



THE CORPORATION OF THE TOWNSHIP OF KING

BY-LAW NUMBER – 2023-012

A BY-LAW TO AMEND ZONING BY-LAW NUMBER 2017-066

WHEREAS Zoning By-law Number 2017-066, being a By-law to regulate the use of land and the character, location and use of buildings and structures in the urban area of the Villages of Schomberg and King City, was passed on the 26th day of June, 2017;

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 2017-066, 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**THAT** Section 3.21 Oak Ridges Moraine Conservation Plan Area Special Provisions (Schedule “C”) of By-law 2017-66 be repealed and replaced with the following:

3.21 Oak Ridges Moraine Conservation Plan Area Special Provisions (Schedule “C”)

The provisions of this Section shall apply to all lands located within the *Oak Ridges Moraine Conservation Plan Area*. This includes lands within King City, as shown on each of the four maps in Schedule “C”.

3.21.1 General, Transition and Existing Uses

Development in Accordance with the Official Plan (Settlement Areas)

- a) Nothing in this By-law applies to prevent a *use* or the *erection* or location of a *building* or *structure* within an Oak Ridges Moraine *Settlement Area* as designated in the Our King Official Plan or its successor, provided:
 - i) The *use, building* or *structure* would have been permitted by the applicable zoning by-law on November 15, 2001 and complies with the permitted *uses* and performance standards of the applicable zone in this By-law.
 - ii) The *use, building* or *structure* complies with subsections 3.21.4 (*areas of high aquifer vulnerability*) and 3.21.5 (*wellhead protection areas*) of this By-law.

- iii) The applicant demonstrates, to the extent possible, that the *use, erection, and location* 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 Environmental Protection (EP) zone or the *Area of Influence* or comprises *major development*.
- iv) Where the land is within a *landform conservation area*, a Landform Conservation Plan, prepared in accordance the policies of the Our King Official Plan or its successor shall be submitted for approval in advance of Building Permit issuance.

Previously Authorized Single Detached Dwellings

- b) 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 detached dwelling* and *accessory buildings* thereto provided:
 - i) The *use, erection* and location would have been permitted by the applicable zoning by-law on November 15, 2001.
 - ii) Where any portion of the *lot* is within a Residential zone, the performance standards of the applicable Residential zone shall apply to all *uses, buildings and structures*. Where the entire *lot* is zoned EP, the performance standards of the R1 zone shall apply to all *uses, buildings and structures*. The minimum *lot area* and minimum *lot frontage* shall be as they legally existed on November 15, 2001.
 - iii) The applicant demonstrates, to the extent possible, that the *use, erection, and location* will not adversely affect the ecological integrity of the *Oak Ridges Moraine Conservation Plan Area* if the *use, building or structure* proposed comprises major development, or is within an EP zone, the *Area of Influence*, or a *landform conservation area*.

Reconstruction of Existing Buildings and Structures

- c) On lands located within the *Oak Ridges Moraine Conservation Plan Area*, nothing in this By-law shall prevent the reconstruction, within the same location and dimensions, of an existing *building or structure* that is damaged or destroyed by causes beyond the owners' control, and the reconstructed *building or structure* shall be deemed to be an existing *building or structure* if there is no change in *use* and no intensification of the site.

Expansion of Existing Buildings and Structures

- d) Nothing in this By-law applies to prevent the *expansion* of an existing *building or structure* on the same *lot* within the *Oak Ridges Moraine Conservation Plan Area*, provided:
 - i) The performance standards for the applicable *zone* are met.
 - ii) There is no change in *use*.
 - iii) The applicant demonstrates, to the extent possible, that the expansion will not adversely affect the ecological integrity of the *Oak Ridges Moraine Conservation Plan Area* if the expansion proposed comprises major development, or is within an EP zone, the *Area of Influence*, or a *landform conservation area*.
 - iv) In accordance with Section 3.21.3, where the land is within a *landform conservation area* in a *Settlement Area*, a Landform Conservation Plan, prepared in accordance with the Our King Official Plan or its successor shall be submitted for approval in advance of Building Permit issuance.

Transition (Building Permits in Progress)

- e) On lands located within the *Oak Ridges Moraine Conservation Plan Area* the provisions of this By-law shall not prevent the *erection* or *use* for a purpose prohibited by this By-law of a *building* or *structure* for which a permit has been issued under subsection 8(2) of the Building Code Act, as amended, on or before November 15, 2001 if:
 - i) The permit has not been revoked under subsection 8(10) of the Building Code Act, 1992, as amended.
 - ii) The *building* or *structure* when *erected* is *used* and continues to be *used* for the purpose for which it was *erected*.

Transition (Applications in Progress)

- f) On lands located within the *Oak Ridges Moraine Conservation Plan Area* nothing in the By-law applies to prevent the *use*, *erection* and location of a *building* or *structure* if the *use*, *erection* or location was authorized by the approval of an application that was commenced before November 17, 2001 and approved after that date or commenced after November 17, 2001 and decided upon in accordance with subsection 17(1) of the Oak Ridges Moraine Conservation Act, as amended.

Continuation of Existing Uses

- g) Within the *Oak Ridges Moraine Conservation Plan Area*, nothing in this By-law applies to prevent the *use* of any land, *building* or *structure* prohibited by this By-law, if the land, *building* or *structure* was lawfully *used* for that purpose on November 15, 2001 and continues to be *used* for that purpose.

Existing Institutional Uses

- h) Nothing in this By-law applies to prevent the *expansion* of an existing *institutional use* within the *Oak Ridges Moraine Conservation Plan Area*, provided:
 - i) The performance standards set out in the applicable *zone* are met.
 - ii) There is no change in *use*.
 - iii) The applicant demonstrates, to the extent possible, that the expansion will not adversely affect the ecological integrity of the *Oak Ridges Moraine Conservation Plan Area* if the expansion proposed comprises major development, or is within an EP zone, the *Area of Influence*, a wellhead protection area, an area of high aquifer vulnerability or a *landform conservation area*.
 - iv) Where the land is within a *landform conservation area*, a Landform Conservation Plan, prepared in accordance with Our King Official Plan or its successor shall be submitted for approval in advance of Building Permit issuance.
 - v) For the avoidance of doubt, in this clause h), the *expansion* of an existing *institutional use* means that there shall be no change in *use*. Such expansions shall be subject to the *zone* provisions.

Public Uses and Infrastructure

- ii) Within the *Oak Ridges Moraine Conservation Plan Area*, new transportation, infrastructure and utilities uses shall comply with Section 41 of the Oak Ridges Moraine Conservation Plan and corresponding policies of the Our King Official Plan, or its successor.

Interpretation

- j) For the purposes of interpreting the provisions of Section 3.21, notwithstanding the definition of existing as contained in Part 2 of this By-law, existing shall mean lawfully in existence on November 15, 2001 and for greater certainty does not include a *use, building or structure* that was in existence on that date without being lawful.

Exception for Site Plan Approval Within Draft Approved Plans of Subdivision

- l) Notwithstanding any other provision of section 3.21, Site Plan Approval for a single detached dwelling or its accessory uses shall not be required on a lot that was within a draft approved plan of subdivision and for which a related Subdivision Agreement has been entered into with the Township of King as of November 15, 2001.

3.21.2 Area of Influence (Schedule "C1")

- a) No construction of a *building or structure*, creation of a new *lot*, *site alteration* or change of *use* shall take place within the Area of Influence boundaries shown on Schedule "C1" unless the applicant demonstrates, to the extent possible, that the construction, *lot* creation, *site alteration* or change of *use* will not adversely affect the ecological integrity of the *Oak Ridges Moraine Conservation Plan Area*. Any such construction, *lot* creation, *site alteration* or change of *use* shall conform with the minimum vegetation protection zone requirements of the Our King Official Plan, or its successor, and Part III of the Oak Ridges Moraine Conservation Plan.

3.21.3 Landform Conservation Area Provisions (Schedule "C2")

- a) Construction of a *building or structure*, creation of a new *lot*, *site alteration* or change of *use* within the areas shown as Landform Conservation Area (Category 1) and Landform Conservation Area (Category 2) on Schedule "C2", shall identify planning, design and construction practices that will keep disturbance to landform character to a minimum in accordance with the Our King Official Plan, or its successor, and in accordance with the following:
 - i. Where construction of a *building or structure*, creation of a new *lot*, change of *use*, or *site alteration* comprises an *expansion* to an existing *institutional use*, the applicable provisions of subsection 3.21.1 h) shall apply.
 - ii. Where construction of a *building or structure*, creation of a new *lot*, change of *use*, or *site alteration* comprises an *expansion* of a *building or structure* the applicable provisions of subsection 3.21.1 d) shall apply.
 - iii. Where construction of a *building or structure*, creation of a new *lot*, change of *use*, or *site alteration* comprises previously authorized *dwelling*s and *accessory building*s thereto, the applicable provisions of subsection 3.21.1 b) shall apply.
 - iv. Where construction of a *building or structure*, creation of a new *lot*, change of *use*, or *site alteration* are located within a *Settlement Area* designation in the Our King Official Plan, or its successor, the provisions of subsection 3.21.1 a) shall apply.

3.21.4 Areas of High Aquifer Vulnerability (Schedule "C3")

- a) Notwithstanding any other provision of this By-law with the exception of the provisions for existing *institutional uses* under subsection 3.21.1 h), the following *uses* are prohibited on lands identified as *areas of high aquifer vulnerability* on Schedule "C3", with the exception of those such *uses* lawfully existing on November 15, 2001 which may continue until the *use* ceases:
 - i) Generation and storage of *hazardous waste* or *liquid industrial waste*.

- ii) *Waste disposal facilities*, organic soil conditioning sites, and snow storage and disposal facilities.
- iii) Underground and above-ground storage tanks that are not equipped with an approved secondary containment device.
- iv) Storage of a contaminant listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the Revised Regulations of Ontario, 1990 or its successor.

3.21.5 Oak Ridges Moraine Wellhead Protection Areas (Schedule “C4”)

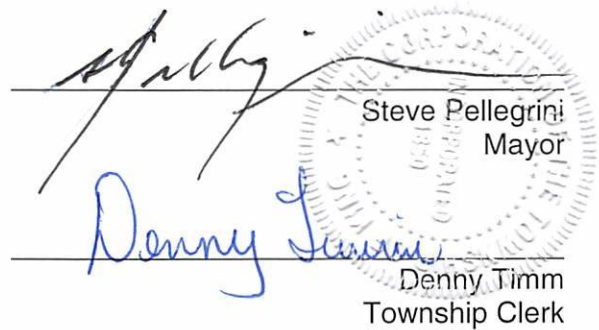
- a) Notwithstanding any other provision of this By-law with the exception of the provisions for existing *institutional uses* under subsection 3.21.1 h), the following *uses* are prohibited on lands identified as *wellhead protection area* on Schedule “C4”, with the exception of those such *uses* lawfully existing on November 15, 2001 which may continue until the *use* ceases:
 - i) Storage, except by an individual for personal or family use, of:
 1. petroleum fuels;
 2. petroleum solvents and chlorinated solvents;
 3. pesticides, herbicides and fungicides;
 4. construction equipment;
 5. inorganic fertilizers;
 6. road salt; and
 7. contaminants listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the Revised Regulations of Ontario, 1990 or its successor.
 - ii) Generation and storage of *hazardous waste* or *liquid industrial waste*.
 - iii) *Waste disposal facilities*, organic soil conditioning sites, and snow storage and disposal facilities.
- b) Notwithstanding any other provision of this By-law, with the exception of the provisions for existing *institutional uses* under subsection 3.21.1 h), the following *uses* are prohibited in addition to those prohibited by clause a) above on lands identified as *wellhead protection area* Zero to Two Year Travel Zone on Schedule “C3” with the exception of those such *uses* lawfully existing on November 15, 2001 which may continue until the *use* ceases:
 - i) Storage of animal manure, except by an individual for personal or family use;
 - ii) Animal agriculture, except by an individual for personal or family use; and
 - iii) Storage of agricultural equipment, except by an individual for personal or family use.
- c) For the purpose of this subsection, animal agriculture shall mean the growing, producing and raising farm animals including, without limitation:
 - i) livestock, including equines, poultry and ratites;
 - ii) fur-bearing animals;
 - iii) bees;
 - iv) cultured fish;

- v) deer and elk; and
- vi) game animals and birds.
- d) For the purposes of clarity, the provisions of this subsection shall be in addition to the provisions for wellhead protection areas in accordance with the Clean Water Act and the applicable Source Protection Plan, as provided in section 3.41 of this By-law. Where there is conflict, the more restrictive requirements shall apply.

2. **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 2023-012

By-law Number 2023-012 is a By-law to amend the Zoning By-law for the Schomberg and King City Urban Areas (By-law 2017-66). Specifically, the Amendment concerns lands within the Oak Ridges Moraine Conservation Plan Area as identified on Schedule 'C' to By-law 2017-66.

The Zoning By-law Amendment proposes to amend Section 3.21, Oak Ridges Moraine Conservation Plan Area Special Provisions (Schedule "C") of By-law 2017-66 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*.