



PLANNING & DEVELOPMENT

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To: Mayor and Members of South Huron Council
From: Sarah Smith, Planner
Date: August 3, 2018

Re: South Huron Comprehensive Zoning By-law

RECOMMENDATION

1. That Council receive this report and recommendations within and provide direction where requested.
2. Give 3rd and final reading to related Zoning By-law for the Municipality of South Huron (By-law # 69-2018)

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:

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|-----------------------|---|
| <i>April 16, 2018</i> | <ul style="list-style-type: none">- 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 |
| <i>May 1, 2018</i> | <ul style="list-style-type: none">- 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 |
| <i>May 10, 2018</i> | <ul style="list-style-type: none">- 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 received an information report which included a summary chart of comments received up to July 3rd Public Meeting, and comments received after July 3rd Public Meeting and until preparation of the report (dated July 6th 2018).
 - Report included a number of recommendations from staff – Council accepted the report and recommendations made within.
 - Council gave first and second reading to South Huron Zoning By-law (By-law # 69-2018)
- August 13, 2018*
- Report back to Council with revised By-law that includes directed changes from Council per July 16th meeting and recommendations
 - Request direction from Council on a few additional matters that have arisen since the July 16th meeting, and seeking direction on some matters that were not addressed at July 16th meeting.
 - Recommendation that third and final reading be done of related South Huron Zoning By-law (B-law # 69-2018)

FOLLOW UP TO JULY 16th STAFF REPORT

The attached South Huron Zoning By-law and key maps that accompany this staff report reflects the most current version of the Zoning By-law, including matters directed by Council in line with the recommendations made in the July 16th 2018 staff report. Where a recommendation was made to implement a change this was done in the by-law and the attached August 13th text and map versions. Where staff recommended no change, the By-law remains the same.

OTHER ITEMS AND INFORMATION

Since the July 11th version of the Zoning By-law presented to Council, the following changes and/or additions have been made to the document which were not identified previously and are included for Council information.

1. Appendix #-A – Huron Park Airport Defined Areas 1 & 2
 - a. Reference in text under Section 36 Defined Areas. Schedule required to illustrate areas.
2. Appendix #-B – Grand Bend Airport Defined Areas 1 & 2
 - a. Reference in text under Section 36 Defined Areas. Schedule required to illustrate areas.
3. Appendix #-C – Exeter Defined Area 3
 - a. Reference in text under Section 25 and Section 26. Schedule required to illustrate areas.
4. A few comments from the public regarded lands located in Kingsmere area, and that lands were zoned for “LR1” Lakeshore Residential. Staff reviewed and the LR1 label was in error. Mapping has been corrected for these areas.
5. Removal of “Section 15.6 - Existing Undeveloped Property” in LR1 zone speaking to minimum zone requirements for currently vacant lots. If the vacant lot is deemed to be existing the frontage and area are existing. Development of the parcel is contingent on site fabric, septic, building design and location. Creation of lots must comply with zone provisions for minimum lot frontage and minimum lot area.

REQUEST FOR COUNCIL DIRECTION

On review of the summary chart in the July 16th, 2018 staff report there were a few items that were included which did not identify a firm staff recommendation but provided Council with an option to review and determine course of action. At this time, clear Council direction is requested for each of the following items. Following the August 13th meeting, staff can make necessary changes if directed by Council to the document accordingly, or leave materials as is if no change is directed.

Item of Consideration	Recommendation/Comments	Council Direction Required
Community Facility (CF) Zone permits “any use of the corporation” and wording is considered vague and poses no restrictions on Municipality (re. Alan Barnes July 1, 2018)	<p>The permission for any use of the Corporation/Municipality is currently permitted in Exeter and is often the case for Municipal uses. Stephen and Osborne Ward currently permits public buildings and uses.</p> <p>Recommended no change be made.</p> <p><i>Please note – the August 13 version of the Zoning By-law retains permitted uses including “Any use of the corporation”. If Council directs this to be removed staff can amend the By-law accordingly.</i></p>	Council Direction:
Grand Bend Motorplex - Subject lands currently zoned VM1-5 in	As noted in July 16 th report staff have reviewed mapping and	Council Direction:

<p>Township of Stephen Zoning By-law; notes that zone map appears to miss site specific zone provisions currently existing for subject lands. Also request for removal of 30m rear yard provision. (re. David Mihlik July 4, 2018)</p>	<p>previous zone text provisions for this property.</p> <p>On review, subject lands are currently held under a site specific zone for added permitted uses, and no additional stipulation is made for required rear yard (this is provided for a different property). Standard VM1 zone provisions for rear yard would apply at present time.</p> <p>Recommended a site specific zone be included for this property reflective of permitted uses currently allowed; it is also recommended standard M1 yard provisions apply as would be in place today therefore removing additional 30m setback as previously stipulated.</p> <p><i>Please note – August 13 version of Zoning By-law and Key Maps implements a new zone for this property (M1-10) reflective of current site specific uses; standard yard provisions would apply. If Council does not agree with planning recommendation the by-law can be changed accordingly based on Council Direction.</i></p>	
<p>Subject lands located at 184 Rosemount Avenue.</p> <p>Lands are identified as M2 (General Industrial) Zone in South Huron Zoning By-law. Subject lands are operating as a retail use which does not fall in line with permitted uses in M2 zone. (re. previous comments from Council)</p>	<p>The subject lands currently permit Industrial use in Exeter Zoning By-law. Subject lands operate as a retail use.</p> <p>If Council wishes to employ a site specific provision for this property which identifies a retail store as a permitted use Council needs to direct staff accordingly.</p> <p>Recommended a site specific zone provision to recognize retail use NOT be implemented for this property.</p> <p>The subject lands are zoned and intended for Industrial purposes. Recognizing a retail use would not be in compliance with the South Huron Official Plan and would permit a retail use in an area intended for industrial and employment. Recognizing this zone</p>	<p>Council Direction:</p>

	<p>may also indicate standalone retail uses are favourable in this area and that is not the intended use of Industrial designated and Industrial zoned properties. Retail uses are to be located in the Highway Commercial and Commercial core areas.</p> <p><i>Please note – August 13 version of Zoning By-law and Key Maps do not identify a site specific zone for this property. If Council wishes to implement a site specific provision the By-law will need to be updated accordingly.</i></p>	
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OTHER

The following items are included as additional correspondence has been received since the June 10th Open House, July 3rd Public Meeting, and July 16th summary of comments report. Some of the items were included previously with recommendations to Council. As additional correspondence has been received these items are being brought forward for Council direction as to how to proceed with these matters.

Item of Consideration	Recommendation/Comments	Council Direction Required
<p>Request for 5 Lakeshore Drive (401004003400200) and abutting lands legally recognized as Plan 125 Lot 5 Lot 41 S Pt Lot 40 (401004003400300).</p> <p><i>Request #1.</i> That frontage/front yard definition be maintained and be considered from the street as opposed to Lake/Top of Bank as proposed in Zoning Bylaw.</p> <p><i>Request #2.</i> That existing lot frontage be recognized as is (re. Don DeJong July 3, 2018 public meeting verbal comment)</p> <p>Note: Since the July 3rd report and Public Meeting before Council additional comments have been received from representative for said individual which outline similar requests as noted above. A copy of comments is attached for Council. (re. Don Dejon, Maneesh Poddar, Joseph Van Asseldonk)</p>	<p><i>Background for information/status at present on this matter.</i></p> <p><i>July 16th Planning Report:</i></p> <p><i>Request by individual that Lakeshore properties abutting Lake Huron be able to pick front or rear yard on a site by site basis.</i></p> <p><i>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></p> <p><i>It was recommend Lakeshore be considered frontage and so no change was made.</i></p> <p>Re Current Request #1.</p> <p>Additional correspondence has been requested from client and agent for subject lands at 401004003400200 and 401004003400300 for a special provision to recognize frontage/front yard from the street.</p> <p>As noted previously, the road is</p>	<p>Council Direction Re Request #1:</p> <p>Council Direction Re Request #2:</p>

	<p>considered rear yard for uniformity in all properties along the lakeshore; development in lakeshore area predominantly includes buildings and structures facing road for access; conformity and compatibility with existing area and development; accessory structures are only permitted in the rear yard, so street frontage as rear yard permits accessory structures for garage access. Provision of front yard located along Lake Huron/Top of Bank also provides buffer area between development and natural features/watercourse/top of bank.</p> <p>Utilizing front yard/frontage along the Lakeshore/Top of Bank is also consistent with other Huron County Lakeshore Communities (i.e. Bluewater).</p> <p>Recommendation would be to retain frontage/front yard from Lake/Top of Bank as recommended in July 16, 2018 report.</p> <p><i>Please note – August 13 version of the Zoning By-law retains Lake Front/Top of Bank as Front Yard. If Council directs this to be altered, or a site specific provision to be implemented for lands at 401004003400200 and 401004003400300 staff can implement accordingly.</i></p> <p>Re Current Request #2.</p> <p>With request to recognize existing frontage dimension of subject lands. If the lands are an existing lot of record the lot provisions are existing. Further removal of Section 15.6 for existing lots clarifies this point. If a parcel is an existing lot of record the frontage and area are existing. Development of subject parcels would be required to meet standard zone provisions, services, lot grading and drainage etc.</p> <p>If creation of a new lot the proposed lot have to meet minimum zone provisions unless site specific</p>	
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	<p>request for reduced frontage or lot area is sought. This would include a site specific review through Zoning By-law Amendment Application and/or Minor Variance.</p> <p>Recommendation that no action is required as lots are considered existing. Lot creation would be reviewed under Consent/Land Division Application before Huron County.</p> <p><i>Please note – August 13 version of the Zoning By-law includes no change. If Council directs action staff can proceed accordingly.</i></p>	
<p>Additional definitions received regarding CSA Standards, R.V Products and Manufactured Housing (i.e. modular home and mobile home)</p> <p>(re. comments received from Jason Brown July 25, 2018, included for Council)</p>	<p>Modular Home: CSA A277 standard referenced in current definition.</p> <p>Mobile Home: CSA Z240 MH standard referenced in current definition.</p> <p>Travel Trailer: CSA Z240 RV standard referenced in current definition. Travel trailer definition includes other structures under CSA Z240 RV standard including tent trailers, vans, motor homes and similar transportable accommodation built to the noted CSA standard.</p> <p>Park Model Trailer: CSA Z241 standard referenced in definition. Sample definition shows 50sqm max and no loft. Definition does identify maximum 65sqm and lot, but this would allow for buffer if CSA standards change without amendment to plan. Regardless of limit in zoning by-law CSA standards will be employed by manufacturer.</p> <p>Note for above, definitions in the zoning bylaw are for information purposes; any structure must still be built to specific CSA standards and proof of compliance is required for structures. Definitions included in Zoning By-law are also reflective/consistent with other Huron County By-laws.</p>	<p>Council Direction:</p>

	Recommended no change to existing definitions and references to CSA standards apply. If Council wishes to amend definitions, or identify Park Model Trailer to be amended to read 50sqm and no loft same can be amended.	
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NEXT STEPS

Based on Council direction for comments summarized above as required, it is recommended third and final reading of South Huron Zoning By-law #69-2018 be done.

I will be present at the August 13, 2018 Council meeting to speak to this report and provide further elaboration as required.

Sincerely,

‘original signed by’

Sarah Smith, Planner