



THE CORPORATION OF THE TOWNSHIP OF KING

BY-LAW NUMBER – 2023-013

A BY-LAW TO AMEND ZONING BY-LAW NUMBER 74-53, AS AMENDED BY BY-LAW
2005-23

WHEREAS Zoning By-law Number 74-53, being a By-law to regulate the use of land and the character, location and use of buildings and structures in the rural area of the Township was amended by By-law 2005-23 to provide for conformity with the Oak Ridges Moraine Conservation Plan;

AND WHEREAS pursuant to Section 41(1.2) of the *Planning Act*, R.S.O. 1990 c. P. 13, as amended by Bill 23, More Homes Built Faster Act, 2022, the definition of “development” in subsection (1) does not include the construction, erection or placing of a building or structure for residential purposes on a parcel of land if that parcel of land will contain no more than 10 residential units.

AND WHEREAS the Township has a regulatory responsibility to ensure development conforms to and is consistent with the Oak Ridges Moraine Conservation Plan in accordance with the *Oak Ridges Moraine Conservation Act, 2001*, S.O. 2001, c. 31.

AND WHEREAS it is deemed necessary to amend By-law 2005-23 to standardize the language related to the Oak Ridges Moraine Conservation Plan and to remove references to site plan approval and Section 41 of the *Planning Act*.

NOW THEREFORE the Council of the Corporation of the Township of King **HEREBY ENACTS AS FOLLOWS:**

1. **THAT** Section 6.5a “Previously Authorized Dwellings and Accessory Buildings Thereto: Oak Ridges Moraine Conservation Plan Area” be repealed and replaced with the following:

6.5a Previously Authorized Dwellings and Accessory Buildings Thereto: Oak Ridges Moraine Conservation Plan Area

On lands located within the area defined as Oak Ridges Moraine Conservation Plan Area nothing in this By-law shall prevent the use, erection or location of a single dwelling and accessory buildings, structures and uses thereto provided:

- i. The use, erection and location would have been permitted by the applicable zoning by-law on November 15, 2001;
- ii. The performance standards of the applicable zone are met;
- iii. The applicant demonstrates, to the extent possible, that the use, erection, and location of the use, building or structure will not adversely affect the ecological integrity of the Oak Ridges Moraine Conservation Plan Area if the use, building, or structure is proposed within an Oak Ridges Moraine Feature Protection Zone or its corresponding 120 m Area of Influence, a Landform Conservation Area, or comprises major development (all as defined in this By-law).

2. **THAT** subsection i) of Section 6.25 “Landform Conservation” be repealed and replaced with the following:

- i. No development, site alteration or change of use shall take place within the areas shown as Landform Conservation Area (Category 1) and Landform Conservation Area (Category 2) on Schedule D Map 1 Oak Ridges Moraine Landform Conservation Areas. unless the applicant demonstrates conformity with the provisions of subsection 6.25 i. and ii. Where development or site alteration comprises an expansion to an existing institutional use the provisions of subsection 6.60 “Institutional” shall apply. Where development or site alteration comprises an expansion of a building or structure the provisions of subsection 6.61 “Oak Ridges Moraine: Expansion of Existing Buildings and Structures” shall apply. Where development or site alteration comprises previously authorized dwellings and accessory buildings thereto, the provisions of subsection 6.5a “Previously Authorized Dwellings and Accessory Buildings Thereto” shall apply. Where the development, site alteration or change of use are located within a “Hamlet” in the Our King Official Plan, the provisions of Sections 6.62 “Oak Ridges Moraine: Hamlet Areas shall apply.
- ii. Except for lands within Settlement Areas as shown on the Township of King Official Plan, on those lands identified on Schedule D Map 1 Oak Ridges Moraine Landform Conservation Areas attached hereto as Landform Conservation Area (Category 1) the area of impervious surface shall not exceed 15% of the area so identified within the subject property, and the proportion of the area so identified within the subject property that is disturbed through grading or other construction activity shall not exceed 25%.
- iii. Except for lands within Settlement Areas as shown on the Township of King Official Plan, on those lands identified on Schedule D Map 1 Oak Ridges Moraine Landform Conservation Areas attached hereto as Landform Conservation Area (Category 2), the area of impervious surface shall not exceed 20% of the total of the area so identified within the subject property and the proportion of the area so identified within the subject property that is disturbed through grading or other construction activity shall not exceed 50%.

3. **THAT** subsection iii) of Section 6.53 “Major Development: Oak Ridges Moraine” be repealed and replaced with:

- iii. Notwithstanding the above, major development comprising the construction of a building for agricultural use or previously authorized dwelling or accessory building in accordance with Section 6.5a, may be permitted in the area defined as Oak Ridges Moraine Plan Area provided the applicant demonstrates, to the extent possible, that the use, erection, and location of the development will not adversely affect the ecological integrity of the Oak Ridges Moraine Conservation Plan Area. In addition, the permitted uses and performance standards of the applicable zone in By-law 74-53, as amended, shall be complied with.

4. **THAT** subsection c) of Section 6.61 “Oak Ridges Moraine: Expansion of Existing Buildings and Structures” be repealed and replaced with:

- c. The applicant demonstrates, to the extent possible, that the use, erection, and location of the development will not adversely affect the ecological integrity of the Oak Ridges Moraine Conservation Plan Area if the expansion is proposed within an Oak Ridges Moraine Feature Protection Zone or its corresponding 120 m Area of Influence, an Environmental Protection Zone, a Landform Conservation Area which is located outside a Settlement Area, (all as defined in this By-law) or if the proposal comprises major development (also as defined in this By-law).
- 5. **THAT** subsection d) of Section 6.61 “Oak Ridges Moraine: Expansion of Existing Buildings and Structures” be repealed.
 - 6. **THAT** Section 6.62 “Oak Ridges Moraine: Rural Settlement Areas” be repealed and replaced with the following:

6.62 Oak Ridges Moraine: Hamlet Areas

Nothing in this Zoning By-law applies to prevent a use or the erection or location of a building or structure within an Oak Ridges Moraine Hamlet Area as designated in the Our King Official Plan for the Township of King, or its successor provided:

- a. The use, building or structure would have been permitted by By-law 74-53 on November 15, 2001 and complies with the permitted uses and performance standards of the applicable zone in By-law 74-53, as amended;
 - b. The use, building or structure complies with subsections 6.51 (vi) (Areas of High Aquifer Vulnerability) and (vii), (viii) and (ix) (Wellhead Protection Areas) of this By-law;
 - c. The applicant demonstrates, to the extent possible, that the use, erection, and location of the development will not adversely affect the ecological integrity of the Oak Ridges Moraine Conservation Plan Area if the use, building or structure is proposed within an Oak Ridges Moraine Feature Protection Zone or its corresponding 120 m Area of Influence or a Landform Conservation Area, a Landform Conservation Area, (all as defined in this By-law) or if the proposal comprises major development (also as defined in this By-law).
- 7. **THAT** section 6.63 Oak Ridges Moraine: Settlement Areas be repealed.
 - 8. **THAT** Section 6.64 “Oak Ridges Moraine: Areas of Influence” be repealed and replaced with the following:

6.64 Oak Ridges Moraine: Areas of Influence

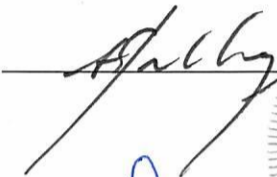
No development, site alteration or change of use shall take place within the “120m Area of Influence” boundaries shown on Schedule “C” Map Nos. 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 22 unless the applicant demonstrates, to the extent possible, that the use, erection, and location of the development, site alteration or change in use will not adversely affect

the ecological integrity of the Oak Ridges Moraine Conservation Plan Area. Any such development, site alteration or change of use shall conform with the minimum vegetation protection zone requirements of the Official Plan of the Township of King and Part III of the Oak Ridges Moraine Conservation Plan;


9. **THAT** this By-law shall come into effect on the day it was passed where no notice of appeal has been filed with the Township Clerk in accordance with the requirements and within the time prescribed under Section 34 (19) of the Planning Act.

READ a FIRST and SECOND time this 6th day of February, 2023.

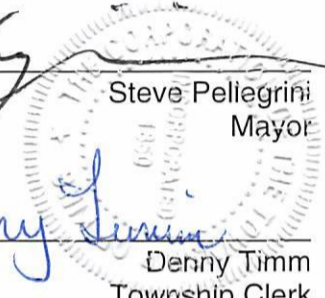
READ a THIRD time and **FINALLY PASSED** this 6th day of February, 2023.



Steve Pellegrini
Mayor



Denny Timm
Township Clerk



*(Ref. Growth Management Services Dept.
Report No.: GMS-PL-2023-10, C.O.W. February 6, 2023)*

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EXPLANATORY NOTE

TO ACCOMPANY BY-LAW NUMBER 2023-013

By-law Number 2023-013 is a By-law to amend Zoning By-law 74-53, being a By-law for the rural area of the Township, as amended by the Oak Ridges Moraine Conformity By-law, By-law 2005-23. Specifically, the Amendment concerns lands as identified on Schedule 'C' of By-law 2005-23.

The Zoning By-law Amendment proposes to amend subsections of Section 6 of By-law 74-53, as amended by By-law 2005-23, to standardize the language related to the Oak Ridges Moraine Conservation Plan and to remove references to site plan approval and Section 41 of the *Planning Act*. The amendments were initiated by the Township in response to amendments to the Planning Act by Bill 23 for where and how Site Plan Control can be utilized. The amendments are proposed to ensure that the Township continues to fulfill its regulatory responsibility to ensure that development conforms to and is consistent with the Oak Ridges Moraine Conservation Plan in accordance with the *Oak Ridges Moraine Conservation Act*.