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TO:

GENERAL COMMITTEE

SUBJECT:

ZONING BY-LAW 2009-141 HOUSEKEEPING RECOMMENDATION

WARD:

ALL

PREPARED BY AND KEY

CONTACT:

C. TERRY, M.C.I.P., R.P.P., POLICY PLANNER, EXTENSION #4430

SUBMITTED BY:

S. NAYLOR, MES, M.C.I.P., R.P.P., DIRECTOR OF PLANNING

GENERAL MANAGER APPROVAL:

R. FORWARD, MBA, M.Sc., P. ENG.

GENERAL MANAGER OF INFRASTRUCTURE AND GROWT

MANAGEMENT

CHIEF ADMINISTRATIVE OFFICER APPROVAL:

C. LADD, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

1. That the proposed Text Amendments to Zoning By-law 2009-141 as outlined in Appendix "A" to Staff Report PLN033-15 be approved;

- 2. That the proposed Zoning Map Schedule Amendment to Zoning By-law 2009-141 as outlined in Appendix "B" to Staff Report PLN033-15 be approved; and
- 3. That in accordance with Section 34 of the Planning Act, no further public meeting is required to finalize the proposed By-law.

PURPOSE & BACKGROUND

Report Overview

- 4. The City's current Comprehensive Zoning By-law 2009-141 was approved in August of 2009 and amended in 2013 to address matters of a housekeeping nature. Additional matters related to minor errors and omissions, or if new initiatives are identified that should be addressed, will continue to be identified as Staff implements the Zoning By-law.
- 5. Staff have prepared a summary of recommended changes which are attached as appendices to this report. Due to the relatively minor nature of the proposed amendments, staff are recommending that they be addressed simultaneously in the form of a housekeeping By-law amendment.
- 6. The purpose of this Staff Report is to recommend that the proposed text and mapping changes to the Zoning By-law Schedule be approved.

ANALYSIS

- 7. Comprehensive Zoning By-law 2009-141 applies to all lands within the boundary of the City of Barrie with the exception of those lands annexed into the City as of January 1, 2010.
- The proposed amendments to the text of the By-law relate primarily to addressing minor errors, omissions and clarification and, in some cases, may result in recommendations for the creation of

The City of

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new definitions or standards to address challenges identified by staff through day to day usage of the By-law (refer to Appendix "A" attached).

- 9. Revisions related to the Zoning Map Schedule deal primarily with matters resulting from property line adjustments, mapping errors and land assembly (refer to Appendix "B" attached). In cases where mapping errors have been identified that impact individual property owners, staff have contacted the landowner as well as adjacent property owners using the notification parameters of Section 34 of the Planning Act.
- 10. Staff have attached a complete list of the proposed amendments as appendices to this report.

Public Meeting Comments and Staff Consultation

- 11. A Public Meeting was held on October 19, 2015 to present the full scope of the proposed text and mapping changes to General Committee and the public.
- 12. Property owners impacted by the proposed Zoning Map Schedule changes were notified by correspondence from staff explaining the rationale behind the proposed changes. In addition, formal notification of the public meeting was advertised in the local newspaper and provided by mail to all affected property owners, as well as property owners within 120 metres of each of the identified properties.
- 13. Staff held additional stakeholder meetings regarding the proposed amendments related to Crisis Care Facilities, and regarding the introduction of a blended parking rate for commercial and industrial multi-tenanted projects. Further to these discussions, correspondence received and comments made at the Public Meeting, the proposed amendments for Crisis Care Facilities have been removed from the general Housekeeping By-law. Further meetings with Stakeholders are scheduled in November and this matter will be discussed under separate report.
- 14. With regard to the remaining housekeeping amendments, staff received approximately 25 phone calls, e-mails and counter inquiries regarding the proposed changes to the text and mapping. Each of the inquiries received a verbal response or response by email with additional explanation of the proposed amendments.
- 15. Some additional comments were also raised at the Public Meeting regarding specific items as outlined below with staff comments in italics:
 - a) Mr. Greg Johnson on behalf of PlasTech Extrusions questioned if the proposed mapping change to the identified properties located on the west side of Huronia Road, south of Mapleview Drive East (Maps 11 and 12 of Appendix "B" to Staff Report PLN033-15) would have tax implications for the company located at 336 Saunders Road.
 - Staff have investigated the proximity of the property at 336 Saunders Road to the properties identified and have determined that the business in question (PlasTech Extrusions) would not be impacted by the proposed mapping change to remove the Environmental Protection (EP) zone from a portion of the General Commercial (C4) lands at the corner of Mapleview Drive East and Huronia Road, nor the change in zoning for the City owned lands from General Commercial (C4) to Environmental Protection (EP).
 - b) Mr. Ray Duhamel of the Jones Consulting Group on behalf of Fernbrook Developments and Hassey Realty supported the proposed text addition to permit a blended parking rate for multi-tenanted industrial and commercial buildings, and requested consideration for existing developments. In addition, he requested that staff investigate blended parking for mixed commercial and residential sites.



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Staff have considered the proposed addition of text regarding the application of blended parking for existing industrial and commercial uses. A modification to the text to include consideration of existing uses has been included in the proposed Text Amendments attached as Appendix "A" to Staff Report PLN033-15. This change was also supported by other stakeholders through the consultation process.

In response to the second part of Mr. Duhamel's request, during the background analysis of the recently approved Mixed Use zones, staff did investigate the opportunity to provide a blended parking rate for commercial and residential developments. It was determined that a reduction in the amount of residential parking could be supported, however the commercial parking still needed to be available to ensure the success of the mixed use zone, therefore blended or shared parking between the commercial and residential units would not be implemented for mixed use developments.

c) Mr. Ray Duhamel of the Jones Consulting Group on behalf of Pratt Hansen Group requested that the proposed text amendment to increase the permitted size of accessory structures for higher density multi-unit developments be further expanded from 100m² to 250m².

Staff agree with the concerns raised and have considered the maximum size of 250m² or 10% identified rather than the 100m² or 10% originally suggested by staff. As all multiunit development projects with communal areas are subject to Site Plan Control, the location, size and façade treatment of Accessory Structures would be reviewed through the Site Plan process. Multi-unit developments usually have a number of supporting structures including garbage and recycling buildings, electrical buildings and recreational structures such as gazebos and play equipment. The combination of these accessory structures is often in excess of the maximum size of 50m² permitted by the By-law. Rather than placing a Special Provision in the Site Specific Zoning By-law or requiring a Committee of Adjustment application, staff have determined that the size for Accessory Structures for identified multi-unit residential development could be supported as a maximum of 10% of the lot coverage, rather than the set size even as expanded to 100m² or the 250m² suggested by Mr. Duhamel. This change has been included in the proposed Text Amendments attached as Appendix "A" to Staff Report PLN033-15.

d) Mr. Ray Duhamel of the Jones Consulting Group on behalf of Pratt Hansen Group made a request to add a text amendment to the By-law that would permit the encroachment of support columns into the minimum standard for parking spaces in underground/structured parking areas.

Although the encroachment for support columns has been permitted on a site specific basis, staff do not recommend a generic permission to reduce the size of underground/structured parking spaces which would effectively be the result of the proposed amendment. The current process of evaluating the request on a site specific basis requires the owner/applicant to justify why the standards in the Zoning By-law cannot be met and provide evidence that any affected parking spaces would still function appropriately. Staff are of the opinion that the current process is appropriate.

e) Mr. Ray Duhamel of the Jones Consulting Group on behalf of Lakeside Property Management made a request for a change in zoning on the Zoning Map Schedule for the property at 571 Huronia Road.

The mapping change is for a portion of 571 Huronia Road, shown on Appendix "C". The current zoning is Light Industrial (LI) and Agricultural (A). The request is to remove the Agricultural zoning and replace with the Light Industrial zone that is predominant for this property.



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Staff are not recommending this change at this time as this request was raised at the Public Meeting and has not been investigated by staff. It should be noted that the Agricultural zoned area identified for 571 Huronia Road also extends onto the adjacent properties, and should be reviewed at a larger scale. As part of a separate initiative, staff have committed to examining the appropriateness of all of the Agricultural zoned properties throughout the City in 2016. This property, as well as the adjacent lands, would be considered through that review.

Proposed Modifications and Additional Revisions

16. Further to the comments noted under 14 (b) and (c) above, staff are recommending two revisions to the proposed housekeeping text amendments as well as the removal of the definition and standards for Crisis Care Facilities that will follow under a separate report. The remaining text and mapping amendments are unchanged from those presented to General Committee and the public at the Public Meeting held on October 19, 2015 attached as Appendix "A" and "B" to Staff Report PLN033-15.

ENVIRONMENTAL MATTERS

17. There are no environmental matters related to the recommendation.

ALTERNATIVES

18. The following alternatives are available for consideration by General Committee:

Alternative #1

General Committee could deny the proposed Zoning By-law amendments to the Comprehensive Zoning By-law 2009-141.

This alternative is not recommended as a full public consultation process has taken place under the Planning Act for revisions to the Zoning By-law, and updates are required to maintain and improve the accuracy of the City's Zoning By-law document.

Alternative #2

General Committee could amend, revise or add to the proposed Zoning By-law amendments to Comprehensive Zoning By-law 2009-141.

This alternative is not recommended unless consultation has taken place with staff and the appropriate notice has been provided to property owners or residents that could be impacted by a proposed change to the Zoning By-law.

FINANCIAL

19. The proposed changes being recommended are minor in nature and no significant costs other than staff time and costs associated with notification under the Planning Act are anticipated as a result of the proposed amendments.

LINKAGE TO 2014-2018 STRATEGIC PLAN

20. The recommendations included in this Staff Report are not specifically related to the goals identified in the 2014-2018 Strategic Plan.



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Attachments:

Appendix "A" - Proposed Housekeeping Changes to the Text of By-law 2009-141

Appendix "B" - Proposed Housekeeping Changes to the Zoning Map Schedule of By-law

2009-141

Appendix "C" - 571 Huronia Road Proposed Change to the Zoning Map Schedule



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APPENDIX "A" Proposed Housekeeping Changes to the Text of By-law 2009-141

	Section Number	Proposed Revisions, Deletions and Additions	Rationale	Affected Zones
1.	2.7 PROVINCIAL STATUTES	Add text to section as follows: 2.7 FEDERAL AND PROVINCIAL STATUTES References to Federal and Provincial Statutes throughout this By-law shall include any amendments and successors thereto.	Clarification of section to also recognize federally regulated acts referenced in the Zoning By-law.	General By-law
2.	3.0 DEFINITIONS	Delete "/or" as noted below: Nursery or Garden Supply Centre shall mean a building and/or lot, where young trees and other plants are grown for transplanting or sold for transplanting and may also include the sale of related accessory supplies and accessory outdoor storage.	Suggest revising definition to ensure the use of the property as a business, and to restrict plantings independent of a formal use, such as a tree plantation.	Commercial and Industrial Zones where a Nursery or Garden Supply Centre is permitted.
3.	4.2.1.5 Temporary Building	Delete section in its entirety and renumber section 4.2.1 as necessary. 4.2.1.5 <u>Temporary Building</u> Where a temporary building is permitted under Section 4.2.1.3 or 4.2.1.4 the prescribed time as to when the temporary building shall be removed, shall be set out in the building permit and in no case shall it exceed one year.	This section identifies a time frame under the Building Code; however a temporary building is not stipulated in the Code or for a building permit. Sections 4.2.1.3 and 4.2.1.4 do identify that the temporary structure, such as construction and real estate trailers, shall be permitted for as long as works/construction is in progress and the project has been neither finished, nor abandoned.	General By-law
4.	4.2.1.12 Sale of Fruits and Vegetables	Delete "vacant" and add text as follows: 4.2.1.12 Sale of Fruits and Vegetables The sale of fruit and vegetables and other home-made/farm produce on a seasonal basis is permitted on vacant commercially zoned property provided the required zoning standards for any existing use, including but not limited to parking, is not impacted.	Farm Produce sales are currently permitted on vacant commercial lands. This expands the permitted venues to additional locations provided zoning standards for the primary use are not impacted.	All Commercial Zones
5.	4.6.2.2 Number of Parking Spaces	Delete section in its entirety and renumber section 4.6.2 as necessary. 4.6.2.2 Number of Parking Spaces Parking spaces required for each permitted use shall be provided in accordance with Table 4.6. For commercial and industrial building, where the tenant mix is not known, the initial requirement shall be 1 space per 50m2 of gross floor area.	Recommend coordinating the amount of parking required for multiple uses in industrial and commercial areas as there may be overlap and overflows to accommodate sharing of space. In addition, as use changes over time it is challenging for new occupants to meet requirements for spaces if the number of spaces is strictly based on the primary use for the site, notwithstanding the difficulty for staff	General By-law
	4.6.2.4 Parking – Multiple Uses	Delete text as noted below: 4.6.2.4 Parking - Multiple Uses: Where there are 2 or more permitted uses in any building or on any lot, the parking requirements for each use shall be calculated separately and the individual requirements combined. The total number of parking spaces so calculated shall be provided and maintained.	to calculate the provision of parking as uses change. A blended rate is an alternative to parking based on individual uses. Further to public and stakeholder consultation, staff added permissions for the blended parking rate to be applied for	



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Section Number		Proposed Revisions, Deletions and Additions													Rationale	Affected Zones	
	ų	Add new text as follows:															
		4.6.2.4 Parking – Multiple Uses															
		That notwithstanding the parking requirements set out in Table 4.6, when there are 2 or more permitted uses in any building or on any lot following parking requirements shall apply:									r on any <i>lot</i> , the						
		a) Multiple Uses in Industrial Zones: A minimum of 1 parking space per 40m² of gross floor area shall be required except where data warehousing is in combination with another use, in which case the data warehousing components shall be at the rate identified in Table 4.6 and the additional multiple uses shall be at a rate of 1 parking space per 40m².															
		b) Multiple Uses in Commercial Zones: A minimum of 1 parking space per 24m ² of gross floor area shall be required except where residential uses are in combination with another use, in which case the residential use components shall be at the rate identified in Table 4.6 and the additional multiple uses shall be at a rate of 1 parking space per 24m ² .															
		c) For development that existed prior to the passing of this By-law, when change of use occurs, the less restrictive of the standard parking rate or the blended parking rate for multiple uses in accordance with a) and b) can be applied. (By-law 2015-)													d parking rate or		
Table	e 5.3	Add reference to footnote (7) to the Side Yards (min.) for every residential zone as noted below:													The footnote referencing section 5.3.5 (f) is necessary for all zones as it permits garages on residential lots to be closer to	Residential Single Detached (RH, R1,	
17.	5.3 RESIDENTIAL STANDARDS									the property line than living space. This was the practice in	R2, R3, R4) and Residential Multiple						
		5.3.1	The uses	s permit	ted in the	e Reside	ential Zon	e are sul	bject to the	developi	ment stand	lards refere	enced in Ta	ble 5.3.		Table in By-law 2009-141.	(RM1-SS)
		Table 5.3															
									Z	ones	4 - 1						
					Sir	ngle Detached				Name and Address of the Owner, where the	Multiple		Apartment				
			-014-	RH	R1	R2	R3	R4	RM1	RM1- SS	RM2	RM2- TH	RA1	RA2			
			Side Yards (min.)	7m	1.2m	1.2m	1.2m	1.2m	1.2m (2) (7)(8)	1.2m	1.8m (2) (7)(8) (9)	1.8m (2) (7)(8)	5m (7)(8)	5m (7)(8)			:
==		(1) - See 5.3.3.2 (a) (4) - See 5.3.4.1 (7) - See 5.3.5 (f) (2) - See 5.3.3.2 (b) (5) - See 5.3.4.2 (8) - See 5.3.3.2 (d) (3) - See 5.3.3.2 (c) (6) - See 5.3.4.3 (9) - See 5.3.2															
		5.3.5 Acces	sory Buildi	ngs and	d Struct	ures	, ,	. ,		·							
	No other building or structure, except a parking structure underground which is accessory to any residential use in any zone shall:																
		f) be e	f) be erected closer than 0.6m from the side lot line, except in the case of attached units, in which case no side yard shall be required on the														
		interior side where the accessory building or structure is attached to the main building;															



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	Section Number	Proposed Revisions, Deletions and Additions	Rationale	Affected Zones	
7.	5.3.5 h) Accessory Buildings and Structures	Add text to section as follows: 5.3.5 Accessory Buildings and Structures No other building or structure, except a parking structure underground which is accessory to any residential use in any zone shall: h) collectively exceed 10% lot coverage for detached accessory structures or a maximum of 50m² whichever is lesser except in the case of block/cluster/stacked townhouse developments, walk-up apartments or apartments where a maximum of 10% lot coverage shall apply. The 10% lot coverage permitted for accessory buildings and structures is in addition to the lot coverage as set out in Table 5.3 (By-law 2015-195).	The expansion of accessory structures for multi-unit development projects is intended to better accommodate those developments that include a number of structures including garbage enclosures, pergolas, sun shades, and play equipment. This proposed amendment was revised by staff to remove the maximum size required for multi-unit residential developments as they are subject to Site Plan Control and the size varies in accordance with the development proposal. A maximum 10% lot coverage will still apply.	Residential Multiple and Apartment Zones (RM2, RA1, RA2)	
8.	5.3.6.1 Parking in Front Yards	Add text to footnote (1) as follows: 5.3.6.1 Parking in Front Yards a) That the driveway and/or parking space that is located in the front yard of a property accessed by a public street cannot exceed the maximum percentage of the front yard as follows: Zone Front Yard Parking Coverage	Clarification of permissions for front yard parking for multi- residential uses and existing/permitted uses in the RM2 and RM2-TH zones. The footnote appears to contradict the standard in the table. The intent is that the 60% front yard parking only applies to lower density housing forms and other permitted uses when they occur in the RM2 and RM2-TH zones.	General By-law	

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APPENDIX "B" <u>Proposed Housekeeping Changes to the Zoning Map Schedule of By-law 2009-141</u>

Location 1. 374, 376, 378 - 388 Leacock Drive Subject properties proposed to be changed from Residential Hold zone (RH) to Single Detached Residential Second Dansity zone (RZ) 374 to 387 Leacock Dr/ 379 to 387 Leacock Dr/

Proposed Amendment to Zoning Map Schedule

Change from Residential Hold Zone (RH) to Residential Single Detached Second Density Zone (R2).

Rationale

These properties were zoned as RH in Zoning By-law 85-95 to reflect the need for Leacock Drive to connect through these lands. The lands were severed and building permits issued in 1993-1994 for the existing single detached homes, however the zoning remained as RH and was carried over in to Zoning By-law 2009-141. The adjacent properties to the north and south are zoned R2. The lot area and frontage for the subject properties complies with the R2 Zone, therefore the R2 Zone is recommended to reflect the existing built-form.

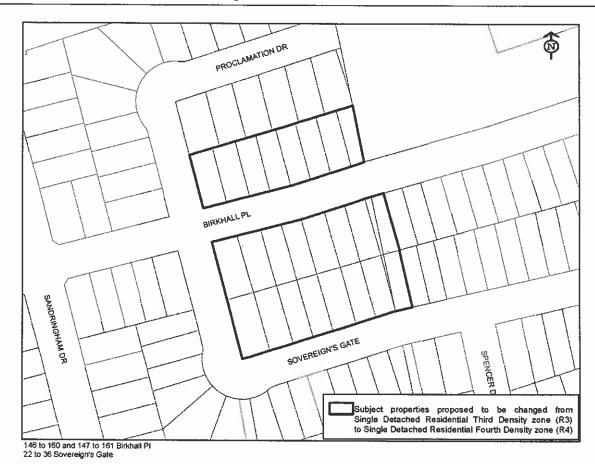
Affected Properties

13 properties in private ownership.

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Location

2. 22, 24, 26, 28, 30, 32, 34, 36 Sovereign's Gate and 146 to 161 Birkhall Place



Proposed Amendment to Zoning Map Schedule

Change from Single Detached Residential Third Density Zone (R3) to Single Detached Residential Fourth Density Zone (R4).

Rationale

Mapping error. The subject properties should have been zoned R4 per By-law 99-209 which was passed when the subdivision was developed. The developed lots comply with the R4 standards for which they were originally zoned.

Affected Properties

26 properties in private ownership.

4 properties in private ownership.

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Location 3. 18 - 21 Revelstoke Court MAPLEVIEW DRW ASSINIBOINE DR Subject properties Proposed change from Environmental Protection zone (EP) to Single Detached Residential Third Density zone (R3) Proposed change from Environmental Protection zone (EP) to Single Detached Residential Second Density with Special Provision zone (R2(SP-138)) 18/20/21/19 Revelstoke Crt **Proposed Amendment to Zoning Map Schedule** Change from Environmental Protection Zone (EP) to Single Detached Residential Third Density Zone (R3), and Single Detached Residential Second Density Zone with Special Provision Zone R2(SP-138). Rationale Mapping error. Zone lines should match the parcel fabric based on the registered M-Plans. EP boundary should match City owned lands and not extend into private lots. **Affected Properties**

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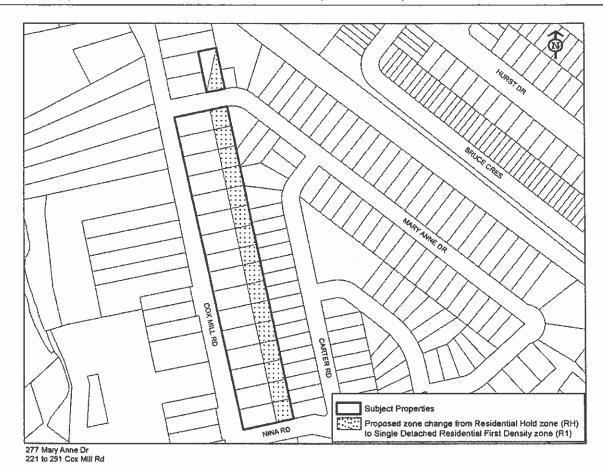
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Location 4. 16 Surrey Drive Subject property SUPPREY DR Proposed zone change from Environmental Protection zone (EP) to Single Detached Residential Second Density with Special Provision zone (R2 (SP-353)) 16 Surrey Dr **Proposed Amendment to Zoning Map Schedule** Proposed Change for Environmental Protection Zone (EP) to Single Detached Residential Second Density with Special Provision Zone R2(SP-353). Rationale Mapping error. The lands are part of privately owned residential property and not the EP lands to the north of it. Zoning lines to follow City owned EP lands, as reflected on mapping of By-law 85-95 as amended. **Affected Properties** 1 property in private ownership.

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Location

5. 277 Mary Anne Drive and 221 - 251 Cox Mill Road (odd numbers)



Proposed Amendment to Zoning Map Schedule

Change from Residential Hold Zone (RH) to Single Detached Residential First Density Zone (R1).

Rationale

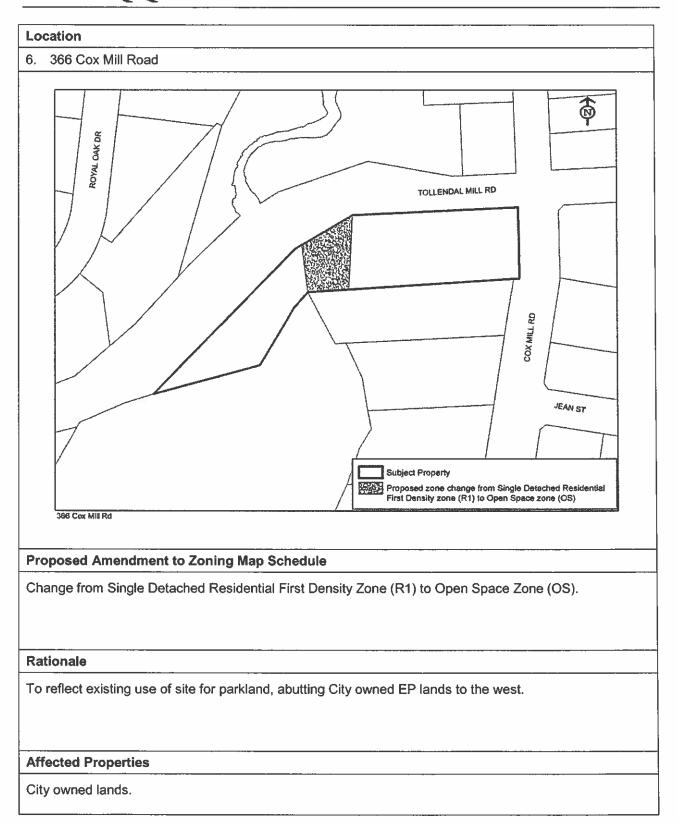
The rear portion of the lots fronting on Cox Mill Drive has been identified as RH. Although a complete history of this zone has not been found, it is presumed that the zoning was to reflect the potential need for infrastructure along this general line for stormwater management. The stormwater devices are in place along the rear property line and do have the appropriate easements registered with the properties fronting on Carter Road. It is staff's recommendation that the RH be lifted as it is no longer required.

Affected Properties

17 properties in private ownership.

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Location 7. 315 Tollendale Mill Road ROYAL OAK OR 8 JEAN ST COX MILL RD TOLLENDAL MILL RO DOCK RD Subject Property Proposed zone change from Single Detached Residential First Density zone (R1) to Environmental Protection zone (EP) HURST DR 315 Tollendal Mill Rd **Proposed Amendment to Zoning Map Schedule** Change from Single Detached Residential First Density Zone (R1) to Environmental Protection Zone (EP). Rationale To align with City owned lands that are EP to reflect the Lovers Creek Ravine. **Affected Properties** City owned lands.

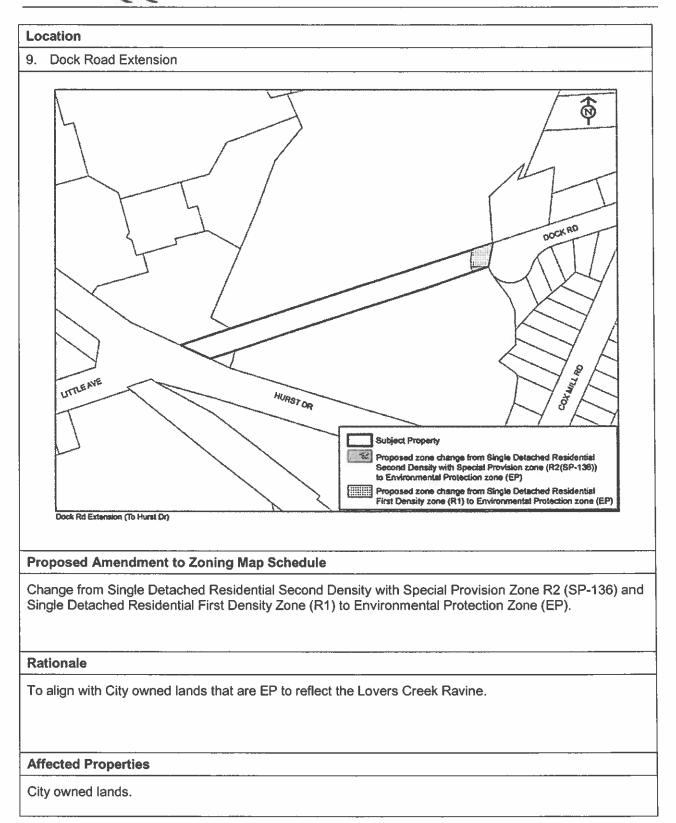
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Location 8. 240 Hurst Drive COX MILL DOCKRD LITTLE AVE HURST OR Subject Property Proposed zone change from Single Detached Residential Second Density with Special Provision zone (R2(SP-136)) to Environmental Protection zone (EP) **Proposed Amendment to Zoning Map Schedule** Change from Single Detached Residential Second Density Zone with Special Provision Zone R2 (SP-136) to Environmental Protection Zone (EP). Rationale To align with City owned lands that are EP to reflect the Lovers Creek Ravine. **Affected Properties** City owned lands.

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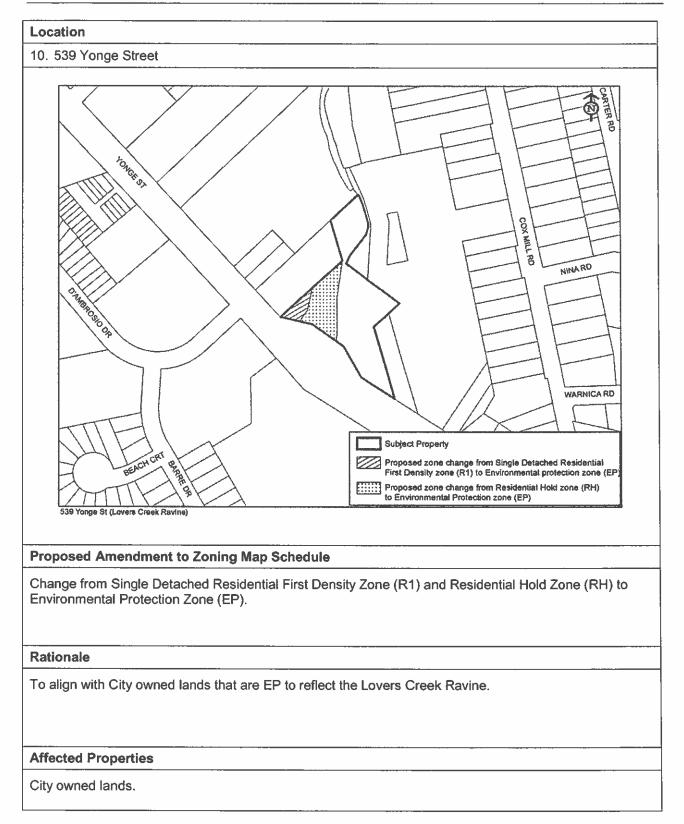
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1 property in private ownership.

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Location 11. West Side of Huronia Road, South of Mapleview Drive East MAPLEVIEW DRE Subject Property Proposed zone change from Environmental Protection zone (EP) to General Commercial zone (C4) 604/610/630 Huronia Rd 215/225/229/233/237 Mapleview Or E **Proposed Amendment to Zoning Map Schedule** Change from Environmental Protection Zone (EP) to General Commercial Zone (C4). Rationale Mapping error has identified part of the developed parcel as EP. Correct to C4. The original By-law 2002-117 reflects the correct zone line in this area. **Affected Properties**

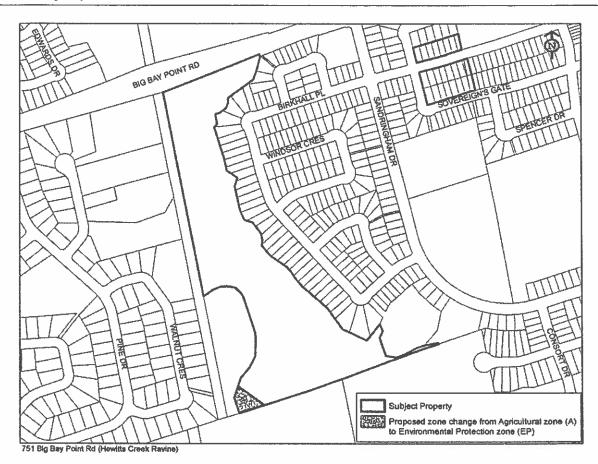
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Location 12. West Side of Huronia Road, South of Mapleview Drive East MAPLEVIEW DR E Subject Property Proposed zone change from General Commercial zone (C4) to Environmental Protection zone (EP) Lovers Creek Ravine Huronia (West side of Huronia Rd/ South of Mapleview Dr E) **Proposed Amendment to Zoning Map Schedule** Change from General Commercial Zone (C4) to Environmental Protection Zone (EP). Rationale To align with City owned lands that are EP to reflect the Lovers Creek Ravine. **Affected Properties** City owned lands.

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Location

13. 751 Big Bay Point Road



Proposed Amendment to Zoning Map Schedule

Change from Agricultural Zone (A) to Environmental Protection Zone (EP).

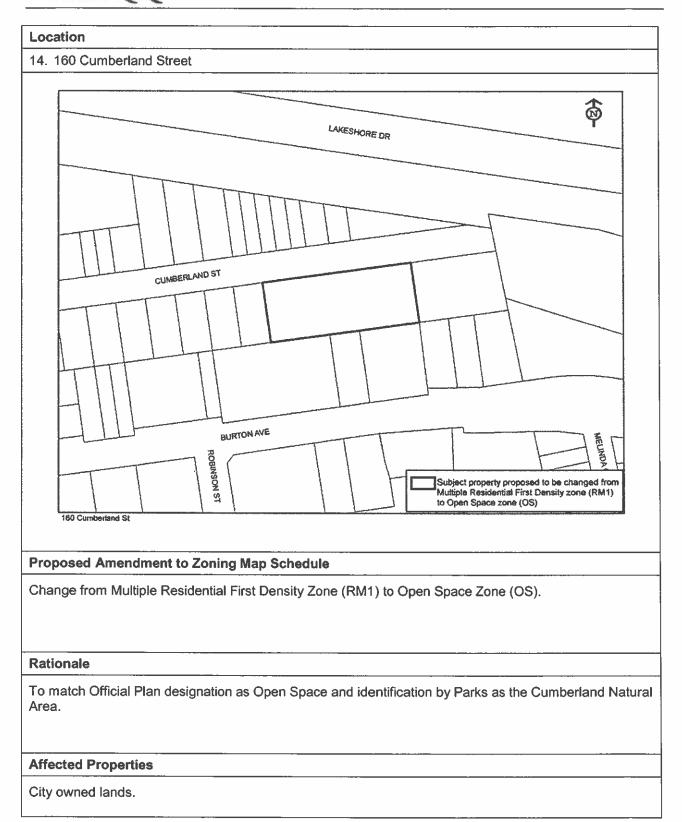
Rationale

To align zoning with City owned land that is EP to reflect the Hewitts Creek Ravine.

Affected Properties

City owned lands.

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City owned lands.

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Location 15. 90 Madelaine Drive RUSSELL HILL OR DEANAVE STIAINA CRT GRACE CRES ESTHER DR Subject Property Proposed zone change from Single Detached Residential Third Density zone (R3) to Open Space zone (OS) **Proposed Amendment to Zoning Map Schedule** Change from Single Detached Residential Third Density Zone (R3) to Open Space Zone (OS). Rationale Part of City Park block that currently contains playground equipment. **Affected Properties**

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APPENDIX "C"

571 Huronia Road

