



PLANNING & DEVELOPMENT

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To: Mayor and Members of South Huron Council
From: Sarah Smith, Planner
Date: July 6, 2018

Re: South Huron Comprehensive Zoning By-law

RECOMMENDATION

1. That Council receive this report and recommendations within.
2. Based on the nature of the proposed amendments to the zoning by-law, it is recommended that no further public notice be given and that Council pass a resolution under Section 34(17) of the Planning Act stating that no further notice is required.
3. Give 1st and 2nd reading to the related Zoning By-law (Draft dated June 26, 2018). It is recommended 3rd reading not be given until the revised draft is presented before Council, and County of Huron has made a decision on Official Plan Amendment No.15.

BACKGROUND

The Municipality of South Huron currently has three separate Zoning By-laws (Exeter, Usborne and Stephen) which were established pre-amalgamation and have been amended through site specific re-zonings and some general amendments. With the passage of a new Official Plan for South Huron, an updated Provincial Policy Statement, and other changes to Provincial and other agencies' regulations/guidelines (such as Minimum Distance Separation Formulae and Conservation Authority regulations) since the by-laws' passage, the need to prepare a new comprehensive Zoning By-law for the Municipality is a critical requirement.

The Municipality of South Huron and the Huron County Planning Department have been working to prepare a new Comprehensive Zoning By-law for the Municipality of South Huron which combines the existing Zoning By-laws currently in place for the Township of Stephen, Township of Usborne, and Town of Exeter.

Summary of Project History to Date:

- April 16, 2018*
- Summary Report to South Huron Council advising of project status and summary of key changes in new comprehensive zoning by-law
 - Draft Zoning By-law included in Council package – Draft dated April 10th, 2018
 - Request to proceed with Public Open House and Public Meeting
- May 1, 2018*
- Committee of the Whole meeting to review April 10th Draft Zoning Bylaw
 - Review of project history and background of Comprehensive Zoning By-law
 - Summary of key changes or elements by zone

- May 10, 2018*
- Advertised Public Open House regarding draft dated April 10th, 2018
 - Information panels summarizing key changes in Zoning By-law
 - Panels of Commercial zones prepared for public to add ideas for additional permitted uses
 - Zone maps made available to review site specific property zoning
 - Huron County Planning Department staff at meeting to meet with public and discuss by-law and/or properties
 - Comment sheets were made available for those within to make comment on the draft By-law
- May 17, 2018*
- Committee of the Whole meeting to review materials and comments received during Public Open House
 - Direction from COW to make changes to Zoning By-law following public open house and prepare South Huron Zoning By-law Draft #2
- June 11, 2018*
- Committee of the Whole meeting to review South Huron Zoning By-law Draft # 2, dated June 5th, 2018
 - Direction from COW to make changes to Zoning By-law following review and prepare South Huron Zoning By-law Draft #3
- July 3, 2018*
- Advertised public meeting to obtain comments from public on South Huron Zoning By-law
 - Draft #2 dated June 5th, 2018 still made available on South Huron website for public access
 - Draft #3 released for public review dated June 22nd, 2018 (includes changes made as a result of June 11 Committee of the Whole)
- July 16, 2018*
- Council receive this report for information which includes a summary chart of comments received up to July 3rd Public Meeting, and comments received after July 3rd Public Meeting and until preparation of this report.
 - Request direction from Council as to how to proceed with written comments (see planning recommendations within) which may warrant modification to Draft Zoning By-law text and mapping.

REVIEW OF PUBLIC COMMENTS

The following section includes a summary of public comments on the Comprehensive Zoning By-law received as a result of advertisement for the May 10th Public Open House and advertisement for the July 3rd Public Meeting. Comments received have been summarized below, and where applicable a planning recommendation has been provided. It is requested that Council provide direction as to how to proceed, and direct any necessary text or mapping changes as required. Based on any proposed changes, a version of the By-law will be brought back for 3rd and final Reading.

For the purposes of the Comprehensive Zoning By-law, a separate report and By-law is being presented to South Huron Council regarding a Housekeeping Amendment to the South Huron Official Plan to implement MDS setbacks for surplus dwelling severances; on-farm diversified uses including agri-tourism and value added uses; and additional uses in the Exeter Thames Road/Highway 83 area. This housekeeping amending is approved by Huron County; 3rd and final

reading of the South Huron Comprehensive Zoning By-law cannot occur until this housekeeping amendment has been received and approved by Huron County.

Comments received up to July 3rd Public Meeting

<i>Comment Author</i>	<i>Summary of Comment</i>	<i>Planning Recommendation</i>
John Buechler (May 8, 2018)	Request to remove “recreational residential” use in LR1 Zone.	ZBL draft no longer defies “recreational residential”. No action required at this time.
	Kingsmere Map – request removal of LR1 zone. Request lands zoned Development ‘D’ be zoned for AG1	Zoning By-law map changes pending.
Exeter BIA (May 14, 2018)	Noted support for mixed use in South Bank District, and residential uses encouraged in mixed use commercial areas. Encourages South Huron to take a proactive approach to marketing the Exeter downtown core and provide opportunities to investors to encourage redevelopment and commercial use investment.	ZBL draft permits mixed uses including residential in South Bank commercial zones. No action required at this time.
Open House Comment Sheet (May 10, 2018) Kristen Wright Draper	Request for more than two main uses in C3 Highway Commercial Zone.	ZBL draft removes cap on uses in C3 zone. No action required at this time.
Open House Comment Sheet (May 10, 2018) Marc Trudell	Request to remove “recreational residential” use in LR1 Zone. Mapping clarification for Oakwood Park.	ZBL draft no longer defies “recreational residential”. No action required. Zoning By-law map changes pending.
Open House Comment Sheet (May 10, 2018) Karen Rollins- Beneteau	Interest in tiny houses	Huron County Planning Department to review emerging tiny house provisions. Second dwellings are permitted in Urban areas in main dwelling or accessory dwelling. No action required.
Open House Comment Sheet (May 10, 2018) Karen Brown	Interest in tiny houses	Huron County Planning Department to review emerging tiny house provisions. Second dwellings are permitted in Urban areas in main dwelling or accessory dwelling. No action required.
Open House Comment Sheet (May 10, 2018)	Recommends merging of C4-C5-C6 zones	C4 to recognize downtown core retail commercial in Historic Core. C5 recognizes mixed use in South Bank area and North of Town Hall. C6 includes grouped commercial. Recommended

Rob Morley		no change to zoning categories.
Open House Comment Sheet (May 10, 2018) Stacey Jeffery	NE1 zone provisions added to subject lands	NE1 mapping implements and reflects mapping in the 2014 Official Plan. Revised mapping may be reviewed under South Huron Official Plan update. Staff to review mapping.
Jason Brown (May 29, 2018)	Natural Environment Setbacks 1. Zoning maps do not define Conservation Regulated lands 2. Request for link to applicable documents and definitions of each conservation authority 3. Note to reference of OReg 14/06 and should be OReg 147/06 4. Comment on Front Yard in Lakefront properties as lake being defined	1. Regulation limits should be referred to for each respective Conservation Authority as they are updated from time to time. 2. Zoning By-laws do not usually include hyperlinks and in text references. 3. Correct OReg will be noted; assumed typo. 4. Road is considered rear yard for uniformity in all properties; accessory structures permitted in rear yard along road for garage access; also consistent with other Huron County Lakeshore communities (i.e. Municipality of Bluewater). Recommend Lakeshore be considered frontage.
	Prohibition of Mobile Homes	Mobile homes are permitted in mobile home parks and recreation areas unless permitted under respective zone. This is common throughout Huron County. Recommended no change.
	Lakeshore Residential 1. Certain Lands now zoned in whole or part Natural Environment 2. Review of frontages of lots. 3. Storage Sheds on vacant properties and small size 4. Various definitions regarding alter, replace, construct etc in reference to ABCA approval. 5. Request to remove “recreational residential” use in LR1 Zone. 6. Clarification if guest cabin is part of 25% lot coverage. 7. Question of certain zoning provisions.	1. The South Huron Zoning By-law implements new mapping technology and natural features data. Original 1984 Zoning By-law NE areas were based on historic data at the time and same has changed over the years/been updated with policies and implementation tools for natural environment protection (i.e. natural environment policies in South Huron Official Plan, Conservation Authority data etc.). Mapping reflects areas of natural significance at present date. It is recommended no change be made to subject site zoning. 2. Existing properties are held as they exists. Creation of lots must comply with minimum zone provisions. Recommended no change. 3. This provision allows an accessory structure prior to the building it is accessory to. Usually an accessory structure is permitted only where a main building exists. This provides opportunity for storage during construction of a residence. Recommended no change. 4. Redevelopment is site specific and reviewed at time of proposal. General definitions included. Each site would be subject to review by Conservation Authority and applicable application of Zoning By-law terminology. Recommended no change 5. ZBL draft no longer defies “recreational residential”. No action required.

		<p>6. Guest cabin is considered an accessory structure, and therefore under accessory structure provisions. No action required.</p> <p>7. These are site specific zone provisions that either exist or sought approval through a rezoning application for same and may be contradictory to general provisions. These represent a case specific location. No action required.</p>
	<p>R3 High Density Residential</p> <p>1. Recommend each development determine height provisions</p> <p>2. Question of certain zoning provisions.</p>	<p>1. Standard height employed to respect changes in density and use and compatibility in neighbourhood. Recommended no change.</p> <p>2. These are site specific zone provisions that either exist or sought approval through a rezoning application for same and may be contradictory to general provisions. These represent a case specific location. No action required.</p>
	<p>1. Request for more than two main uses in C3 Highway Commercial Zone.</p> <p>2. Request for removal of distinction of Highway Commercial uses Distinguished from other Commercial uses.</p>	<p>1. ZBL draft removes cap on uses in C3 zone. No action required at this time.</p> <p>2. ZBL draft removes cap on uses in C3 zone. No action required at this time.</p>
<p>Jason Brown (June 8, 2018)</p> <p><i>Note: Many comments same as above; in this case only new materials are noted in corresponding cells.</i></p>	Comments regarding site specific lots in Lakeshore Residential area and some throughout Municipality.	Some mapping edits are pending, staff can review same regarding noted lots.
	General Comments on reference materials for manufactured homes.	General definitions and provisions are included in the Zoning By-law, detailed information regarding CSA standards and same must always be referenced by appropriate approval authority.
	General Comments on reference materials for R4 and R5 zones.	General definitions and provisions are included in the Zoning By-law. Recommended provisions in By-law remain.
	General notes to development ratio and general notes regarding definitions in RC2 zone.	Recommended provisions in By-law remain.
	Question of certain zoning provisions.	These are site specific zone provisions that either exist or sought approval through a rezoning application for same and may be contradictory to general provisions. These represent a case specific location. No action required.
	Definitions	Recommend retain zoning definitions as reflective of other similar municipalities, lakeshore and mixed of areas similar to South Huron and/or reflect characteristics of South Huron specifically. Definitions can be reviewed as required.
	Review of Official Plan and request Official Plan language be included in Zoning By-law	The South Huron Official Plan is a guiding policy document and is to be considered in conjunction with South Huron Zoning By-law. SHOP to implement policies and direction for area; zoning by-law to regulate land uses. Recommended provisions in By-law remain.
RJ's Service c/o	Concern "public garage" is not included as	Standardization of terminology has been used

Ronald Harvey (June 24, 2018)	permitted use as is currently permitted in VC1 Village Commercial Zone in Stephen Township Zoning By-law.	throughout zoning by-law and ‘public garage’ term is no longer used. C8 Village Commercial zone permits auto body shop and service station which recognize existing use of site but it is understood through discussion with the owner that additional vehicle servicing has historically occurred on this property. Recommended staff develop a site specific zone provision for subject property to recognize existing legally established uses on subject lands.
Brian Johnston (original letter, June 21, 2018) (resubmission and request to rescind letter of June 21 2018, dated June 26, 2018)	Concern regarding lands at 55 Waterloo Street. Subject lands are currently zoned VC1 in Stephen Zoning By-law; proposed C8 Village Commercial. Request to limit higher intensity commercial uses and request special C8 zone. Request removal of gasoline station, laundromat or dry cleaning, refillable propane exchange. Note to surrounding residential uses and residential designation in Official Plan. Request to remove uses that are not compatible with residential neighbourhood.	Planning staff have reviewed subject lands and acknowledge the current use for automobile use. It is recognized the lands are within a residential intensive neighbourhood and commercial uses may cause issue for surrounding lands. Recommended staff develop a site specific zone to recognize only existing auto body shop as a permitted use given the intended residential use of this site in Official Plan policies.
Ellen Shapiro (June 7, 2018)	Rear are of subject lands rezoned from agricultural to residential. Interest in future expansion of business.	The subject lands retain the same zoning existing in the current Township of Usborne Zoning By-law. No change to site zoning is proposed in the South Huron Comprehensive Zoning By-law. The “residential” designation noted is in the South Huron Official Plan; designation of these lands is something that could be reviewed at the time of the update to the South Huron Official Plan. During a phone discussion with the author of this comment they understand the distinction between Official Plan designation and Zoning By-law zone. No action required at this time.
Paul Turnbull (June 4, 2018)	Request that lands located at Con LRE Pt Lot 7 Gore (401004002603800) be rezoned AG4.	Draft Mapping has subject property identified as AG4. No action required at this time.
Dave Tilford (July 3, 2018)	Request to remove “recreational residential” use in LR1 Zone.	ZBL draft no longer defies “recreational residential”. No action required at this time.
	Kingsmere Map – request removal of LR1 zone. Request lands zoned Development ‘D’ be zoned for AG1.	Zoning By-law map changes pending.
Dean Ducharme (July 2, 2018)	General comments on project.	No action required at this time.

Allan Barnes (July 1, 2018)	Note that CF Community Facility zone permits “any use of the corporation” and wording is vague.	CF list of permitted uses includes “any use of the government use. Council may decide to remove this permitted use or retain in CF zone.
	Request to add the following uses in the Community Facility (CF) Zone: 1. Bar/dining hall 2. Bingo hall 3. Conference centre 4. Bowling alley/hall 5. Pool/billiards 6. Public swimming pool 7. Pistol/rifle range	Some of the uses permitted are recognized under “assembly”. Other uses are considered commercial in nature. Staff recommend no change and that these uses may be requested by owner under a site specific request with related review by Council.
David Mihlik (July 3, 2018)	Identification that NE2 zone now covers part of property and related setbacks employed in zoning By-law.	The South Huron Zoning By-law implements new mapping technology and natural features data. Original 1984 Zoning By-law NE areas were based on historic data at the time and same has changed over the years/been updated with policies and implementation tools for natural environment protection (i.e. natural environment policies in South Huron Official Plan, Conservation Authority data etc.). Mapping reflects areas of natural significance at present date. It is recommended no change be made to subject site zoning.

Verbal Comments received at July 3rd Public Meeting

Jon DeJong (July 3, 2018)	Request that Lakeshore properties abutting Lake Huron be able to pick front or rear yard on a site by site basis.	Road is considered rear yard for uniformity in all properties; accessory structures permitted in rear yard along road for garage access; also consistent with other Huron County Lakeshore communities (i.e. Municipality of Bluewater). Recommend Lakeshore be considered frontage.
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Comments received after July 3rd Public Meeting and up until writing of this report

David Mihlik (July 4, 2018)	Subject lands currently zoned VM1-5. New zone map appears to miss zone provision for subject lands. Request to remove 30m rear yard setback.	Review of previous zone text and mapping, as well as background notes on consolidation lands zoned VM1-5 in Township of Stephen Zoning By-law are to be held under M1-8 zone. Map to be updated to show VM1-8 zone. Regarding proposed 30m setback, this is employed adjacent to abutting land use for separation of uses and compatibility. Existing VM1-5 zone employed standard rear yard 7.5m. Council may direct accordingly to add a site specific provision for reduced rear yard.
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Other matters:

- Medical Marihuana Production Facility

- Under General Provisions (s. 3.16) the proposed South Huron Zoning By-law implements setbacks from neighbouring uses to Medical Marihuana facilities. Huron County has not determined County wide setbacks for these uses, and other zoning by-laws do not currently employ minimum setbacks (i.e. Bluewater and Goderich).
- **It is recommended the noted setback distances be removed from the Zoning By-law draft.**
- Some comments have arisen at past Committee of the Whole meetings regarding certain uses existing along the Thames Road/Highway 83
 - If Council wishes these sites to be recognized Council needs to determine if a site specific provision is implemented to recognize a certain use.
- On Farm Diversified Uses
 - These uses are considered Type A for MDS
 - **It is recommended this be stated clearly in General Provisions for On Farm Diversified Uses.**
- C1 property in Exeter and applicable zoning.
 - **Recommended staff review mapping and property file for site history, and make changes if necessary**

NEXT STEPS

Based on comments and discussion from above Huron County Planning Department will make necessary amendments to the Draft Zoning By-law text and mapping and bring revised documentation back for Council consideration. It is proposed third and final adoption of the South Huron Zoning By-law will be done after the related Housekeeping Amendment No. 15 to the South Huron Official Plan amendment is approved by Huron County.

I will be present at the July 16th Council meeting to speak to this report and provide further elaboration as required.

Sincerely,

'original signed by'

Sarah Smith, Planner