REPORT TO: Committee of the Whole
FROM: Amy Knapp, Planner
DATE: February 17, 2015
SUBJECT: Housekeeping Amendment-1819 Old Second South

REPORT HIGHLIGHTS

- The applicant is requesting a property zone correction from the Environmental Protection (EP) Zone to the Agricultural (A) Zone in order to legalize the existing residential use.
- Staff has confirmed that a mapping error has occurred inadvertently and a correction is necessary to proceed with an impending sale of the property.
- The purpose of the housekeeping process is to correct an error on the zoning schedule that occurred as part of the consolidation of the By-law 5000 in 2004.
- Staff is recommending an expedited process to correct the mapping error by forwarding a draft by-law to Council for consideration the same night as the public meeting, provided that issues are not expressed at the public meeting.
- The Nottawasaga Valley Conservation Authority has verified the limits of the rezoning.
- Staff recommend that a public meeting be scheduled as required by the Planning Act R.S.O. 1990 to obtain comments and/or concerns in processing the correction and that subject to comments received that the By-law be approved subsequent to the public meeting by Council.

RECOMMENDATION

THAT the report from the Planner regarding Housekeeping (Bartko) dated February 17, 2015, be received; and

THAT a public meeting be scheduled in accordance with Section 34 of the Planning Act, R.S.O. 1990, c.P. 13 as amended, and that subject to comments received in the affirmative, that following the public meeting on March 16, 2015, Council consider the approval of a by-law.

BACKGROUND

This report is being presented to schedule a public meeting and provide information regarding a request received by the property owner of 1718 Old Second South for a property zone correction.
The subject lands are located at the west side of Old Second South, north of Story Road and contains approximately 12.6 hectares (31.2 acres) of lot area and 139.8 metres (458.6 feet) of lot frontage. The property contains a single detached dwelling, which was built in 1986 as well as two detached accessory structures built in 1990 and 1999 respectively. The property is surrounded by rural residential uses with the exception of the abutting lands to the south owned by the Barrie Hunters and Angler Club.

**ANALYSIS**

The property is designated ‘Rural’ and ‘Natural Heritage’ under the Township Official Plan and zoned Environmental Protection (EP) Comprehensive Zoning By-law 5000. The lands subject to the correction are designated ‘Rural’ and contain residence house and accessory buildings.

A correction to the zoning by-law is needed to facilitate the sale of the property. As part of the pre-consultation process, staff initiated a review of the property’s history with supporting documentation provided by the property owner to confirm the correct zone for the subject lands. As a result of that research, the following zoning chronology was established:

<table>
<thead>
<tr>
<th>Year</th>
<th>Zoning</th>
<th>Municipal By-law</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1955</td>
<td>No Zoning Schedule</td>
<td>#1094 (Vespra Township)</td>
<td>Residential uses permitted subject to meeting the minimum lot area of .344 acres</td>
</tr>
<tr>
<td>1976</td>
<td>Agricultural (Fill Line)</td>
<td>#79-8 (Vespra Township)</td>
<td>Residential uses permitted subject to minimum lot area of .45 acres and Nottawasaga Valley Conservation Authority Approval</td>
</tr>
<tr>
<td>1983</td>
<td>Agricultural and Environmental Protection</td>
<td>#83-15 (Vespra Township)</td>
<td>Residential uses permitted subject to minimum lot area of .45 acres. Zone Schedule reflects Vespra Official Plan adopted July 21st, 1982</td>
</tr>
</tbody>
</table>

The zoning and building chronology clearly demonstrates that the property was intended to be used for residential purposes. Based on this information a portion of the current zoning was incorrectly identified as Environmental Protection (EP) instead of the Agricultural (A) Zone.
The property is a fill regulated area due to the watercourse running through the property requiring clearance from the Nottawasaga Valley Conservation Authority (NVCA) for this particular zoning by-law amendment.

Staff have consulted with the NVCA and they have no objection to the zone correction of the specific area identified in this staff report without the requirement of an Environmental Impact Study (EIS).

The purpose of this amendment is to correct the portion of the property that was affected by the mapping error and to maintain all other natural heritage features on the lands under the Environmental Protection (EP) Zone. A detail map of the correction can be found under Appendix 'A'.

Accordingly, staff recommend that the zone of the property be corrected and that a public meeting be scheduled to facilitate the correction.

**BUDGET IMPLICATIONS**

There are no budget implications related to this file at this time.

**CONCLUSION**

Due to the fact that the proposed rezoning is to correct a mapping error on property that is currently up for sale, it is appropriate to expedite the correction of the error by considering the by-law for approval after the public meeting on the same night provided that issues are not expressed at the public meeting.

Staff recommends the following:

THAT the report from the Planner regarding Housekeeping Amendment-1819 Old Second South dated February 17, 2015, be received; and

THAT a public meeting be scheduled in accordance with Section 34 of the Planning Act, R.S.O. 1990, c.P. 13 as amended, and that subject to comments received in the affirmative, that following the public meeting on March 16, 2015, Council consider the approval of a by-law.

**GUIDING PRINCIPLES**

The above initiative supports Council’s guiding principle of:

1. *Community Development*
2. *Growth Management*
APPLICABLE MUNICIPAL POLICY OR LEGISLATION

- Planning Act, R.S.O. 1990
- Provincial Policy Statement
- Growth Management Plan for the Greater Golden Horseshoe: Places to Grow
- Simcoe County Official Plan
- Township of Springwater Official Plan
- Township of Springwater Zoning By-law 5000

APPROVALS

Submitted by: Amy Knapp, Planner
Reviewed by: Brent Spagnol MCIP, RPP, Manager of Planning
Budget Implications Reviewed by: Jeff Schmidt CPA, CGA, BAS, Director of Finance
Approved by: Robert Brindley, Chief Administrative Officer
Version code: D14 04/02/15 1711992

SHARED\D - Development and Planning/D14 Zoning Applications/CURRENT ZBA's/Housekeeping - Bartko
APPENDIX ‘A’

Zoning Schedule for Vespra By-law 83-15 (Subject Property Highlighted)

Proposed Zoning Correction (Subject Property Highlighted)