

Zoning By-law Update Background Report

**Prepared for:
The Municipality of Huron Shores**

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1 Introduction

The Municipality of Huron Shores is undertaking the creation of a new comprehensive zoning by-law to modernize land use regulations that align with current planning principles, economic development needs and community expectations. The existing Zoning By-law 18-18, enacted in 2018, has served as the primary tool for regulating land use and development within the municipality. However, as Provincial Legislation, development best practices and environmental considerations evolve, a revised zoning by-law is necessary to ensure that regulations remain relevant, clear, and effective.

This background report provides an overview of the need for a new zoning by-law, including a review of existing regulations, key challenges, and emerging opportunities.

By creating a zoning by-law that reflects modern planning standards and the character of Huron Shores, the Municipality will be better positioned to support sustainable growth, protect natural resources, and foster a resilient local economy.

Zoning By-law 18-18 was passed in 2018 and represents the first, consolidated, comprehensive Zoning By-law that applies to the Municipality of Huron Shores. Prior to the passing of Zoning By-law 18-18, there were a number of area specific zoning by-laws that applied to portions of the Municipality. Other portions of the Municipality were not subject to zoning regulations.

Where the Official Plan (OP) sets the overall development framework for the community and underwrites the review of any Planning Act applications (consent, rezoning etc.), the Zoning By-law implements these policies and is the day-to-day tool that regulates the majority of development within the Municipality.

The Zoning By-law must be consistent with the Official Plan. Section 26(9) of the Planning Act requires Municipalities to update their Zoning By-law no less than 3 years after any new Official Plan comes into effect.

2 Huron Shores Official Plan Project

In March 2023, Council endorsed a Draft Official Plan for the purposes of forwarding the Draft OP to the Province for preliminary comments. As of the writing of this report, comments have yet to be received from the Province, however very recently, staff from the Ministry of Municipal Affairs and Housing (MMAH) have indicated that comments are likely forthcoming, however a specific timeframe has not been provided.

Upon receipt of preliminary Provincial comments, staff will undertake a final round of consultation and the Draft OP will be brought to Council for adoption and sent back to the Province for final approval. In addition to the significant time it has taken the Province to provide preliminary comments, it is anticipated that final Provincial approvals will also take several months. Therefore, it is recommended

that Council proceed with the Zoning By-law project now. If a new Zoning By-law is finalized prior to Provincial approval of the Huron Shores Official plan, the Zoning By-law can be amended to be consistent with the Provincially approved OP as necessary.

3 Discussion Points for a New Zoning By-law

Below is a preliminary identification of items that should be addressed. Since Zoning By-law 18-18 has been in use, staff have kept a list of recommended changes. Additional matters will likely be identified as a result of detailed review and public consultation. As discussed further below, reimagining the manner in which permitted uses are defined and categorized, has wide ranging impacts on the overall form of the revised Zoning By-law. Therefore, rather than treating this as an update to Zoning By-law 18-18, it is recommended that Zoning By-law 18-18 be repealed and replaced with a new zoning by-law.

3.1 General Review for Clarity, and Simplification

While the Zoning By-law has generally served the Municipality well, there are a number of opportunities to clarify and simplify language to better communicate the overall intent of certain regulations. The current by-law requires significant cross referencing of sections, often referred to as 'statutory hopscotch' or 'chasing references' this can lead to frustration and confusion. To the greatest extent possible, regulation cross-referencing will be removed, in addition to simplifying language where appropriate.

3.2 Consistency with the Draft Official Plan.

The Draft Official Plan must be consistent with the Provincial Planning Statement (PPS) 2024 and the Zoning By-law must be consistent with the Official Plan. There are a number of amendments required in order to make sure the comprehensive zoning by-law is consistent with Draft OP and PPS 2024.

3.3 Zoning Alignment

To the greatest extent possible, the By-law will be developed in a manner that maintains current rights afforded to various properties in specific zones, unless it is specifically determined that such rights may not be appropriate to carry forward. For example, and as discussed in greater detail in Section 3.6 below, the current by-law does not have any restrictions on developing in close proximity to an existing landfill, whereas the existing and proposed OP specifically require zoning provisions to restrict sensitive use development in close proximity to a landfill, without undertaking certain studies, through a rezoning application.

All site-specific zone exceptions will be carried forward into the new by-law unless they are deemed redundant. Zone exceptions that could be deemed redundant address matters that are expressly permitted in the new by-law, but were not permitted before. For example, in 2024, Council amended the zoning by-law to combine maximum lot coverages for main and accessory buildings. Prior to that, a

number of site-specific rezoning applications were approved to increase maximum accessory building lot coverage to accommodate new garages.

3.4 Creation of Additional Dwelling Unit Provisions.

Provincial Policy requires Municipalities to permit up to 3 dwelling units, as a matter of right where appropriate. Additional Dwelling Units (ADUs) can help support the provision of attainable and affordable housing. It is recognized that ADUs are often affordably priced, while at the same time offering income generating opportunities for homeowners. They also create additional age in place and supportive housing opportunities by providing self-contained accommodation for caregivers or family members. ADU's represent a viable and appropriate form of residential intensification, within the local context.

In accordance with the framework provided by the Draft Official Plan, the zoning by-law will be amended to:

- To permit up to 2 ADU's in any Zone that permits year-round residential development excluding lots that:
 - Have frontage on a water body
 - Do not benefit from frontage on a Municipally owned and year-round maintained road.
 - Are located in an area identified as a hazard land (flood plain area)
 - Are located within the influence area of a noxious use, such as a municipal landfill.
- Where an ADU is proposed to access an existing septic system, Algoma Public Health approvals will be required to ensure the existing system has adequate capacity to accommodate the ADU.

3.5 Identifying and Zoning Hazard Lands

There is a Hazard Lands Zone (HZ) in the current Zoning by-law, however the HZ has not been applied to any lands within the Municipality, even though hazard lands are identified in the existing OP. Hazard lands would primarily include those lands within the floodway.

3.6 Waste Management Influence Areas.

The existing and Draft Official Plans define waste management influence areas and require specific zoning provisions, generally aimed at restricting the development of a sensitive use, such as a residential use, in the vicinity of a landfill. The zoning by-law does not have the regulations required by the existing and Draft Official Plans to restrict certain types of new development in close proximity to Municipal landfills.

It is therefore recommended that a 'Waste Management Buffer Zone' be applied to all lands within 500m of all landfill footprints. The zone would not permit the development of new sensitive uses, such as residential or institutional uses. A rezoning may be considered, subject to the following land use compatibility policies outlined in the Draft OP:

- a. An Impact Assessment prepared by a qualified professional must be submitted as part of a complete application to locate a non-compatible use, including new lot creation, where a lot or part thereof is within the influence area of a sensitive or noxious use.
- b. Existing topography, vegetated areas and intervening development will be considered when assessing the need for an impact assessment as part of a complete application.
- c. Where new sensitive uses or lots that have the potential to house a sensitive use are proposed and a portion of the new lot or use is within the influence area of a noxious use, the need for an impact assessment may be waived, and conditions imposed to ensure the sensitive use is located upon the portion of the lot that is beyond the influence area.
- d. The Municipality may utilize Site Plan Control upon existing vacant lots within the influence area of a noxious use to implement such measures. Site plan control may be waived where existing buildings housing a sensitive use are proposed to be expanded or new accessory structures are proposed in association with an existing sensitive use. Existing vacant lots will be required to enter into a site plan agreement to ensure among other things, that new sensitive uses and amenity areas are constructed beyond the influence area of a noxious use.
- e. Reductions to established minimum distance separations may be permitted where:
 - i. Mitigation measures such as berms and vegetated buffers will sufficiently reduce potential impacts.
 - ii. In support of infill development and redevelopment, where there is existing intervening development between the proposed sensitive and/or noxious use.

3.7 Permit a wider variety of agricultural related and on-farm diversified uses accessory to active agricultural operations.

The overall goal of permitting a wider variety of agricultural related and on-farm diversified uses in association with active agricultural operations is to provide additional income generating opportunities for area farmers.

Agricultural related uses are commercial and industrial uses directly related to farm operations in the area, such as storage and value-added processing of agricultural products. For example, a facility to produce and package apple juice from apples grown on-site or within the region. Generally, most agricultural related uses would be expressly permitted in association with an active agricultural operation, with the exception of those uses that can have significant negative impacts, such as an Abattoir.

On-farm diversified uses are those uses that are secondary to the agricultural operation. They are generally limited in size and do not take away from the main agricultural use of the property. Examples include home based businesses, industries and agritourism operations. Given the relatively large lots associated with agricultural uses, as well as the machinery often involved, uses such as contractor's yards, repair and maintenance shops, welding shops, small scale wood processing and manufacturing, and the sale of agricultural products should be expressly permitted. Agritourism uses include those uses that celebrate local agriculture and can include accommodations such as short-term rentals, event venues and farmers markets.

3.8 Rework the permitted use structure

Rather than listing and defining very specific uses or activities, it is recommended that uses be more broadly defined, utilizing a recognized methodology, such as the North American Industrial Classification System (NAICS). For example, NAICS defines a wide variety of 'assembly facilities', which would include the following defined uses in Zoning By-law 18-18:

- Bingo Hall
- Catering Establishment
- Entertainment Establishment
- Place of Assembly
- Private Club

Other examples include defining hotels, motels and tourism establishments as opposed to grouping them into a broader group of 'accommodation services'.

The aforementioned uses are generally similar in nature with similar on-site requirements and off-site impacts. Therefore, it is recommended that such uses be grouped into use categories using NAICS. It is worth noting that there are several circumstances where it is not appropriate to strictly adhere to NAICS categories.

Defining uses by way of the overall nature of the use, also provides greater flexibility in the future as new uses emerge and other uses cease to exist.

3.9 Flood Prone Areas

As a result of flood plain mapping conducted by Hatch Consulting, staff are currently exploring the potential of implementing a 2-zone concept to protect public health and safety along riverine areas where the floodway and flood fringe has been identified. Riverine areas include those lands that are adjacent to or influenced by river systems. Such regulations will be finalized once Tulloch Engineering completes a flood fringe guideline, which is currently underway.

Development along Lake Huron will continue to be elevation based. Furthermore, development along inland lakes that were analyzed as part of the Hatch Study, can also be elevation based.

3.10 Short Term Rentals (STRs)

On April 9th, 2025, Council passed the following Resolution:

BE IT RESOLVED THAT Council acknowledges the ongoing community feedback related to Short-Term Rentals (STRs), recognizing both the benefits to tourism and local economies, and the concerns raised by residents regarding neighbourhood impacts; AND THAT Council confirms the use of existing municipal bylaws and enforcement tools to address STR-related concerns, including:

1. The Noise Control By-law #15-14
2. The Animal Control By-law #22-76
3. Maintaining Land in a Clean and Clear Condition By-law #23-36
4. Fire prevention and compliance measures, as overseen by the Fire Department;
5. Matters involving public safety or criminal activity fall under the authority of the appropriate enforcement agency.

AND THAT Council note that short-term rentals will be considered as part of the 2025 Zoning By-law Review, which is underway and will include public consultation to help inform future Council decisions.

There are approximately 34 active STR listings in Huron Shores. STRs bring a number of benefits and challenges. STRs have become an integral part of the tourism ecosystem. They offer a wide variety of unique lodging options for tourists, larger groups and medium-term occupants, such as workers.

STRs can be disruptive to neighbourhoods and result in the 'commercialization' of residential and cottage areas. Experience has shown that STRs are generally most problematic in cottaging areas, where undersized lots are common and STR occupants often rent by the week. Other challenges include the overall safety of the units which are being offered as STRs. A tragic example was a fire in Montreal where 7 tourists died while staying in unauthorized STRs with inadequate fire protections in place.

In recognizing various issues associated with STRs, platforms, including Airbnb and Vrbo have been somewhat pro-active over the past few years, implementing complaints portals and regulations in an attempt to curb the creation of 'party houses' after a number of high-profile events in the Greater Toronto Area.

Various zoning regulations that can be considered include:

- Restricting STRs to specific zones, including minimum lot size and frontage to ensure adequate separation.
- Restricting STRs to dwellings that are the primary dwelling of the owner or those dwellings or properties that are owner occupied, which can aid with on-site monitoring. This can impact the overall guest experiences available in the Municipality, and is difficult to enforce.
- Restricting the number of STRs that can occur on a specific property.

Municipalities have also implemented licensing regimes to:

- Ensure Ontario Building and Fire Code compliance
- Collect the Municipal Accommodation Tax, although it is recognized that Huron Shores does not charge a MAT.
- Require zoning compliance in order to obtain a license.
- Criteria to revoke licenses where certain performance standards, such as those outlined in the Maintaining Land in a Clean and Clear Condition By-law #23-36, are not adhered to.

Although licensing can help ensure compliance, it requires resources to implement.

Another option is to take an educational approach. The Municipality could develop information packages for STR hosts, guests and neighbours. Information for STR hosts would include rules and best practices. For guests, materials could be clearly posted on-site with information related to:

- Instructions on where to store garbage and how to dispose of it at the conclusion of a stay.
- A site plan showing property boundaries and any other relevant information to avoid inadvertent trespass.
- Clear rules around pet etiquette.
- Common courtesy tips.

For neighbours, resources such as contact numbers for local by-law enforcement, methods to lodge complaints through common online STR platforms (AirBnb and Vrbo) and potentially, as a best practice, contact information for the host or local agent.

3.11 Defining a 'Community Hub' Use

Community Hubs are public spaces that bring together various public agencies and groups to offer a range of activities, programs, and services. These hubs are designed to make better use of public spaces by allowing a wide variety of public services and activities under one roof, including venues for a wide variety of social gatherings, recreational activities, markets and community gardens.

Community hubs can be located in various public spaces, such as schools, recreational centers, libraries, churches, community centres and parks. Community Hubs will generally be permitted in Open Space and Community Facility Zones, and on any publicly owned lands in other zones, excluding Industrial and Hazard Lands Zones.

3.12 Review of current mapping

With the exception of the need for regulations pertaining to those lands within the influence area of existing landfills, as well as hazard lands, the current zone classifications have worked well and will be reviewed to ensure consistency with the Official Plan and accuracy in reflecting on-site development.

4 Minor Variances (Section 45 of the Planning Act)

A property owner or applicant (with property owner's consent) may submit an application for a Minor Variance to the Zoning By-law. A minor variance is a 'minor' relief from the terms of the Zoning By-law. Minor variances must meet the following 4 tests:

1. Is it minor?
2. Is it desirable for appropriate use and development of the land?
3. Does it maintain the general intent and purpose of the Zoning By-law?
4. Does it maintain the general intent and purpose of the Official Plan?

A common use of Minor Variance applications includes setback reductions where such reductions meet the above mentioned '4 tests of a minor variance'. Given that such applications are by definition minor in nature, the application process and associated fees are usually quicker and lower than that of a rezoning. The Municipality of Huron Shores does not currently process minor variance applications. All applications for relief of Zoning By-law provisions are handled as rezoning applications under Section 34 of the Planning Act.

Council may appoint a 'Committee of Adjustment', which is a committee of Council to hear Minor Variances, which is most often the case in larger communities. In smaller communities, such as Huron Shores, Council can hear minor variances directly. The process for hearing a minor variance is similar to that of a rezoning, except the notice area is reduced from 120m to 60m and the notice period is reduced from 20-days to 10-days. Thus the process is generally faster and easier to administer, from the standpoint of the public notice area. The public meeting is virtually identical to that of a rezoning, with the public having an opportunity to provide written or oral comments. Minor variances do not require the passing of a By-law, rather decisions are made by way of a resolution. Notice of decisions and appeal rights are virtually the same as those for rezonings.

It is recommended that Council explore introducing minor variances as an option where appropriate.

5 Next Steps

Event	Timeframe
Present Background Report to Council	June 2025
Present Draft Zoning By-law to Council	July 2025
Public Consultation on Draft Zoning By-law	August 2025
Present Final draft Zoning By-law to Council for approval	Fall 2025