As of the time of preparation of this Official Plan, O’Leary Community Council had formerly applied to the Provincial Government to change the status of the Community to a Town. Indication had been received that this application would be approved prior to or just after the adoption of this Plan.

## **2.3 SITE AND SITUATION**

O’Leary is located in the south-central portion of West Prince County at the intersection of the O’Leary Road and the Confederation Trail (former CNR rail lines) approximately 5 kilometers west of the Western Road (Rte 2). The Town is 60 kilometers north-west of Summerside and 130 kilometers west of the Provincial capital Charlottetown. The topography is relatively flat with one small stream bisecting the Town in the eastern end. In terms of its physical size, O’Leary is relatively small with a total acreage of 360 acres. This limited size has caused a considerable amount of development to spill over the municipal boundaries into adjacent unincorporated lands. Even the municipal sewage lagoon had to be located outside of the very constrained municipal boundaries.

**MAP 1**  
**LOCATION**

## 2.4 POPULATION

In terms of retaining its population, O’Leary has fared somewhat better than some other rural communities in Prince Edward Island. Table 1 depicts population changes in the Town from 1966 to 2011, based on Census Canada figures. It can be seen that from 1966 to 1996 the trend was generally positive with a significant downturn in the 1981 census. Very slight declines occurred between 1996 and 2006 but a more significant decline occurred between 2006 and 2011.

**TABLE I**

**Town of O’Leary**  
**Population**

<b>Year</b>	<b>Population</b>
<b>1996</b>	<b>738</b>
<b>1971</b>	<b>795</b>
<b>1976</b>	<b>805</b>
<b>1981</b>	<b>735</b>
<b>1986</b>	<b>785</b>
<b>1991</b>	<b>834</b>
<b>1996</b>	<b>877</b>
<b>2006</b>	<b>861</b>
<b>2011</b>	<b>812</b>

Considering the total number of residences in the Town (which has not declined to any significant extent), it becomes apparent that this population decline is due primarily to a reduction in household size rather than the number of households. This assumption is supported further by looking at the age structure of the Town in Table 2. The table indicates that approximately 50% of O’Leary’s population in 2011 was over the age of 50 and 30.2% were over 65 years of age. This compares to the provincial average of 16.3%. Clearly O’Leary’s population is aging and the number of younger families with children is declining.

**TABLE 2**

**Town of O’Leary**  
**Age Characteristics**

<b>Age Characteristics</b>	<b>2011</b>
0-4 years	30
5-9 years	35
10-14 years	50
15-19 years	60
20-24 years	35
25-29 years	25
30-34 years	25
35-39 years	35
40-44 years	45
45-49 years	55
50-54 years	55
55-59 years	45
60-64 years	60
65-69 years	40
70-74 years	55
75-79 years	45
80-84 years	40
85 and over	65
<b>Total</b>	<b>815</b>

These population trends are somewhat to be expected due to the lack of post-secondary education opportunities in the Town and the continuing exodus of young Islanders to Western Canada to find employment. From a public policy standpoint it becomes apparent, however, that Council must address the increasing demand for affordable seniors housing and must also pursue options for developing new, affordable housing options for young families. There are employment opportunities in the O’Leary region, but the Town must seek to provide more affordable housing options in order to attract these young families to locate within the boundaries of O’Leary.

**2.5 PRESENT LAND USE**

**2.5.1 General**

A Present Land Use Survey was conducted as part of the Planning process and the results are shown on Map 2. The map in the 2000 Official Plan was a “generalized land use map” and was simply

indicative of the Community's general land use patterns. The new map is much more precise and illustrates present land use on a lot by lot basis as of 2013.

### **2.5.2 Residential**

Approximately one third of the Town's land base is currently developed for residential use. The 2000 Zoning and Subdivision Control Bylaw only designated two residential zones (General Residential and a Mobile Home zone). Most municipalities have more diverse residential zones accommodating at least low, medium and high density housing forms. The provision of essentially only one residential zone means that there has been no legal segregation of housing densities or forms. This, quite expectedly, has led to a mix of housing forms in most neighbourhoods. There are few if any exclusive single family residential neighbourhoods in O'Leary. Many streets have a mix of single family homes, duplex units and apartments. While this can be said to encourage housing diversity, it does little to protect housing values and may in fact be a disincentive for some home owners.

There are a range of seniors housing options in the Town but, as indicated in the population section, demand for affordable seniors housing continues to rise. There is also some lower income family housing in the western portion of the Town, but newer more innovative housing options are required in order to entice additional young families into the Town. The one developed "mobile home" subdivision (most units are actually mini homes) on Maple Street is very attractive and might be a model for some future residential development.

**MAP 2**  
**PRESENT LAND USE**

### **2.5.3 Rural Resource**

There is at least one significant active farm in the Town plus other fields that remain in active agricultural production. Very few conflicts were noted between agricultural activities in the Town and adjacent residences.

### **2.5.4 Commercial and Industrial**

The Town of O’Leary has a reasonably well defined commercial core area. Most commercial businesses are clustered along Main Street and Willow Street. Quite expectedly, the commercial core of the Town and its industrial facilities tend to be clustered along or in close proximity to the former rail line. The intersection of the former rail line (now the Confederation Trail) and the O’Leary Road (Main Street) remains the focus or hub of economic activity in the Town.

Retail and other commercial services are well supplied in O’Leary and currently include: a food store; convenience store; bank; credit union; two pharmacies; health centre; hardware and building supplies; service station; restaurant; auto parts; liquor store; funeral home; computer services; quilt and fabric store; bakery; hair dressers and aesthetician; fitness club; veterinary clinic; pet care; small engine repair; and a range of professional and technical support services located in two separate office complexes. There are also a number of commercial operations located just outside the municipal boundaries including a flower shop, restaurant, automobile sales and a tire shop.

O’Leary has a long tradition of industrial activity focused primarily on the agricultural sector. For obvious reasons these facilities have tended to cluster along the former rail line and remain there today. Several large potato and produce warehouses dominate the northern core area of the Town. Other potato warehouses related to the Town’s largest farm are located along the rail line in the southern core area of the Town. Other prominent industrial facilities include the Cavendish Farms fertilizer plant, the feed mill, the ADL dairy; cabinet shop, Seaman’s Beverages and the bottle exchange.

### **2.5.5 Institutional**

O’Leary is exceptionally well supplied with Public Service and Institutional facilities. As shown on the Present Land Use Map, these facilities tend to be clustered primarily in the western portion of the Town. The two most prominent are the former O’Leary Community

Hospital (which has now been converted into an extended care facility) and O’Leary Consolidated Elementary School. Other facilities include: the Provincial Regional Services Centre; the Federal Government office building; post office; the Community Complex and Fire Hall; Mother Goose Daycare; O’Leary Baptist Church; O’Leary United Church; O’Leary Church of Christ; O’Leary Church of the Nazarene; Lighthouse Community Church; Island EMS; Royal Canadian Legion; and the Canadian Potato Museum and O’Leary Community Museum.

### **2.5.6 Parks and Recreation**

O’Leary is also well supplied with parks and recreation facilities. The largest park areas are Ellis Field Ball Diamond and associated lands in the northern portion of the Town and the playing fields behind the O’Leary Community Sports Centre (together with the fields associated with the school). Other smaller parks are located along Main Street and in the vicinity of the old train station. There is also a significant park located south of the Canadian Potato Museum running south to Community Street.

The Confederation Trail runs through the core area of O’Leary and provides both a tremendous pedestrian facility and also a significant green corridor. The Confederation Trail represents not only a significant wellness asset for the Town, it also represents a significant (and largely untapped) tourism resource.

Other than the Ellis Field complex noted above, the major recreational facilities in the Town are the O’Leary Community Sports Centre with its rink and the Maple Leaf Curling Club. Sports fields are located behind the rink and tennis courts and basketball nets are located in the park on Main Street. The other significant recreational facility is the Intergenerational Centre on Main Street.

## **2.6 BUILDING PERMIT ACTIVITY**

Table 3 indicates Building Permit and Subdivision activity since 1986. A detailed summary is also provided for the years 2000 – 2012. Perhaps the most encouraging element of the development activity since 2000 has been the number of commercial and multi-family residential units. Hopefully this trend will continue. The cost of providing roads and central services has no doubt been a major factor in the very low number of new lots being created in recent years.

**TABLE 3**

**Town of O'Leary**  
**Annual Development Levels 1986-2012**

<b>Year</b>	<b>Subdivision Permits Issued</b>	<b>Building Permits Issued</b>
1986	6	10
1987	2	4
1988	11	7
1989	0	0
1990	0	17
1991	1	8
1992	5	22
1993	0	14
1994	1	17
1995	0	10
1996	0	9
1997	1	7
1998	1	10
1999	1	3
2000	0	5
2001	0	2
2002	0	3
2005	0	4
2008	0	2
2009	0	1
2010	0	3
2011	0	3
2012	0	4
<b>Total</b>	<b>29</b>	<b>165</b>

Building permits from 2000 – 2012 include the following:

- Year 2000 - Expansion to church for office and meeting rooms \$120,000  
Commercial bakery \$77,000  
Co-op extension for showroom \$100,000  
Oulton's 4 unit apartment \$200,000  
Single family dwelling \$130,000
  
- Year 2001 - Oulton's 10 unit apartment \$500,000  
Single family dwelling \$95,000
  
- Year 2002 - Hospital expansion \$998,000  
Medical clinic \$270,000  
Co-op gas bar and convenience store \$412,000

- Year 2005 - Single family dwelling \$175,000  
Commercial office space \$330,000  
Single family dwelling \$80,000  
O’Leary’s Alice Duncan Centre \$120,000
- Year 2008 - Single family dwelling \$120,000  
Single family dwelling (mini home) \$15,000
- Year 2009 - Health Clinic \$2,500,000
- Year 2010 - MacDonald’s 3 unit apartment \$170,000  
Potato museum expansion \$150,000  
Single family dwelling \$115,900
- Year 2011 - Community Inclusions 5 unit apartment/office  
complex \$619,421  
MacDonald’s 6 unit apartment \$480,000  
Hospital/long term care extension \$1,992,000
- Year 2012 - Oulton’s 4 unit apartment \$380,000  
Co-op renovation \$400,200  
Pharmacy expansion for medical clinic \$100,000  
Expansion to in home business \$36,000

**2.7 THE LOCAL ECONOMY:  
O’LEARY AND ITS SERVICE AREA**

The Town of O’Leary has been known for many years as primarily an agricultural service centre. The surrounding rural areas have a very strong history in term of potato production and O’Leary, as the local rail head, has had a long tradition of servicing this local industry. The numerous large produce warehouses which remain in the Town provide clear evidence of this historic relationship. Other key agricultural services include the Cavendish Farms Fertilizer plant, the ADL Dairy, veterinary clinic and the feed mill. The large surrounding agricultural region also depends on O’Leary for financial services, government offices, professional services, automotive supplies, gasoline and related services, and a wide array of daily needs such as food, pharmacy, convenience items, hardware, building supplies, etc. O’Leary is also the home of the regional school, health clinic and extended care health facility.

While this agricultural service role is widely understood and acknowledged, it is important to realize that O’Leary is also the centre of a significant tourism region and also provides key services to the

local fishery. There is also a significant and growing manufacturing and processing sector in close proximity to O'Leary.

## **2.8 TRANSPORTATION**

The primary transportation route through the Town of O'Leary is Highway 42 (Main Street) which bisects the Town from east to west. Also known as the O'Leary Road (outside of O'Leary) this route connects to Rte 2 to the east and to West Cape in the west. Other significant local collector streets are the Gaspé Road which connects north to Howlan and Barclay Road which connects south to Coleman and Mount Royal. The Town also has a number of local streets including: Park Avenue, Ellis Avenue, Water Street, North Street, Kent Street, Willow Avenue, Lloyd Street, Stewart Lane, Dewar Lane, Centennial Drive, Parkview Avenue, Heritage Lane, Community Street, Beechwood Avenue, Maple Street, East Drive, Royal Avenue, Pate Gordon Drive, and Jubilee Avenue.

All roads in the Town are owned and maintained by the Provincial Government. Generally the Town's roads are in good condition but, as with many Island municipalities, storm water management systems on some local streets are not well developed.

Pedestrian facilities in the Town of O'Leary are quite well developed with 4.5 kilometers of paved sidewalks. The Confederation Trail also bisects the Community, running directly through the core area. It provides an exceptional pedestrian facility for local residents to enjoy and also provides a pedestrian and bikeway connection to many other points in West Prince and to the balance of the Island.

## **2.9 MUNICIPAL SERVICES**

### **2.9.1 Sanitary Sewer**

The sanitary sewer system in O'Leary was started in the early 1950's. The Community of O'Leary Sewage Collection and Treatment Corporation was incorporated on March 8, 1988. Currently O'Leary is serviced by a two cell sewage lagoon (located just outside of the municipal boundaries to the east), one pumping station and approximately 10,800 metres of gravity sanitary sewer mains and 475 of forced main. All streets in the Town are serviced.

Given the age of the system, the Town has started to perform a comprehensive program of video inspections and implemented a sewer upgrading and replacement program. High priority areas have been

completed but much of the system remains to be fully inspected and a long term program of maintenance and upgrading is expected to be required in order to keep the system in optimum operating condition.

### **2.9.2 Central Water**

All properties in O’Leary are serviced by individual on-site wells. There has been some history of localized water contamination, primarily due to former petroleum facilities, but no wide-spread water supply problems have been noted and no plans are currently in place to provide a central water supply system.

### **2.9.3 Fire Protection**

The Town of O’Leary has its own Volunteer Fire Company, located on Community Street in the community complex. This Fire Company also provides fire protection on a fee for service basis to a large fire district surrounding the Town. In addition to the emergency response capability of the fire department, O’Leary is also home to the regional headquarters of Island EMS.

### **2.9.4 Police Protection**

The Town of O’Leary receives police protection from the RCMP detachment located between Alberton and O’Leary on Rte 2. Services are provided through a standard municipal policing contract.

### **2.9.5 Solid Waste Management and Recycling**

The Town of O’Leary participates in the province-wide waste reduction strategy managed by the Island Waste Management Corporation. Residents sort their household waste, compost and recyclables for road side pick-up. This situation is a vast improvement as it was previously the responsibility of residents to individually dispose of their household waste in an environmentally responsible manner. The former municipal dump site was the destination for the majority of residents garbage in the past. The site is now closed and the sorted product is now trucked to a new recycling/composting site in Wellington Centre.

### **2.9.6 Social and Recreation**

The Town of O’Leary’s major recreational facility is the combined O’Leary Community Sports Centre (Rink) and the Maple Leaf Curling Club. Both facilities are managed by independent Boards of Directors. The Community owns and manages Ellis Field with its well-developed ball diamond, bleachers, support facilities and associated green space.

Smaller parks are located adjacent to the rail road station, along Main Street and adjacent to the Canadian Potato Museum. Others sports fields are located behind the Community Sports Centre and adjacent to the school.

O’Leary also has a Multi-generational Centre on Main Street which houses the seniors club, after-school programs and other activities.

### **3.0 ENVIRONMENT**

#### **3.1 Surface Water and Groundwater**

There is one relatively small creek running through the Town entering at the northern end adjacent to Ellis Field and running south-east toward the sewage lagoon. Given the area’s relatively flat topography, there are some marshy areas associated with this creek but most lie outside of the municipal boundaries. Adequate buffers must be provided for any development in close proximity to designated wetlands.

Given the fact that all properties in O’Leary are dependent upon individual on-site wells, protection of the Town’s groundwater resources is of the utmost importance. There are two sites in the Town where abandoned petroleum sites create concern for adjacent properties. Long term monitoring of these sites will be necessary. Other localized well contamination events have been addressed and do not appear to present long term risks.

Whenever municipalities have central sewer systems and on-site wells there is always concern about potential sewer main leakage. Given the age of O’Leary’s sewer system, long term monitoring and maintenance programs must remain a high priority. Excellent progress has been made in recent years and this program should continue on a routine basis.

Other possible point sources of ground water contamination should also be closely monitored with the assistance of the Department of Environment.

### **4.0 FUTURE DEVELOPMENT GOALS**

---

#### **4.1 INTRODUCTION**

The Goals presented in this Chapter are broad statements indicating the overall shared vision of O’Leary’s Council, residents and property owners in terms of the future evolution or development of the Town. These Goals provide the framework and general direction for the subsequent more detailed statements which follow.

## **4.2 FUTURE DEVELOPMENT CONCEPT**

The Town of O’Leary has a long history as a residential community, a centre of commerce and industry and a regional service centre. Of the seventy-five incorporated municipalities on Prince Edward Island, only a handful provide the wide range of services that exist in O’Leary or service such a significant rural service area. Given O’Leary’s very constrained geographic boundaries, it is increasingly the case that Council must not only be concerned about the quality of life for its own residents and businesses. It must increasingly focus on addressing O’Leary’s relationship with its rural neighbours and the many people and companies outside of its legal boundaries that are dependent on O’Leary for many of their day to day needs.

The recent Thompson Report on Land Use and Local Governance on Prince Edward Island reviewed the situation with regard to the large unincorporated (and largely unrepresented) areas of the Province and the proliferation of undersized and underfunded municipalities. The recommendation of Judge Thompson was that a much smaller number of physically larger and more financially viable municipalities was urgently required. While the recommendations of the report have been supported by the Provincial Government, no concrete action has been taken and it has largely been left to the individual municipalities to work toward more regional co-operation and partnerships.

**The Future Development Concept reflected in this Plan would see the Town of O’Leary continue to provide 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. In the future O’Leary will also seek to strengthen and formalize its functional relationship with its rural service area. The options for a more formal and mutually beneficial relationship are many and will hopefully evolve as the result of an ongoing dialogue between the Town and its rural neighbours.**

## **4.3 GOALS**

### **4.3.1 General**

- To preserve and enhance the unique identity and small town character of O’Leary.
- To foster a civic environment which provides a sense of safety and stability while offering opportunities for human enrichment and economic growth.

### **4.3.2 Social**

- To foster the creation and maintenance of safe, efficient, stable and visually appealing residential neighbourhoods.
- To foster social interaction and healthy lifestyles for all residents of the Town.
- To provide for a range of housing opportunities which meet varied socio-economic needs.
- To place increased emphasis on the special needs of seniors, youth, the mentally and physically challenged.

### **4.3.3 Economic**

- To protect the viability of established businesses in the Community.
- To accommodate and encourage commercial and industrial expansion in a manner that is environmentally responsible and that is compatible with adjacent established land uses.
- To protect the long term viability of farming and other resource based activities.
- To strengthen O’Leary’s economic ties to its regional service area.

### **4.3.4 Physical**

- To establish a plan for future development that balances future residential and commercial/industrial development and maintains the established character of the Town.

- To encourage the maintenance of a safe and efficient vehicular circulation system in the Town.
- To enhance the safety of pedestrians.
- To encourage action to protect the quality and quantity of drinking water in the Town.

#### **4.3.5 Environmental**

- To protect and enhance the quality and quantity of groundwater and surface water resources in and adjacent to the Town.
- To protect and enhance significant natural areas.
- To encourage energy efficiency.
- To protect air quality.

## **5.0 OBJECTIVES, POLICIES AND PLAN ACTIONS**

---

### **5.1 INTRODUCTION**

This chapter represents the policy core of the Official Plan. Within the broad policy framework laid down by the previous chapter, the following Objectives provide more precise statements which address specific issues and concerns within the Town.

Policies and Plan Actions outline the proposed course of action to achieve the performance targets described in the Objectives. Policies indicate with some precision the approach the Council will take in pursuing its Objectives. Plan Actions are concrete measures which implement that approach.

### **5.2 RESIDENTIAL**

The Town of O’Leary has a somewhat unique residential mix, as noted earlier. This is primarily due to the current residential zoning. A more traditional tiered residential zoning system would encourage better segregation of residential densities and provide more protection for single family detached home owners. More differentiated residential zones would also help Council to target different forms of residential development to specific areas within the Town.

The population analysis section of this Plan indicates that there is a current and growing need for seniors housing. While a considerable number of seniors housing developments already exist in the Town, more affordable housing options will be needed in the future. Population numbers also indicate a need for additional nursing home beds.

In order to support our local school, local churches, various community groups and our local businesses we will also need to encourage more affordable family housing development. There are adequate employment opportunities in O’Leary’s service area to support significant new housing growth. The current cost of servicing new lots, however, is an almost insurmountable hurdle for developers. It will be necessary, therefore, for Council to look for opportunities to be proactive in terms of providing municipal infrastructure in support of new residential developments. Infilling opportunities (development of existing vacant serviced lots) are very limited in O’Leary and it will be necessary to open up new fully serviced residential subdivisions in order to create new housing opportunities. Council will need to work with developers and aggressively pursue available municipal infrastructure funding programs in order to provide affordably priced new serviced lots.

#### **OBJECTIVES:**

- To encourage new residential development.
- To encourage a range of cost-effective residential development options, particularly for seniors and young families.
- To enhance the character and appearance of established residences and neighbourhoods.
- To encourage residential development standards which stress safety, efficiency, aesthetic appeal, land use compatibility, environmental sustainability and fostering of healthy lifestyles.

#### **POLICIES:**

##### **Policy PR-1: Zoning**

It shall be the policy of Council to replace the current two residential zone system with a more traditional tiered zone system which provides for designated low, medium and high density residential zones (in

addition to the current mobile home zone). Any changes to existing zoning will seek to minimize impacts on existing neighbourhoods.

**Plan Action:**

- The Zoning and Subdivision Control Bylaw will establish an R1 – Single Family Residential Zone, an R2 – Two Family Residential Zone and an R3 – Multiple Family Residential Zone. The current RM – Mobile Home Zone will be renamed as the Mini Home Residential Zone. All existing neighbourhoods will be designated on the Official Zoning Map in a manner which seeks to best protect and enhance their existing development character.
- The current Residential Reserve Zone will be removed. All lands currently designated as Residential Reserve will be designated to one of the newly designated Residential zones if, in Council’s opinion, they may be required for residential development within the next 15 years. The remaining lands will remain in agricultural production and will be designated to a new A1 – Agricultural Zone.

**Policy PR-2: Residential Development Standards**

It shall be the policy of Council to establish residential development standards relating to density, architectural harmony, setbacks, parking, buffering and other matters in order to enhance the health, safety and convenience of residents.

**Plan Action:**

- The Zoning and Subdivision Control Bylaw will establish residential development standards for each zone relating to lot sizes, setbacks, servicing, open space, parking, buffering and other related matters.
- Council will encourage residential properties to be developed and maintained at a high standard.
- Council will encourage energy efficiency and reduced water consumption in residential construction.

### **Policy PR-3: Accessory Apartments**

It shall be the policy of Council to permit the addition of an accessory apartment to any single family dwelling provided that the exterior of the residence retains an appropriate single family appearance and the lot has suitable septic disposal capabilities, or is centrally serviced.

#### **Plan Action:**

- The Zoning and Subdivision Control Bylaw will permit the addition of an accessory apartment to any single family dwelling provided that adequate parking spaces are provided, the apartment has safe fire exits and meets all requirements of the fire marshal, the exterior of the residence retains an appropriate single family appearance and the lot and septic system have been certified to be able to sustain the additional wastewater treatment demand.

### **Policy PR-4: In-Home Occupations**

Dramatic changes in the workplace combined with new telecommunications technology such as computers, the internet, modems and fax machines have made it possible, and sometimes imperative, that more people work out of their homes. With this trend in mind, Council shall permit a range of in-home occupations in residential areas, provided there is no significant negative impact on adjacent properties or the immediate neighbourhood.

#### **Plan Action:**

- The Development Bylaw will set out standards for home occupations, which limit potential residential conflicts such as noise, hours of operation, square footage, number of employees, parking, signage, physical changes to the structure and any other factors which may represent an impediment to the safety, convenience or enjoyment of neighbouring residents.

### **Policy PR-5: Bed & Breakfast**

It shall be the policy of Council to permit and in fact encourage the operation of small scale “bed and breakfast” establishments in all

residential zones, provided they have no negative effects on the surrounding neighbourhood.

**Plan Action:**

- The Development Bylaw shall permit the operation of “bed and breakfast” establishments in all residential zones provided that they are limited in terms of size, signage, parking, dining facilities and that the overall visual appearance of the building and character of the neighbourhood is not negatively affected.

**Policy PR-6: Prefabricated Homes**

It shall be the policy of Council to not discriminate against housing forms due solely to the method of construction. Older style mobile homes (transportable on their own wheeled chassis) which have a distinct style and character shall not be permitted to be located in the Town. Modern “mini-homes” shall be permitted in designated residential areas. Larger “modular” homes shall be permitted in all appropriate residential areas.

**Plan Action:**

- Traditional “mobile homes” shall not be permitted to be located in the Town.
- Modern “mini-homes” may be permitted in all RM – Mini Home Zones and also as an accessory use on a farm in an Agricultural Zone.
- Larger “modular” homes shall be permitted in all residential zones, subject to the designated permitted uses.
- Council will seek to designate additional land in order to accommodate additional mini-home developments in the Town.

**Policy PR-7: Housing Development & Promotion**

It shall be the policy of Council to work with the private sector and other levels of Government to increase residential subdivision and development in the Town.

**Plan Action:**

- Council will seek to work co-operatively with land owners and developers to appropriately cost-share servicing of vacant residential land in the Town.
- Council will seek to pursue all available cost-shared funding programs in order to subsidize the cost of development and limit public expenditures.
- Where appropriate private sector partners cannot be found, Council may pursue the option of purchasing land directly and pursuing the most cost-effective method of servicing.
- When new residential lots have been made available, Council will seek to market these lots in a fair and affordable manner. Special incentives will be considered to encourage young families with children to move to the Town.
- Council shall initiate a promotional program aimed at attracting new residents to the Town. Targeted efforts will focus on new and existing employees of businesses within the Town's boundaries and within its rural service area.

**5.3 COMMERCIAL**

O'Leary is fortunate to have a relatively vibrant commercial core area with a wide range of services. The area remains somewhat unappealing to pedestrians, however, and according to a survey conducted in 2011 local residents desire to see a wider array of retail options. Little if any effort has been placed on targeting pedestrian and bicycle traffic on the Confederation Trail. In general, the core area lacks visual appeal and way-finding is difficult. The core is also somewhat disjointed and needs to be better defined. The recent demolition of the vacant (and quite deteriorated) former Stedman's store and the current upgrading and relocation of the Liquor Store to Main Street will help greatly in providing new life and momentum for core area upgrading. There are,

however, no vacant retail storefronts in the Town to accommodate retail expansion. This is seen as a major limitation to future retail growth.

The O’Leary and Area Development Association represents a strong potential partner to assist Council in pursuing additional commercial development and upgrading. The Association has been highly successful in the development of the Future Tech West office/commercial centre. Hopefully in the future the Association can take on other important initiatives in the core area.

As a direct spin-off of our deliberations on the Official Plan Review and related discussions about O’Leary’s economic future, a new O’Leary and Area Business Association has been formed. It is hoped that this Association can also play a significant role in promoting O’Leary as a commercial centre and facilitating dialogue between area business operators and between the regional business community and Council.

### **OBJECTIVES:**

- To foster the continued health and vitality of the Town’s business sector.
- To specifically target the upgrading of the Town’s commercial core area.
- To facilitate the establishment of new retail and other commercial services in the Town.
- To encourage an active dialogue between the region’s business operators and between these operators and Council, aimed at addressing issues of mutual concern.
- To more effectively promote the Town’s business sector to local and regional residents and to tourists.

### **POLICIES:**

#### **Policy PC-1: Zoning**

It shall be the policy of Council to zone all established commercial uses in the Zoning and Subdivision Control Bylaw as “Commercial” unless they pose safety concerns or create significant land use conflicts with neighbouring properties. Council will also designate additional

Commercially zoned land adjacent to the core area in order to encourage commercial expansion and infilling.

**Plan Action:**

- All current commercial developments other than “in-home occupations” will be designated as Commercial (C1) Zones in the Zoning and Subdivision Control Bylaw.
- The Zoning and Subdivision Control Bylaw will also designate additional land adjacent to the core area as “Commercial” in conformance with the General Land Use Plan.

**Policy PC-2: Buffers**

It shall be the policy of Council to establish adequate buffer areas adjacent to any new or expanded commercial developments in order to minimize any negative effects on adjacent properties.

**Plan Action:**

- The Zoning and Subdivision Control Bylaw shall establish minimum buffer area requirements, ie. setbacks, screening, etc. for any new or expanded commercial developments in order to mitigate negative impacts on adjoining properties.

**Policy PC-3: Core Area Development Plan**

It shall be the policy of Council to develop a strategy which will lead to the preparation of a long term development plan for the commercial core area. The Plan would address such items as pedestrian circulation; signage and way-finding; park upgrading; landscaping; parking; integration with the Confederation Trail; upgrading and better integration of the train station; development of a central design theme; designation of spaces which encourage and facilitate social interaction.

**Plan Action:**

- Council will work with local business operators, land owners, senior levels of government, regional development agencies, the O’Leary and Area Development Association and all other interested parties

to prepare a long term development plan for the commercial core area on a priority basis.

- Various elements of the Plan will be implemented as the required resources become available.

#### **Policy PC-4: New Retail Space**

It shall be the policy of Council to work with the O’Leary and Area Development Association, senior levels of Government, local land owners and local developers to pursue the development of a new “commercial storefront” facility within the designated commercial core area, in order to accommodate and encourage the establishment of new retail and other commercial services in the Town. Where appropriate, financial incentives may also be considered for “start-up” enterprises.

##### **Plan Action:**

- Council will work with the O’Leary and Area Development Association and local land owners to identify a suitable location for a new commercial storefront facility.

Council will seek out funding partners and prepare a business plan for the development, ownership and management of this facility, hopefully in partnership with the O’Leary and Area Development Association.

#### **Policy PC-5: Tourism Development**

It shall be the policy of Council to seek to encourage additional tourism facilities in the Town and to develop a strategy for better promoting the Town’s various services to the tourism market.

##### **Plan Action:**

- Council will work with Tourism PEI to better promote the services and attractions in the Town to users of the Confederation Trail.
- Council will take actions to establish an efficient and attractive way-finding system in the Town which will facilitate better access to all services and attractions in the Community by Confederation Trail users and all other visitors to the Town.

- Council will work with the Board of the Canadian Potato Museum and other regional tourism facilities to better promote tourism visitation to the area.
- Council will work with local property owners to encourage the development of bed and breakfast and other tourism accommodation facilities.

**Policy PC-6: Signage**

As a Community, O’Leary falls under the provisions of the Highway Signage Act. Executive Council has ruled, however, that Communities with their own Signage Bylaws may request an exemption under the Act and take control over their own local commercial signage. This would be an important action in terms of creating an overall design theme for the Town and a physically appealing core area.

**Plan Action:**

- Council shall enact a Signage section in the new Zoning and Subdivision Control Bylaw and request an exemption under the Highway Signage Act so that Council can assume control of local commercial and related signage.

**5.4 INDUSTRIAL**

Most of O’Leary’s current industrial facilities are directly related to the agricultural sector and as such have been a part of the community for many years. Given the Town’s very limited vacant land base, it is unlikely that major new industrial development will occur without a boundary extension. Seasonal heavy truck traffic is a source of concern in the Town and efforts to minimize land use and traffic conflicts in the future would be desirable.

**OBJECTIVES:**

- To actively support and strengthen existing local industries.
- To encourage limited future industrial development where it is compatible with existing and future residential development.
- To pursue large scale industrial development only through a boundary extension to the Town.

- To minimize land use and traffic conflicts generated by industrial developments.

## **POLICIES:**

### **Policy PM-1: Zoning**

It shall be the policy of Council to zone all established industrial uses in the Zoning and Subdivision Control Bylaw as “Industrial” unless they pose safety concerns or create significant land use conflicts for neighbouring properties. Any expansion shall proceed via a re-zoning application and an amendment to the General Land Use Plan.

#### **Plan Action:**

- All current industrial developments will be designated as Industrial (M1) Zones in the Zoning and Subdivision Control Bylaw, unless they pose safety concerns or create significant land use conflicts for neighbouring properties.
- No new large scale industrial developments will be permitted without the provision of central services and shall proceed via a re-zoning application and an amendment to the General Land Use Plan.

## **5.5 AGRICULTURE**

While O’Leary owes much of its history and its economy to farming, there is only a small portion of two farms within the municipal boundaries plus a number of relatively small farm fields. Most of the produce warehouses within the Town are considered to be “industrial” uses. However, one group of potato warehouses in the core area is in fact part of a farm and is more correctly classified as an “agricultural” use. One other large farmstead and related farm buildings straddles the Town’s southern boundary along Barclay Road, even though most of the farm land is located outside of the Town. It will be important to protect the long term viability of the major farming operations within the Town. Given O’Leary’s very confined municipal boundaries, however, undeveloped farm fields which are easily serviceable will be under considerable pressure for urban development.

There is currently no agricultural zoning in O'Leary and all vacant land is zoned either Residential or Residential Reserve. This does not acknowledge the long term importance of the farms within the municipal boundaries or offer any long term protection.

**OBJECTIVES:**

- To protect the long term viability of farming in the Town.
- To minimize conflicts between farmers and non-farm residents.

**POLICIES:**

**Policy PA-1: Zoning**

It shall be the policy of Council to designate an Agricultural Zone which will protect established farms from the intrusion of conflicting land uses and serve to discourage the conversion of important primary resource lands into non-resource use.

**Plan Action:**

- The Development Bylaw shall designate all those lands currently in agriculture use as an Agricultural (A1) Zone, unless Council deems that they are likely to be required for urban development within a 15 year period.
- Council shall work with the local farming community and residents to minimize land use conflicts.

**Policy PA-2: Livestock Operations**

It shall be the policy of Council to protect existing livestock operations from residential encroachment, but also to protect existing residents from the encroachment of new large-scale livestock operations.

**Plan Action:**

- The Development Bylaw shall restrict any new residential development from locating within five hundred feet (500') of an existing livestock operation.
- The Development Bylaw shall prohibit any new intensive livestock operation from locating within one thousand feet (1000') of any existing residences.
- Council will endeavour to ensure that all livestock operations in the Town comply fully with all Provincial regulations in relation to manure handling and storage and other matters.

**Policy PA-3: Riparian Zones**

It shall be the policy of Council to support the protection of the Provincially designated Riparian Zones adjacent to streams and wetlands in the Town.

**Plan Action:**

- Council will work with the Provincial Government to ensure that designated Riparian Zones adjacent to streams and wetlands are appropriately protected and managed.

**5.6 TRANSPORTATION**

The Town of O'Leary is a major transportation hub. Even though the railway has been abandoned, automobile, truck, pedestrian and bicycle traffic volumes remain significant through the Town. As a Town, O'Leary does not own any of its roads. The Provincial Government is responsible for all local and regional road maintenance and for maintenance of the Confederation Trail. The Town does, however, own and maintain all local sidewalks. There are currently 4.5 kilometers of sidewalks in the municipality.

**OBJECTIVES:**

- To protect the safety of the travelling public.

- To maintain the safety and efficiency of the Province’s Highway system and all local streets.
- To ensure safe access and turning movements on all roads in the Town.
- To ensure a high level of maintenance on all roads and sidewalks in the Town.

**POLICIES:**

**Policy PT-1: Access**

It shall be the policy of Council to support the current Highway Access Regulations and to limit uncontrolled highway access.

**Plan Action:**

- The Development Bylaw shall require the issuance of an Access permit from the Provincial Government prior to the issuance of any development permit.

**Policy PT-2: Maintenance**

It shall be the policy of Council to work with the Provincial Government to ensure that all roads in the Town are maintained in good condition.

**Plan Action:**

- Council will meet with officials from the Provincial Government on an annual basis to discuss road maintenance priorities in the Town.

**5.7 ENVIRONMENT**

Given the fact that all properties in O’Leary are dependent on individual on-site wells, it is critically important for the Town to protect both the quality and quantity of both surface and ground water both within the Town and in its watershed. Since well installation is the jurisdiction of the Province and most of O’Leary’s watershed lies outside of the municipal boundaries, Council’s actions are somewhat restricted. Council can, however, act to restrict high risk land uses,

ensure that the central sewer system is well maintained and work with the Province and our rural neighbours to ensure that our watershed is well managed.

Council can also encourage energy conservation by enabling the installation of wind turbines in the Town and providing leadership in pursuing other alternate energy options and encouraging energy conservation. By controlling certain obnoxious land uses, Council can also assist in reducing air pollution.

### **OBJECTIVES:**

- To protect the quality and quantity of ground and surface water resources.
- To protect air quality.
- To encourage the use of alternate energy systems.

### **POLICIES:**

#### **Policy PE-1: Individual Wells**

It shall be the policy of Council to work with the Provincial Government to ensure that all wells in the community are installed at a high standard and are appropriately maintained. Where systems are abandoned Council shall endeavour to ensure that the systems are removed and proper abandonment techniques are utilized.

#### **Plan Action:**

- The Zoning and Subdivision Control Bylaw shall require that all new on-site wells are approved by the Provincial Government.

#### **Policy PE-2: Point Sources of Pollution**

It shall be the policy of Council to work with the Provincial Government to identify and control potential point sources of groundwater and surface water pollution.

#### **Plan Action:**

- Council will work with the Provincial Government to help identify and restrict potential point sources of pollution such as underground and above ground petroleum storage, pesticide and fertilizer storage, other chemical storage, manure storage, etc.

### **Policy PE-3: Central Services**

It shall be the policy of Council to routinely monitor the condition of the central sanitary sewer system and to perform regular upgrading in order to maintain the system's integrity and prevent groundwater contamination.

#### **Plan Action:**

- Council shall continue to regularly monitor the condition of the central sanitary sewer system and perform regular upgrades on a priority basis as budgets permit.

### **Policy PE-4: Alternate Energy Systems**

It shall be the policy of Council to encourage the use of alternate energy systems in the Town.

#### **Plan Action:**

- A windmill enabling section will be added to the Development Bylaw.
- Council will endeavour to encourage the use of alternate energy systems in the Town and will work to reduce or eliminate any regulatory hurdles which may be in place.

## **6.0 GENERAL LAND USE PLAN**

---

The General Land Use Plan is conceptual representation of the direction Council envisions land use patterns emerging over the next fifteen years. It lays the foundation and establishes the direction for the Zoning Map in the Development Bylaw, which is normally more

precise in terms of boundaries and land use designation. The Zoning Map must, however, conform to the General Land Use Plan.

In formulating the General Land Use Plan, Council has applied the following criteria:

- Land use conflicts shall be minimized.
- Commercial development shall be directed toward established commercial clusters. Established commercial and industrial developments shall be protected.
- Existing Institutional developments shall be protected.
- New residential development will be encouraged. Existing neighbourhoods will be protected.
- Established agricultural operations shall be protected.
- All other relevant policies and principles included in this Plan shall be implemented.

**MAP 3**  
**GENERAL LAND USE PLAN**

## **7.0 IMPLEMENTATION**

---

### **7.1 ADMINISTRATION**

Administration of this Plan shall be the responsibility of Council. Council shall, however, seek the input of Planning Board on matters pertaining to the Plan. The primary implementation tool for this Plan is the Zoning and Subdivision Control (Development) Bylaw. Aspects of the Plan may also be implemented through other municipal bylaws, Council's operating policies and procedures, the municipal budget and other appropriate Council actions. Council may also delegate aspects of the implementation of this Plan or the Development Bylaw to a Development Officer appointed by Council.

### **7.2 DEVELOPMENT BYLAW**

Immediately upon approval by the Minister of Finance and Municipal Affairs, Council shall amend its current Zoning and Subdivision Control (Development) Bylaw to be in conformance with the policies and provisions of this Plan, in accordance with the provisions of the *Planning Act*. The revised bylaw shall be referred to as the Town of O'Leary Zoning and Subdivision Control (Development) Bylaw.

The Development Bylaw shall set out specific land use zones, permitted uses for each zone, standards and procedures for development and land use, and standards and procedures for the subdivision and consolidation of land in the Town. The Bylaw may also provide for "conditional" and "special permit" uses. Conditional uses shall be subject to such restrictive conditions as Council deems appropriate. Special Permit uses represent exceptions to the "permitted uses" in each zone and shall be approved at the sole discretion of Council.

#### **7.2.1 Approval of Development or Change of Use**

The Development Bylaw shall require any person undertaking any development, change of use of land or premises or subdivision/consolidation of land to apply for a permit using a standard application procedure. Exceptions shall be noted in the Bylaw. Council may attach such conditions as it deems appropriate to any permit in order to ensure conformance with this Plan.

The Bylaw may also require submission of a Construction Plan for the development outlining such details as construction phasing, stockpiling of soil, screening or fencing, erosion or run-off control measures, heavy

truck traffic access, hours of operation and any other items which could present a nuisance or hazard during construction.

Once the development is approved, a numbered permit will be issued which must be displayed at the site. The receipt of a development permit does not excuse the applicant from complying with any Provincial or Federal laws in force, such as fire protection, health and safety, sewage disposal, plumbing and electrical installation, disabled access. Council shall maintain liaison with appropriate Provincial officials during the permit issuing process.

### **7.2.2 Development Agreements**

Council may, at its discretion, require the developer of a subdivision or a development to enter into a Development Agreement or Subdivision Agreement. These agreements will contain all conditions which were attached to the building permit or subdivision approval and shall be legally binding on both parties.

### **7.2.3 Variances**

Council may grant a variance to the provisions of the Development Bylaw where strict compliance would represent an inappropriate burden to the developer and where the general intent of this Plan is upheld.

## **7.3 BUDGETING**

While the Development Bylaw and other bylaws passed under the *Municipalities Act* are the primary tools for controlling and directing development activities in the Town, the Town budget is the key policy tool for directing the annual activities of Council. As such, the budget is a key implementation tool for many of the policies and plan actions laid out in this Plan. To the extent practicable, the budget should conform with the policies of this Plan.

### **7.3.1 Budget Policies**

Council has established the following fiscal policies as a framework to guide decisions on municipal revenues and expenditures:

- Council shall strive to maintain stable and affordable property tax rates.
- Council shall pursue all available options for cost-sharing and maximize financial assistance from other levels of government.

- Council shall pursue a “user pay” approach for programs and services where appropriate.
- Council shall not budget for an operating deficit in any year.
- Any incurred deficit shall be addressed as part of the subsequent annual budget if possible.
- Council shall continue to maintain low staff levels and contract out for specialized services until needs and projected savings warrant additional staffing.

#### **7.4 REVIEW**

Council shall on a regular basis review its activities in terms of successful implementation of this Plan.

#### **7.5 AMENDMENTS**

The Official Plan and Development Bylaw may be amended as circumstances require or in response to requests from the public, provided that all provisions of the *Planning Act* are met.

#### **7.6 APPEAL PROCEDURE**

Any person who is dissatisfied with a decision of Council in the administration of the Official Plan or the Development Bylaw may, within 21 days of the decision, appeal the decision to the Island Regulatory and Appeals Commission.