



PLANNING & DEVELOPMENT

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To: South Huron Council

From: Sarah Smith, Planner

Re: South Huron Comprehensive Zoning By-law and Bill 73 Two-Year Moratorium on Zoning By-law Amendment Applications

This report is submitted to South Huron Council meeting on November 19, 2018.

BACKGROUND

The Municipality of South Huron adopted South Huron Comprehensive Zoning By-law 69-2018 on August 13, 2018. This Zoning By-law repeals and replaces the existing three Zoning By-laws in place for the Municipality of South Huron, being the Town of Exeter Zoning By-law (30-1978), Township of Stephen Zoning By-law (12-1984) and the Township of Osborne Zoning By-law (13-1984). Under the Planning Act R.S.O. 1990, the South Huron Comprehensive Zoning By-law is considered a new Zoning By-law.

Under Bill 73, Smart Growth for Our Communities Act, 2015 the Ontario Planning Act R.S.O. 1990 was subject to a number of amendments. Subsection 34 (10.0.0.1) of The Planning Act now implements a two-year moratorium on amendment submissions to the Municipality after the passing of a new Zoning By-law.

Subsection 34 (10.0.0.1) states:

Two-year period, no application for amendment

(10.0.0.1) If the council carries out the requirements of subsection 26 (9) by simultaneously repealing and replacing all the zoning bylaws in effect in the municipality, no person or public body shall submit an application for an amendment to any of the by-laws before the second anniversary of the day on which the council repeals and replaces them. 2015, c. 26, s. 26 (1).

Exception

(10.0.0.2) Subsection (10.0.0.1) does not apply in respect of an application if the council has declared by resolution that such an application is permitted, which resolution may be made in respect of a specific application, a class of applications or in respect of such applications generally. 2015, c. 26, s. 26 (2).

COMMENTS

The new Municipality of South Huron Zoning By-law 69-2018 is a Municipally wide by-law that enables land use controls for all lands in South Huron. This By-law outlines permitted uses, zone provisions and other regulatory land use controls but will not be able to capture every development concept, nor account for unknown site specific constraints that may encumber a parcel of land or use. The Municipality has accepted and reviewed Zoning By-law Amendment applications and Minor Variance relief requests in the past and has made decision either to approve or deny same based on the merits of the application and subject lands. It may be necessary and appropriate to continue to permit applications to amend or seek relief from the South Huron Zoning By-law due to site constraints, innovation and project development, market demands, shifts and changes in development etc.

The Municipality of South Huron needs to determine how they wish to proceed and what type of applications if any will be permitted. Further, however the Municipality wishes to continue, the resolution must also identify if applications for Zoning By-law Amendment and/or Minor Variance application will be accepted.

The Municipality could consider the following potential resolutions as example:

1. That Council pursuant to subsection 34(10.0.0.2) of the Planning Act approves by resolution that all lands zoned in the Municipality of South Huron Zoning By-law shall not be subject to subsection 34(10.0.0.1) of the Planning Act. This resolution shall apply to Zoning By-law Amendment and Minor Variance applications submitted under the Planning Act.

OR, for example:

2. That Council pursuant to subsection 34(10.0.0.2) of the Planning Act approves by resolution that all lands zoned “___” (i.e. R2, C3, C5) in the Municipality of South Huron Zoning By-law shall not be subject to subsection 34(10.0.0.1) of the Planning Act. This resolution shall apply to Zoning By-law Amendment and Minor Variance applications submitted under the Planning Act.

OR, for example:

3. That Council pass a resolution to review each request for Zoning By-law Amendment Application or Minor Variance Application prior to a formal submission of an application and determine on a site specific bases if the person or public body can proceed to formal submission. If the Municipality determines it advisable to permit an application for Zoning By-law Amendment or Minor Variance, same would be subject to the standard public process under the Planning Act (i.e. receiving of application and deeming complete, advertisement of Public Meeting and circulation

to public and agencies affected, holding of Public Meeting with application review by South Huron Council and final decision of approval, denial, or deferral).

OR, for example:

4. That Council not pass a resolution and allow Subsection 10.0.0.1 to remain in effect. Under this option no person or public body shall submit an application (i.e. Zoning By-law Amendment Application or Minor Variance Application) for an amendment or relief to the South Huron Zoning By-law before the second anniversary of the day on which the Council repeals and replaces By-law 30-1978, 12-1984 or 13-1984.

However South Huron Council wishes to continue any application submitted will still follow the standard Public process including circulation under Planning Act, with final review and evaluation by South Huron Council. South Huron Council retains the decision of approval, denial or deferral.

RECOMMENDATION

It is recommended that South Huron Council pass the following resolution to recognize and permit amendments made to the South Huron Zoning By-law within the two year period. It is recommended Council pass the following resolution:

1. That Council pursuant to subsection 34(10.0.0.2) of the Planning Act approves by resolution that all lands zoned in the Municipality of South Huron Zoning By-law shall not be subject to subsection 34(10.0.0.1) of the Planning Act. This resolution shall apply to Zoning By-law Amendment and Minor Variance applications submitted under the Planning Act.

I will be available at the November 19th South Huron Council meeting should there be any questions on this report or the options identified within.

Sincerely,

“original signed by”

Sarah Smith, BES
Planner