



**THE CORPORATION OF THE TOWNSHIP OF KING
Report to Council**

Monday, May 15, 2023

**Growth Management Services Department - Planning Division and Public Works Department
- Development Division
Report Number JR-2023-02
Recommendation Report for Z-2022-01 & Z-2022-02
Proposed Township Initiated Amendments to Pervious Surface Requirements
Zoning By-laws 2016-71 and 2017-66 and Site Alteration By-law 2021-039**

RECOMMENDATION(S):

The Director of Growth Management Services and Director of Public Works respectfully submits the following recommendation(s):

1. That Report No. JR-2023-002 be received;
2. That By-laws 2023-048 and 2023-049, being By-laws to amend Zoning By-laws 2016-71 and 2017-66, respectively, be approved;
3. That By-law 2023-050, being a By-law to amend Site Alteration By-law 2021-039, be approved; and
4. That By-law 2023-051, being a By-law to amend Fees and Charges By-law 2023-007 be approved.

REPORT HIGHLIGHTS:

- The proposed amendments impact all residential lots containing single detached, semi-detached and/or townhouse dwellings within the Villages of King City, Nobleton and Schomberg, as identified on Appendix A.
- The proposed amendments remove minimum pervious surface requirements from the Township's Zoning By-laws and introduce maximum hard landscaping requirements to the Township's Site Alteration By-law.
- Amendments are proposed to the Township's Fees and Charges By-law to introduce new fees related to the Hard Landscaping Exemption Process.

PURPOSE:

The purpose of the proposed amendments is to streamline the review of minor residential applications (i.e., additions, cabanas, sheds, etc.) by incorporating the review of proposed hard landscaping into the current site alteration and grading review process, rather than requiring a separate Planning process. The incorporation of the provisions into the Site Alteration By-law enable lot level reviews to occur that ensure that existing drainage and grading conditions are maintained and that there are no impacts to municipal stormwater infrastructure, infiltration and ground water recharge.

BACKGROUND:

Summary

Planning Division Staff initiated a review of the Township's pervious surface requirements in early 2022 to examine the pervious surface requirements of the Township's Zoning By-laws, and the nature of Minor Variance Applications that have been made to request relief from pervious surface requirements. Staff reported to Council in March 2022 ([GMS-PL-2022-08](#)) and received direction from Council to review the appropriateness of reducing the minimum amount of pervious area required for low density residential uses and to review defined terms related to pervious surfaces for clarity and consistency.

Planning Division Staff and Public Works Department Staff reported to Council in February 2023 through [Report No. JR-2023-01](#) to seek additional direction from Council to implement a new process for the review of pervious surface areas. The proposed new process would re-locate pervious surface requirements from Township Zoning By-laws to the Township's Site Alteration By-law. Council directed Staff to draft the proposed amendments, and Staff presented the draft amendments at the statutory Public Meeting on April 3, 2023.

Planning Division Staff collaborated with the Township Solicitor and Public Works Department Staff to draft the proposed amendments, as presented on April 3, 2023, which would introduce a new process in undertaking the review of pervious surface areas for low-density residential development and re-development, including the construction of single detached, semi-detached and townhouse dwellings. The proposed process incorporates the review into the current site alteration and grading review process that occurs through Building and Pool Permit Applications, rather than requiring a separate Minor Variance Application under the *Planning Act*. Staff also highlighted that should Council endorse the proposed Amendments, that amendments to the Fees and Charges By-law will be required to address the new process.

Public Notice

The Township initiated Zoning By-law Amendments were circulated in accordance with the requirements of the Planning Act. Comments received prior to the finalization of this Report have been taken into consideration for this Report, have informed the final draft Site Alteration By-law and, have been responded to in the Comment Response Matrix in Appendix F.

ANALYSIS:

As detailed above, Staff are recommending the removal of the pervious surface provisions from Urban Area Zoning By-law 2016-71 for the Nobleton Urban Area and Zoning By-law 2017-66 for the Schomberg and King City Urban Areas. Staff note that the Countryside Zoning By-law, By-law 2022-053 and its predecessors do not include pervious surface requirements for any zones.

Staff's Report of February 27, 2023 ([JR-2023-01](#)), outlined the proposed amendments to the Township's Zoning By-laws and Site Alteration By-law. These amendments were presented through the draft By-laws that were appended to Public Meeting Report [GMS-PL-2023-20](#). The proposed amendments to the Township's Zoning By-laws impact all residential zones set out in Part 6 of each Urban Area By-law. The proposed amendments remove all pervious surface provisions from Part 6 of both By-laws, and amendments are proposed to several definitions in Part 2 of both By-laws to ensure consistency between the Zoning By-laws and Site Alteration By-law. Amendments are also proposed to the General Provision of "Patios" to introduce setback provisions for residential patios, and to ensure alignment between the Zoning By-law and Site Alteration By-law. The draft Zoning By-laws that detail the proposed amendments are attached to this Report as Appendix B and C.

While the Site Alteration By-law amendments do not require a statutory Public Meeting, the proposed amendments to the Site Alteration By-law were presented at the Planning Public Meeting for review and comment. The amendments presented at the Public Meeting proposed the following changes to streamline the review and clarify which surfaces are proposed to be treated as soft and hard landscaping:

- Revising the language from "impervious" and "pervious" to "hard landscaping" and "soft landscaping", respectively;
- Soft landscaping is proposed to include pools (both above ground and inground pools);
- Hard landscaping is proposed to include permeable pavers and artificial turf;
- New definitions, including "Villages" and "Residential Lot"; and
- Identifying hard landscaping maximums for residential lots containing single detached, semi-detached and townhouse dwellings within the areas identified on Appendix A.

As a result of Council comments raised at the Public Meeting, and through correspondence with members of the Public following the Public Meeting, several revisions have been proposed to the draft By-laws. The proposed changes are outlined below.

Township Site Alteration By-law

Several revisions to the draft Site Alteration By-law are proposed to address, where appropriate, comments received through consultation. The final draft Site Alteration By-law is attached to this Report as Appendix D. To summarize, the following changes are proposed to the draft Site Alteration By-law:

- Revised definition for Hard Landscaping to include permeable pavers and pool decking;
- An exceedance of the maximum Hard Landscaping through the Hard Landscaping Exemption Process will also require a post-construction stamped certification from a Qualified Professional that the works have been completed and function as approved.

Changes are also proposed to the draft Site Alteration By-law to align and integrate with the recent implementation of the Zoning Certificate by the Township's Growth Management Services (GMS) Department. The GMS and Public Works (PW) Departments will coordinate the review and approval of Zoning Certificates and Hard Landscaping Exemptions to reduce duplication and streamline the process, to the extent possible.

Township Zoning By-laws

A minor change to the draft Zoning By-law Amendments is proposed to address the draft definition for "Hard Landscaping" to ensure that the definition is consistent with the definition for "Hard Landscaping" proposed for the Site Alteration By-law. No other changes are proposed to the draft amending By-laws. The draft amending By-laws are attached to this Report as Appendix B and C.

Comments were received at the Public Meeting regarding the removal of the pervious surface requirement for front yards. Staff note that while the pervious surface/soft landscaping requirements are proposed to be removed, that the Zoning By-laws still stipulate maximum driveway widths in Part 4 of each Zoning By-law. As such, there are still zoning provisions that regulate the streetscape while providing some flexibility in landscaping materials, provided that the appropriate approvals are obtained from the Public Works Department.

Comments regarding living landscaping received at the Public Meeting did not result in any direct changes to the By-laws; however, these comments have informed an important discussion on the types of landscaping materials that should be encouraged and promoted in the Township to support biodiversity and climate change mitigation and adaptation. Staff will prepare educational materials, including a pamphlet and infographics, that will be provided to future Hard Landscaping Exemption applicants. The materials will also be posted on the Township's website and promoted. Further details can be found in the Comment Response Matrix, attached to this Report as Appendix F.

FINANCIAL CONSIDERATIONS:

Draft fees for the Hard Landscaping Exemption Process were outlined in the Public Meeting Report and presentation to Council. Upon further review, and to address alignment with the Zoning Certificate Application, revisions have been made to the draft fees for the Exemption Process. The revised Fees and Charges By-law are as follows on Table 1:

Table 1:

| Description of Fee | Unit of Measure | Taxable / Exempt | 2023 Fee (Excludes HST) |
|---|------------------------|-------------------------|--------------------------------|
| Hard Landscaping Exemption Fee Submitted with Zoning Certificate Application | Each | Exempt | \$100.00 |
| Hard Landscaping Exemption Fee – Separate and Independent of Zoning Certificate | Each | Exempt | \$150.00 |
| Inspection Fee (Separate & Independent) | Each | Exempt | \$275.00 |
| Security Deposit (Separate & Independent) | Each | Exempt | \$5,000.00 |
| Revision Fee | Each | Exempt | \$75.00 |

The Inspection Fee is proposed to be reduced from the \$425.00 fee that was proposed at the Public Meeting as the Hard Landscaping Exemption process now proposes that applicants are required to obtain the design and post-construction services of a Qualified Professional (as defined in the Site Alteration By-law). As the works are to be certified by a Qualified Professional post-construction, the final inspection by Staff should require less Staff time which justifies the reduced fee. Staff's inspection will also include confirming that there has been no damage to public infrastructure during the installation of the hard landscaping.

Staff is also proposing a \$5,000.00 security deposit be obtained for the Separate and Independent Exemption Applications, which aligns with the security deposit that is currently required with Building and Pool Permit Applications. Once the work has been verified and no damage has been done to public infrastructure, the security deposit is returned.

The final change proposed to the draft fees is the addition of a Revision Fee. The Revision Fee is proposed should an Applicant wish to re-open their Application once they've received approval, for cases wherein the Applicant may wish to modify their design.

The draft By-law to amend the Fees and Charges By-law is attached to this Report as Appendix E.

ALIGNMENT TO STRATEGIC PLAN:

The 2019-2022 Corporate Strategic Plan was formally adopted by Council on September 21, 2020 which emphasizes all of the ICSP Pillars (Financial, Economic, Socio-Cultural and Environmental) and is also aligned with the long-term vision defined in the Official Plan. The 2019-2022 Corporate Strategic Plan aims to ensure staff initiatives focus on current Term of Council priorities in support of the Township's long-term vision to 2031.

This report is in alignment with the CSP's Priority Area(s), associated Objective(s) and/or Key Action(s):



A Green and Sustainable Future

- Mitigating Climate Change
- Enhancing Natural Heritage
 - Improve Stormwater Management



Service Delivery Excellence and Innovation

- Developing Innovative “King-Centric” Policy Frameworks

Soft landscaping requirements ensure that substantial portions of individual lots remain uncovered and vegetated to aid in ensuring that surface runoff and stormwater infiltrate and recharge ground water. The proposed amendments allow for processes to be developed to ensure that soft landscaping continues to be required while providing flexibility for homeowners and a more streamlined process.

CONCLUSION:

The purpose of this Report is to recommend amendments to the Township Zoning By-laws, Site Alteration By-law and Fees and Charges By-law to introduce a new Hard Landscaping Exemption process to aid in streamlining the review of minor residential applications. The proposed relocation of the provisions from the Zoning By-laws into the Site Alteration By-law enables lot level reviews to occur that ensure that existing drainage and grading conditions are maintained and that there are no negative impacts to infiltration and ground water recharge.

As such Staff respectfully recommend that Council approve the proposed amendments to the Township's Zoning By-laws, Site Alteration By-law and Fees and Charges By-law.

ATTACHMENTS:

[Appendix A - Location Map](#)

[Appendix B - Draft By-law - Amendments to By-law 2016-71](#)

[Appendix C - Draft By-law - Amendments to By-law 2017-66](#)

[Appendix D - Draft By-law to Amend Site Alteration By-law](#)

[Appendix E - By-law to Amend Fees and Charges By-law](#)
[Appendix F - Comment Response Matrix - Final](#)

Prepared By:

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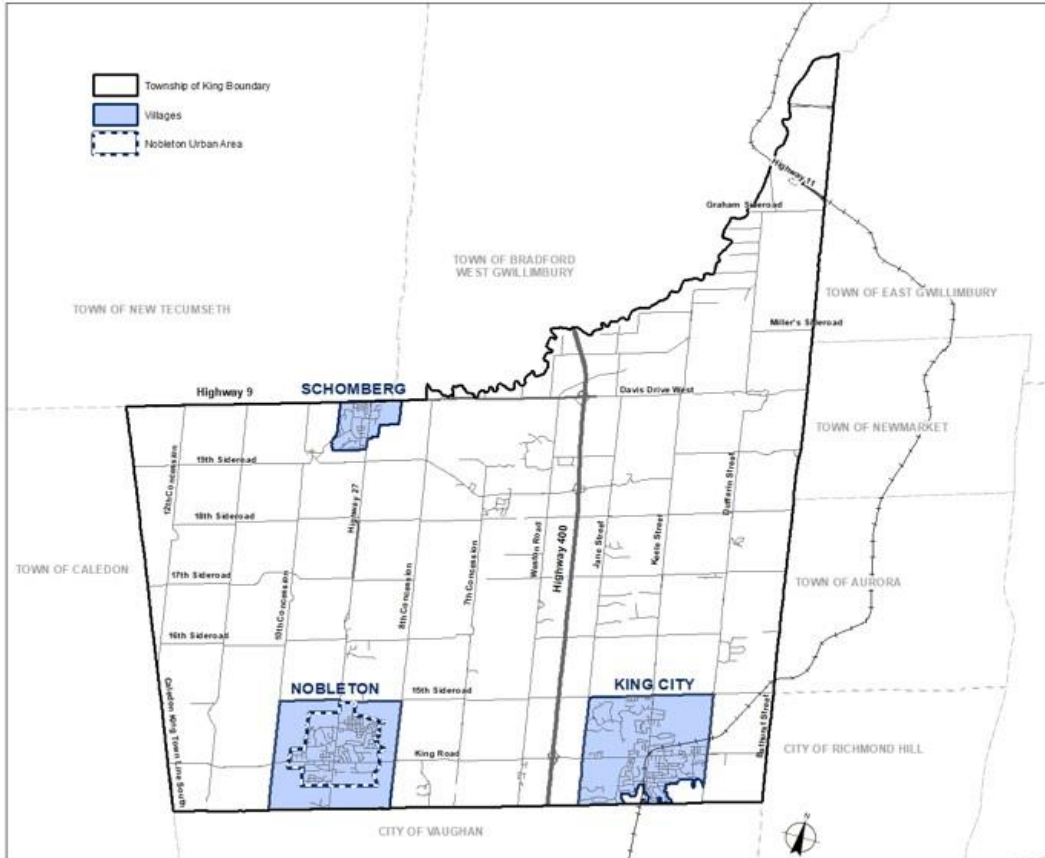
Recommended By:

Samantha Fraser
Director of Public Works

Approved for Submission By:

Daniel Kostopoulos
Chief Administrative Officer

Appendix 'A'
Location Map





THE CORPORATION OF THE TOWNSHIP OF KING

BY-LAW NUMBER – 2023-048

A BY-LAW TO AMEND BY-LAW 2016-71, AS AMENDED

WHEREAS Zoning By-law Number 2016-71, being a By-law to regulate the use of land and the character, location and use of buildings and structures in the urban areas of the Village of Nobleton, was passed on the 11th day of July, 2016;

AND WHEREAS it is deemed necessary to amend By-law 2017-66, as amended, to revise and repeal provisions related to minimum pervious surfaces and pervious surface requirements;

AND WHEREAS authority is granted pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, Chapter P. 13, to the Council of the Corporation of the Township of King to exercise such powers;

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

1. **THAT** for all lands subject to By-law 2016-71, Definition 132 “Patio” and Definition 136 “Pervious Surface” shall be replaced with the following:

“132. Patio: means an unenclosed outdoor space, whether or not covered, *used* for the accommodation of patrons of a *restaurant, take-out restaurant or bake shop* where *accessory to a commercial use or used accessory to a residential use.*”

“136. Soft Landscaping: means an uncovered area of land that is permeable and permits the infiltration of water. For purposes of providing clarity to this definition and without limiting the generality of the foregoing, soft landscaping includes sod, soil, flower plantings, gardens, or other horticultural elements. Soft landscaping excludes anything that would be impervious to water infiltration, including but not limited to a rooftop, sidewalk, paved roadway, asphalt, compacted gravel, decorative stonework, interlocking brick or concrete *driveway, walkway, patio, or parking area.*

2. **THAT** for all lands subject to By-law 2016-71, Definition #216 “Hard Landscaping” shall be added to this By-law:

“216. Hard Landscaping: means any surface covering of land that has limited permeability and restricts the infiltration of water into the natural environment, including but not limited to any *building or structure* with a rooftop, *porch*, paved roadway, interlocking brick, pool decking, permeable pavers, patio pavers, artificial turf, compacted gravel, asphalt or concrete surface, or *parking area.* Hard landscaping excludes *swimming pools*, sod, soil, river rock, or other horticultural elements.

3. **THAT** Section 3.24, “Patio” be deleted and replaced with the following:

“3.24 Patio

Where permitted by this By-law, a *patio* shall be in accordance with the following provisions:

- a) A *patio* that is *accessory* to a *commercial use* shall be permitted in any *yard* but not within 3.0 m of any *lot line*. This provision shall not apply within any Core Area (CA) *zone*.
- b) A *patio* that is *accessory* to a *commercial use* shall not be permitted in any *yard* abutting a Residential *zone*.
- c) Parking shall be provided for any *patio* that is *accessory* to a *commercial use* in accordance with the provisions of Part 4.
- d) An uncovered *patio* that is *accessory* to a *residential use* shall be permitted in any *yard* but not within 0.6 m of any *lot line*."

4. **THAT** Row #8 "Minimum *Pervious Surface* (as a percentage of the *lot*)" of "Table 6.3a – Lot and Building Requirements for the Residential Zones (Single Detached Dwellings)" of By-law 2016-71 shall be deleted for all zones.
5. **THAT** Row #9 "Minimum *Pervious Surface* (as a percentage of the *front yard*)" of "Table 6.3a – Lot and Building Requirements for the Residential Zones (Single Detached Dwellings)" of By-law 2016-71 shall be deleted for all zones.
6. **THAT** Row #8 "Minimum *Pervious Surface* (as a percentage of the *lot*)" of "Table 6.3b – Lot and Building Requirements for the Residential Zones (Other Dwellings)" of By-law 2017-66 shall be deleted for all zones.
7. **THAT** Row #9 "Minimum *Pervious Surface* (as a percentage of the *front yard*)" of "Table 6.3b – Lot and Building Requirements for the Residential Zones (Other Dwellings)" of By-law 2017-66 shall be deleted for all zones.
8. **THAT** nothing in this By-law shall prevent the *erection* of a *building* or *structure* in accordance with any minor variance that has been submitted and deemed complete by the *Municipality*, or approved or conditionally approved by the relevant approval authority before the passing of this By-law, provided the application complies with all prior zoning by-laws that affected the *lot* before this By-law came into effect.
9. **THAT** this By-law is deemed to be modified to the extent necessary to permit a *building* or *structure* that is *erected* in accordance with Section 8 of this By-law.
10. **THAT** Sections 8 and 9 of this By-law shall lapse and be deemed to be deleted one (1) year after the date of passing of this By-law. For clarity, this provision shall not require an amendment to this By-law to take effect.
11. **THAT** this By-law shall come into force on the day it was passed where no notice of appeal has been filed with the Township Clerk in accordance with the requirements and with the time prescribed under Section 34(19) of the Planning Act.

READ a **FIRST** and **SECOND** time this 15th day of May, 2023.

READ a **THIRD** time and **FINALLY PASSED** this 15th day of May, 2023.

Steve Pellegrini
Mayor

Denny Timm
Township Clerk

*(Ref. Joint Report
Report No.: JR-2023-022, May 15, 2023)*

DRAFT



THE CORPORATION OF THE TOWNSHIP OF KING

BY-LAW NUMBER – 2023-049

A BY-LAW TO AMEND BY-LAW 2017-66, AS AMENDED BY BY-LAW 2020-043

WHEREAS Zoning By-law Number 2017-66, being a By-law to regulate the use of land and the character, location and use of buildings and structures in the urban areas of the Villages of Schomberg and King City, was passed on the 26th day of June, 2017;

AND WHEREAS it was deemed necessary to amend By-law 2017-66, as amended, to revise the provisions for minimum pervious surfaces for residential exception zones;

AND WHEREAS it is deemed necessary to further amend By-law 2017-66, as amended, to revise and repeal provisions related to minimum pervious surfaces and pervious surface requirements;

AND WHEREAS authority is granted pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, Chapter P. 13, to the Council of the Corporation of the Township of King to exercise such powers;

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

1. **THAT** for all lands subject to By-law 2017-66, Definition 145 “Patio” and Definition 149 “Pervious Surface” shall be deleted and replaced with the following:

“145. Patio: means an unenclosed outdoor space, whether or not covered, *used* for the accommodation of patrons of a *restaurant, take-out restaurant or bake shop* where *accessory to a commercial use or used accessory to a residential use.*”

“149. Soft Landscaping: means an uncovered area of land that is permeable and permits the infiltration of water. For purposes of providing clarity to this definition and without limiting the generality of the foregoing, soft landscaping includes sod, soil, flower plantings, gardens, or other horticultural elements. Soft landscaping excludes anything that would be impervious to water infiltration, including but not limited to a rooftop, sidewalk, paved roadway, asphalt, compacted gravel, decorative stonework, interlocking brick or concrete *driveway, walkway, patio, or parking area.*”

2. **THAT** for all lands subject to By-law 2017-66, Definition #237 “Hard Landscaping” shall be added to this By-law:

“237. Hard Landscaping: means any surface covering of land that has limited permeability and restricts the infiltration of water into the natural environment, including but not limited to any *building or structure* with a rooftop, *porch*, paved roadway, interlocking brick, pool decking, permeable pavers, patio pavers, artificial turf, compacted gravel, asphalt or concrete surface, or *parking area.* Hard landscaping excludes *swimming pools*, sod, soil, river rock, or other horticultural elements.”

3. **THAT** Section 3.24, "Patio" be deleted and replaced with the following:

"3.24 Patio

Where permitted by this By-law, a *patio* shall be in accordance with the following provisions:

- a) A *patio* that is *accessory* to a *commercial use* shall be permitted in any *yard* but not within 3.0 m of any *lot line*. This provision shall not apply within any Core Area zone (CAS and CAK).
 - b) A *patio* that is *accessory* to a *commercial use* shall not be permitted in any *yard* abutting a Residential zone.
 - c) Parking shall be provided for any *patio* that is *accessory* to a *commercial use* in accordance with the provisions of Part 4.
 - d) An uncovered *patio* that is *accessory* to a *residential use* shall be permitted in any *yard* but not within 0.6 m of any *lot line*."
4. **THAT** Row #8 "Minimum *Pervious Surface* (as a percentage of the *lot*)" of "Table 6.3a – Lot and Building Requirements for the Residential Zones (Single Detached Dwellings)" of By-law 2017-66 shall be deleted for all zones.
5. **THAT** Row #9 "Minimum *Pervious Surface* (as a percentage of the *front yard*)" of "Table 6.3a – Lot and Building Requirements for the Residential Zones (Single Detached Dwellings)" of By-law 2017-66 shall be deleted for all zones.
6. **THAT** Row #8 "Minimum *Pervious Surface* (as a percentage of the *lot*)" of "Table 6.3b – Lot and Building Requirements for the Residential Zones (Single Detached Dwellings – continued)" of By-law 2017-66 shall be deleted for all zones.
7. **THAT** Row #9 "Minimum *Pervious Surface* (as a percentage of the *front yard*)" of "Table 6.3b – Lot and Building Requirements for the Residential Zones (Single Detached Dwellings – continued)" of By-law 2017-66 shall be deleted for all zones.
8. **THAT** Row #8 "Minimum *Pervious Surface* (as a percentage of the *lot*)" of "Table 6.3c – Lot and Building Requirements for the Residential Zones (Other Dwelling Types)" of By-law 2017-66 shall be deleted for all zones.
9. **THAT** Row #9 "Minimum *Pervious Surface* (as a percentage of the *front yard*)" of "Table 6.3c – Lot and Building Requirements for the Residential Zones (Other Dwelling Types)" of By-law 2017-66 shall be deleted for all zones.
10. **THAT** the following subsections of By-law 2017-66 that provide pervious surface requirements shall be deleted:
- a. Subsections k) and l) of Section 6.5.1.2.
 - b. Subsections d) and e) of Section 6.5.1.3.
 - c. Subsections b) and c) of Section 6.5.1.4.
 - d. Subsections b) and c) of Section 6.5.1.5.

- e. Subsections c) and d) of Section 6.5.1.6.
- f. Subsections b) and c) of Section 6.5.1.8.
- g. Subsections k) through n), inclusive, of Section 6.5.1.9.
- h. Subsection k) of Section 6.5.1.13.
- i. Subsections k) through m), inclusive, of Section 6.5.1.14.
- j. Subsections j) through l), inclusive, of Section 6.5.1.15.
- k. Subsection j) of Section 6.5.1.17.
- l. Subsections j) through l) of Section 6.5.1.18.
- m. Subsections j) through l), inclusive, of Section 6.5.1.22.
- n. Subsection j) of Section 6.5.1.24.
- o. Subsection j) of Section 6.5.1.25.
- p. Subsection h) of Section 6.5.1.26.
- q. Subsection i) of Section 6.5.1.27.
- r. Subsection h) of Section 6.5.1.28.
- s. Subsections h) and n) of Section 6.5.1.29.
- t. Subsection h) of Section 6.5.1.30.
- u. Subsections j) through l), inclusive, of Section 6.5.1.34.
- v. Subsection q) and v) of Section 6.5.1.35.
- w. Subsection i) of Section 6.5.1.36.
- x. Subsection k) of Section 6.5.1.38.
- y. Subsection j) of Section 6.5.1.39.
- z. Subsections k) through n), inclusive, of Section 6.5.9.1.
- aa. Subsection h) of Section 6.5.9.2.
- bb. Subsections k) through m), inclusive, of Section 6.5.10.1.
- cc. Subsection e) of Section 6.5.10.2.
- dd. Subsections j) through l), inclusive, of Section 6.5.10.3.
- ee. Subsections k) and l) of Section 6.5.10.4.

11. **THAT** nothing in this By-law shall prevent the *erection* of a *building* or *structure* in accordance with any minor variance that has been submitted and deemed complete by the *Municipality*, or approved or conditionally approved by the relevant approval authority before the passing of this By-law, provided the application complies with all prior zoning by-laws that affected the *lot* before this By-law came into effect.

12. **THAT** this By-law is deemed to be modified to the extent necessary to permit a *building* or *structure* that is *erected* in accordance with Section 11 of this By-law.

13. **THAT** Sections 11 and 12 of this By-law shall lapse and be deemed to be deleted one (1) year after the date of passing of this By-law. For clarity, this provision shall not require an amendment to this By-law to take effect.

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

READ a **FIRST** and **SECOND** time this 15th day of May, 2023.

READ a **THIRD** time and **FINALLY PASSED** this 15th day of May, 2023.

Steve Pellegrini
Mayor

Denny Timm
Township Clerk

*(Ref. Joint Report
Report No.: JR-2023-022, May 15, 2023)*

DRAFT



THE CORPORATION OF THE TOWNSHIP OF KING

BY-LAW NUMBER 2023-050

A By-law to Amend By-law 2021-039, Being a By-law to Prohibit and Regulate Site Alteration and Movement of Fill in the Township

WHEREAS the Council of the Corporation of the Township of King passed By-law 2021-039 on the 26th day of April, 2021, pursuant to Sections 8, 9, 11, 23.2, 142, 425, 426(4), 444(1) and 446 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended.

AND WHEREAS By-law 2021-039 established regulations and prohibitions on site alteration and the movement of fill in the Township, the removal of topsoil, and the alteration of the grade of land.

AND WHEREAS Council deems it advisable to amend By-law 2021-039 to introduce new provisions for hard landscaping, low impact development and drainage swales, and revise requirements for issuance of a permit.

AND WHEREAS Council deems it advisable to amend By-law 2021-039 to align definitions and provisions between By-law 2021-039 and the Township Zoning By-laws 2016-71 and 2017-66.

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

1. **THAT** the following be added to Section 1.4 of By-law 2021-039:

“m) Approve an increase in the amount of Hard Landscaping in designated areas.”

2. **THAT** Item k (ii) of Section 2.1 of By-law 2021-039 be deleted and replaced with the following:

“ii. “Clean concrete and brick” means concrete, brick, patio pavers, block and other silica-based construction materials that are free of Contaminants;”

3. **THAT** the following be added as Item k(x) to Section 2.1 of By-law 2021-039:

“x. “Asphalt” means a mixture of dark bituminous pitch with sand or gravel, used for surfacing roads, driveways and paths, which may include, without limitation, loose or recycled material or a contiguous surface.”

4. **THAT** the following be added as Item k(xi) to Section 2.1 of By-law 2021-039:

“xi. “Artificial Turf” means any surface synthetic fibers made to resemble turf or other grass-like surface and used as a surface cover.”

5. **THAT** the following be added to Section 2.1 of By-law 2021-039:

“nnn) “Hard Landscaping” means any surface covering of land that has limited permeability and restricts the infiltration of water into the natural environment, including but not limited to any building or structure with a rooftop, porch, paved roadway, interlocking brick, pool decking, permeable pavers, patio pavers, artificial turf, compacted gravel, asphalt or concrete surface, or parking area. Hard Landscaping excludes pools, sod, soil, river rock, or other horticultural elements.”

6. **THAT** the following be added to Section 2.1 of By-law 2021-039:

“ooo) “Low Impact Development” means systems that preserve or restore the existing drainage and water balance conditions by infiltration and groundwater recharge, evapotranspiration, and reducing runoff volume and flow rates.”

7. **THAT** the following be added to Section 2.1 of By-law 2021-039:

“ppp) “Qualified Professional” means an individual certified to perform the works by their accredited governing association, including but not limited to, Professional Engineers Ontario, Ontario Association of Certified Technicians and Technologists, Ontario Association of Landscape Architects, and the Association of Ontario Land Surveyors.”

8. **THAT** the following be added to Section 2.1 of By-law 2021-039:

“qqq) “Villages” means the areas shown in Appendix A.”

9. **THAT** the following be added to Section 2.1 of By-law 2021-039:

“rrr) “Residential Lot” means a lot where the principal use is residential, and where the lot contains a single detached dwelling, semi detached dwelling or townhouse dwelling.”

10. **THAT** the following Section 3.2.1 be added to By-law 2021-039:

“3.2.1 No residential lot containing a single detached or semi-detached dwelling located in the Villages shown in Appendix ‘A’ to this By-law may contain more than 60% Hard Landscaping calculated cumulatively over the entire lot.”

11. **THAT** the following Section 3.2.2 be added to By-law 2021-039:

“3.2.2 No residential lot containing a townhouse dwelling located in the Villages shown in Appendix ‘A’ to this By-law may contain more than 80% Hard Landscaping calculated cumulatively over the entire lot.

12. **THAT** the following Section 3.6.1 be added to By-law 2021-039:

“3.6.1 No person shall install, have or allow to remain Hard Landscaping within 0.6 metres of the property line without prior written approval of the Director.”

13. **THAT** the following be added to Section 4.1 of By-law 2021-039:

“(h) Residential lots in the Villages as shown on Appendix ‘A’ may be exempted from the Hard Landscaping provisions set out in Section 3.2.1 and Section 3.6.1 of this By-law, where such lot has received approval of a Minor Variance under Section 45 of the Planning Act from any minimum pervious surface provisions of the Township’s Zoning By-laws.

14. **THAT** the following be added to Section 4.1 of By-law 2021-039:

“(i) Residential lots in the Villages as shown on Appendix ‘A’ that do not meet the maximum Hard Landscaping provisions set out in Section 3.2.1 and Section 3.6.1 of this By-law but were in compliance with all applicable provisions of the Township’s Zoning By-law prior to the passing of this By-law shall be deemed as a legal non-conforming lot.

15. **THAT** Section 5.1 of By-law 2021-039 be deleted and replaced with the following:

“5.1 Despite Section 3.1 and Section 3.2.1, a Permit is not required in the following situations:”

16. **THAT** Section 5.1 (a), “Another Legal Approval”, of By-law 2021-039 be deleted and replaced with the following:

“Another Legal Approval

- a) When another legal instrument of the Township, such as a Planning approval, a building permit, a pool permit, or legal agreement with the Township includes a provision specifically waiving the requirement for a Permit, including:
- i. A grading plan, approved by the Township’s Director of Public Works, associated with the construction of a building, accessory structure, addition and/or pool.
 - ii. Any Filling of an excavation to the elevation of Existing Grade following the demolition or removal of a Building for which a demolition permit has been issued by the Chief Building Official of the Township, or for which no demolition permit is required under the *Building Code Act*, R.S.O. 1992, c.23.
 - iii. An exceedance of the maximum Hard Landscaping permissions in Sections 3.2.1 and/or 3.6.1 of this By-law, as approved in writing by the Township’s Director of Public Works based on an application which includes:
 - a. A grading and drainage site plan, prepared and stamped by a Qualified Professional; and
 - b. A stormwater evaluation, including calculations and details to support the use of mitigation measures including Low Impact Development, prepared and stamped by a Qualified Professional.
 - c. A post construction stamped certification by a Qualified Professional that the works have been completed and function as approved.

17. **THAT** “Village Location Map” that identifies the limitations of the Township’s Villages of Schomberg, King City and Nobleton, shall form Appendix ‘A’ to By-law 2021-039.

READ a FIRST and SECOND time this 15th day of May, 2023.

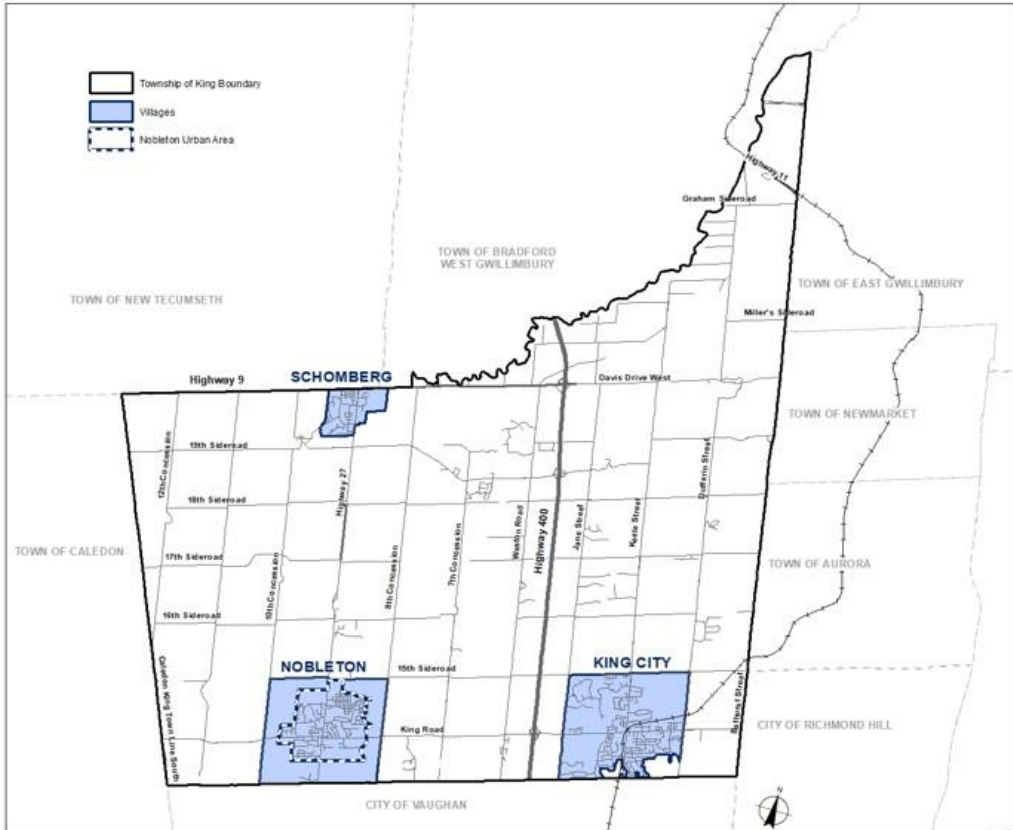
READ a THIRD time and FINALLY PASSED this 15th day of May, 2023.

Steve Pellegrini
Mayor

Denny Timm
Township Clerk

(Ref.: Joint Report
Report No.: JR-2023-002, May 15, 2023)

Appendix 'A'
Village Location Map



DRAFT



THE CORPORATION OF THE TOWNSHIP OF KING

BY-LAW NUMBER 2023-051

A BY-LAW TO AMEND BY-LAW 2023-007, BEING A BY-LAW TO ESTABLISH FEES AND/OR CHARGES FOR SERVICES OR ACTIVITIES PROVIDED BY THE TOWNSHIP OF KING

WHEREAS pursuant to Section 391 of the Municipal Act, 2011, provides that a Municipality may pass by-laws imposing fees and/or charges for services;

AND WHEREAS By-law Number 2023-007, of the Corporation of the Township of King, provides for fees and/or charges for services or activities within the Township of King;

AND WHEREAS the Council of the Township of King deems it advisable to amend By-law 2023-007, to establish fees, as necessary and applicable for the administration, enforcement, review and related services pursuant to the Hard Landscaping Exemption Process as set out in By-law 2023-050;

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

- 1. THAT By-law Number 2023-007, Schedule "F" – Public Works, Development Services, be amended to add the following items:

Table with 4 columns: Description of Fee, Unit of Measure, Taxable / Exempt, 2023 Fee (Excludes HST). Rows include Hard Landscaping Exemption Fee Submitted with Zoning Certificate Application, Hard Landscaping Exemption Fee – Separate and Independent of Zoning Certificate, Inspection Fee (Separate & Independent), Security Deposit (Separate & Independent), and Revision Fee.

- 2. THAT this By-law shall come into effect upon By-law 2023-050 coming into effect.

READ a FIRST and SECOND time this 15th day of May, 2023.

READ a THIRD time AND FINALLY PASSED this 15th day of May, 2023.

Steve Pellegrini
Mayor

Denny Timm
Township Clerk

(Ref.: Joint Report
Report No. JR-2023-002, May 15, 2023)

Appendix 'F'
Comment Response Matrix

| Question/Comment | Response |
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| Should a post-construction sign-off be required? | The draft Site Alteration By-law has been revised to propose to require that a Qualified Professional (be required to provide a post-construction sign-off. |
| Why is there no public notice requirement? | <p>Currently the Committee of Adjustment process for an increase in pervious surface percentages requires public notice in accordance with the Planning Act. As the Site Alteration By-law is not a By-law under the Planning Act it is not subject to the notice requirements of the Planning Act where deviation from the By-law is proposed.</p> <p>Further, notification to adjacent properties and the public is not necessary as the proposed Hard Landscaping Exemption Process requires the use of mitigation measures that will promote the restoration of existing drainage and water balance conditions which should be no negative impacts to adjacent properties.</p> |
| "Minimum Pervious Area" – Focus on Water Management & Maximizing Precipitation? | For lots in the urban areas, the dwelling is generally the largest impervious surface. To maximize water management from precipitation, directing the rainwater from the roof leaders to a low impact development feature allows the water to be infiltrated back into the ground. In some new developments the Conservation Authorities have required the development to collect this rainwater and direct it into wetlands via a separate piped system. |
| Driveway Widths & Street Character | <p>The Township's Zoning By-laws set out provisions for maximum driveway widths. These provisions of the Zoning By-laws are not proposed to be modified through the proposed amendments. Should a homeowner wish to extend their driveway beyond what is permitted in the Zoning By-laws a Minor Variance would still be required from the Zoning By-laws through the Committee of Adjustment in addition to the potential need for a Hard Landscaping Exemption Application.</p> <p>The proposed Hard Landscaping Exemption Process will not impact the grassed boulevards ad/or street trees within the Township's right of way.</p> |
| Why are pools considered "soft landscaping"? | While pools do not permit infiltration or ground water recharge, pools do have the capability to hold water after a rainfall event. Pools generally need water added throughout the summer due to evaporation and may only after a storm event require it to be pumped down. This pump out occurs after the storm event and the Township's current infrastructure can handle these isolated incidents. |

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| | <p>Generally, in the new urban subdivisions the pool accounts for approximately 10% of the lot. This was accounted for in the proposed hardscaping allowance in the By-law to align with the current zoning percentages.</p> <p>Pool decking is considered hard landscaping and will be added to the definition.</p> <p>Pool Permits for aboveground pools will note that if the pool is removed the pool area will need to be replaced with a pervious surface or they may be in violation of the Site Alteration By-law.</p> |
| What consideration has been given to infinity pools? | Infinity pools are not common in the urban areas due to the smaller, flatter lots. It is anticipated that if one is constructed and does require additional pump out after a heavy storm that the Township's infrastructure can handle this isolated event. |
| How are artificial turf and permeable pavers being addressed? | <p>Both artificial turf and permeable pavers have been captured in the revised definition for "hard landscaping" in both the draft Site Alteration By-law and Zoning By-law amendments.</p> <p>However, provisions of the draft amendments to the Site Alteration By-law contemplate allowing artificial turf and permeable pavers as a mitigation measure for increased hardscaping. The Qualified Professional will be required to demonstrate that the infiltration specifications are satisfactory and certify that the works are completed as approved.</p> |
| What happens if works are completed without a permit or if the works are not maintained? | The Development Engineering Division and By-law Division work very closely when drainage concerns are raised by a property owner. The team will investigate, and if necessary, By-law orders will be issued, and compliance sought. |
| Should Low Impact Development (LID) infrastructure be registered on title? | The current practice for increasing hardscaping does not require registering the minor variance approval on title. With the addition of the Qualified Professional to provide a stamped certification post construction there is an assurance that the works will be installed properly. Low Impact Development typically does not require maintenance outside of keeping sand out of the system. As the LID will be installed outside of the Township's right of way, the roadway sand from snow removal should not impact the LID and maintenance should be minimal to none. |
| Should a "Living Landscaping" percentage be considered in addition to the soft landscaping requirements to encourage | Planning Staff have consulted with the Township's Community Services Department – Environment and Climate Change Division as to whether considering a "living landscaping" is appropriate. For the purposes of the proposed amendments, |

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| <p>biodiversity and carbon sequestration?</p> | <p>the goal is to ensure that there are no drainage impacts and to ensure groundwater recharge. As such, Staff are not proposing a “living landscaping” percentage at this time. However, Staff will prepare a pamphlet and infographic to be provided with Applications to encourage living landscapes due to their ecological significance, particularly to encourage native plantings and tree retention. The pamphlet will consider the following information.</p> <p>Living landscapes are ecologically significant as they:</p> <ul style="list-style-type: none"> • Promote biodiversity; • Aid in reducing the urban heat island effect; • Sequester carbon; • Reduce water runoff volumes; • Provide for ecological connectivity; <p>Promoting Biodiversity</p> <p>Having a natural landscape versus hard landscaping helps to increase ecological biodiversity, particularly where native plantings are selected. Replacing grass with gardens and native perennials can provide for low-maintenance yards while promoting biodiversity. Native plantings should be selected based on sun exposure and soil conditions to create a vibrant ecosystem in a yard.</p> <p>Urban Heat Island</p> <p>Urban heat islands occur when natural land cover is replaced with dense concentrations of pavement, buildings and other surfaces that retain heat. The Meadoway Project, completed by the TRCA looked at the urban heat island effect. The Project found that there was an 8.7 degree difference between naturalized areas and maintained lawns, and a 15.4 degree difference between the naturalized areas and paved areas. As such, maintained lawns do aid in mitigating the urban heat island, however from an ecological perspective naturalized yards are more beneficial in reducing the effects of the urban heat island effect.</p> <p>Carbon Sequestration</p> <p>Carbon sequestration is the process of capturing and storing atmospheric carbon dioxide. Larger trees provide increased canopy cover and one large healthy tree can store approximately 65 times more carbon and remove 15 times more air pollution annually than one small tree. The retention of large, healthy trees is encouraged. Grasses also store carbon in their roots, however managed grasses and manicured lawns</p> |
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| | <p>generally generate more carbon than they hold due to the use of synthetic fertilizers, pesticides and daily watering.</p> <p>Water Runoff Volumes Naturalized areas and living landscapes are able to reduce water runoff through groundwater recharge, diverting it from storm drains. Rainwater is also beneficial for naturalized areas, with plants storing water in their roots.</p> <p>Ecological Connectivity Maintaining and improving ecological connectivity through naturalized areas helps enable dynamic adaptation processes in ecosystems, and combat the decline in biodiversity, especially in view of changing climatic conditions. Ecological connectivity allows for increased biodiversity and the migration of many different species of wildlife.</p> |
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