



THE CORPORATION OF THE TOWNSHIP OF KING

BY-LAW NUMBER – 2022-052

**A BY-LAW TO ESTABLISH SITE PLAN CONTROL AREAS WITHIN THE
LIMITS OF THE TOWNSHIP OF KING AND TO ADOPT RULES
FOR THE PROCESSING OF SITE PLAN DEVELOPMENT APPLICATIONS**

PASSED PURSUANT TO SECTION 41 OF THE
PLANNING ACT, R.S.O. 1990 c. P. 13, AS AMENDED

WHEREAS subsection 41(2) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended (the “Planning Act”) provides that where in an official plan an area is shown or described as a proposed site plan control area Council of the local municipality, may, by by-law, designate the whole or any part of such area as a site plan control area;

AND WHEREAS the Our King Official Plan designates all lands within the Township as a site plan control area;

AND WHEREAS the Township requires the approval of certain plans and drawings as a condition of development in the Township, and requires that an Owner enter into a site plan agreement with the Township, in accordance with Section 41 of the Planning Act;

AND WHEREAS by the provisions of subsection 41(3) of the Planning Act, a by-law passed under subsection 41(2) may designate a site plan control area by reference to one or more land use designations contained in a by-law passed under section 34 of the said Act;

AND WHEREAS the Township of King has passed by-laws under section 34 of the said Act, being by-laws 74-53, 2005-23, 2017-66, and 2016-71, or their successors;

AND WHEREAS Bill 109, “More Homes for Everyone Act, 2022” amends Section 41 of The Planning Act to add subsection 41(4.0.1) to require the Council to appoint an officer, employee or agent of the municipality as an authorized person for the purposes of subsection (4) of Section 41 of The Planning Act comes into effect on July 1, 2022;

AND WHEREAS Bill 109 amends Section 41 of the Planning Act to add subsections 41(3.2, 3.3 and 3.4) to establish pre-consultation requirements for site plan control areas;

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

1. Existing Site Plan Control By-law
By-law 2014-125 is repealed.
By-law 2022-010 is repealed.
2. Title
This By-law shall be known as the “Township of King Site Plan Control By-law”, also referred to herein as the “Site Plan Control By-law” or “this By-law”.
3. Site Plan Control Area
All lands within the corporate limits of the Corporation of the Township of King is hereby

designated as a site plan control area.

4. Delegation of Site Plan Approval

- a) Pursuant to subsection 41(4.0.1) of the Planning Act, as amended by Bill 109, the powers and authority of the Council of the Corporation of the Township of King, with respect to all applications under section 41 of the Planning Act, are hereby delegated to the Director of Growth Management Services or their sub-delegate as defined below, including the authority to execute any agreement associated with such approval and the granting of the necessary servicing allocation related to the applicable Site Plan Approval.
- b) For the purposes of this By-law, the sub-delegate of the Director of Growth Management Services shall be defined as being the Manager of Planning and Development. Where the Director is referred to in the balance of this By-law, it is understood to include the Manager of Planning and Development if the authority delegated to the Director of Growth Management Services has been sub-delegated.
- c) Site plan applications as required in Sections 12 and 13 of this By-law, are hereby sub-delegated to the Manager of Planning and Development, including the authority to execute any agreement associated with such approval and the granting of the necessary servicing allocation related to the applicable Site Plan Approval.
- d) The Director of Growth Management Services shall have the ability to sub-delegate any application as identified in Schedule A to this By-law.

5. Notice to Council

All applications received under Section 41 of the Planning Act, except for applications for Oak Ridges Moraine conformity purposes as specified in Section 12 of this By-law located within the Oak Ridges Moraine Conservation Plan boundary and those for the Established Neighbourhood Area as specified in Section 13 of this By-law shall be circulated to all members of Council for information purposes.

6. Definition of Development

In this By-law, for the purposes of administration of site plan control only, “development” shall mean:

- a) The construction, reconstruction, erection, or placing of one or more buildings or structures on the land; or
- b) The making of an interior or exterior addition or alteration to a building or structure that has the effect of increasing the usability thereof; or
- c) The laying out and establishment of a commercial parking area of any size, or the expansion of a commercial parking lot resulting in an additional five (5) or more spaces, excluding parking areas associated with home industry or home occupation uses, but including those associated with on-farm diversified uses; or
- d) The laying out and establishment of sites for:
 - i. The location of three (3) or more trailers as defined in clause (a) of subsection 164(4) of the *Municipal Act*, 2001, S.O. 2001, c.25; or
 - ii. The location of three (3) or more mobile homes as defined in subsection 46(1)

of the Planning Act; or

- iii. The construction, erection, or location of three (3) or more land lease community homes as defined in subsection 46(1) of the Planning Act; or
- e) The laying out and establishment of commercial outdoor recreational facilities and major recreational uses, including golf courses, driving ranges, sports fields and other similar facilities; or
- f) The laying out and establishment of outdoor patios associated with restaurants, cafes, or on-farm diversified uses; or
- g) The laying out and establishment of open storage and open product display areas associated with any commercial or industrial; or
- h) The construction, erection or placing of a single detached dwelling on a vacant existing lot within Wellhead Protection Area B where an on-site sewage system is required in accordance with subsection 4.7.2(5)(n) of the Township's Our King Official Plan;

7. Definition of Major Development

In this By-law, for the purposes of administration of site plan control only, "major development" shall mean:

- a) The creation of four or more lots; or
- b) The construction of a building or buildings with a ground floor area of 500 square metres or more; or
- c) The establishment of a major recreational use; or
- d) For lands subject to Section 4.7 of the Our King Official Plan, any development with a proposed impervious surface area of 500 square metres or more.

8. Definition of Addition(s) and Alteration(s)

In this By-law, for the purposes of administration of site plan control only, "addition(s)" and "alteration(s)" shall mean:

- a) An expansion of a building or structure, or any change in a bearing wall or partition column, beam, girder, or other supporting member that results in any increase in the area or cubic contents of a building or structure.
- b) In this By-law, minor addition(s) and minor alteration(s) shall mean a cumulative maximum of 10% of gross floor area of the building(s) or structure(s) or to a cumulative maximum of 100 square metres, whichever is less. Cumulative shall include one or more addition(s) or alteration(s) that occur over time and not necessarily at the same time.

9. Site Plan Approval

No person shall undertake any development in the site plan control area unless and until:

- a) The delegate of Council of the Corporation of the Township of King, or their sub-delegate as specified in Section 4 of this By-law has approved the plans and drawings required pursuant to subsection 41(4) and 41(5) and the policies of the Township's Our King Official Plan, including, but not limited to:
 - i. Matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings and their sustainable design; and
 - ii. The design of elements within, or adjacent to, an adjoining municipal-right-of-

way, including without limitation trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities; and

- iii. Conformity with the Township's Sustainable King: Green Development Standards Program; and
- b) A site plan agreement or agreements have been entered into with the Township pursuant to subsection 41(7) of the Planning Act.

10. Classes of Development

All classes of development that are subject to site plan control and that shall be processed by the Growth Management Services Department, Planning Division are identified in Schedule "A" to this By-law.

11. Exemptions from Site Plan Approval

Notwithstanding Section 10 of this By-law, it is generally intended that the following classes of development may be undertaken without the approval of plans and drawings otherwise required under Section 41 of the Planning Act:

- a) Single-detached, semi-detached, and duplex residential buildings and structures, and accessory buildings and structures thereto, except as specified in Schedule "A" to this By-law and in Sections 12 to 16, inclusive, herein;
- b) Townhouse units that are:
 - i. Within a registered plan of subdivision; and
 - ii. Subject to a subdivision agreement which is in full force and effect; and
 - iii. Front onto and obtain access onto a public street; and
 - iv. Not subject to a municipally-approved architectural guidelines and/or an architectural control program;
- c) Agricultural buildings and structures containing agricultural operations, except as specified in Schedule "A" to this By-law and Sections 12 to 16, inclusive, herein; or
- d) Any structures erected for the purpose of flood or erosion control.

However, if in the opinion of the Director of Growth Management Services, acting reasonably, there are circumstances which make the site plan approval process necessary or desirable, the Director may require that a site plan application be made for any of the classes of development described in subsections 11(a) through (d) inclusive.

12. Oak Ridges Moraine Area

Notwithstanding any other provision of this By-law, in the Oak Ridges Moraine Conservation Plan Area, the approval of plans and drawings is required in accordance with Section 41 of the Planning Act for the following:

- a) Within all zones within the Oak Ridges Moraine Conservation Plan Area subject to By-law 2016-71 for the Nobleton Urban Area where the development constitutes major development, as defined by this By-law or where the development is within 120 m of an Environmental Protection zone:
 - i. Any agricultural building or structure and accessory buildings or structures thereto;
 - ii. Any residential building or structure, and accessory buildings or structures

- thereto; or
- iii. Any additions and/or alterations to any agricultural or residential building or structure, including accessory buildings and structures in accordance with Section 8 of this By-law;
- b) Within all zones within the Oak Ridges Moraine Conservation Plan Area subject to By-law 2017-66 for the Schomberg and King City Urban Areas in accordance with Section 3.21 of By-law 2017-66:
- i. Any agricultural building or structure and accessory buildings or structures thereto;
 - ii. Any residential building or structure, and accessory buildings or structures thereto; or
 - iii. Any additions and/or alterations to any agricultural or residential building or structure, including accessory buildings and structures in accordance with Section 8 of this By-law;
- c) Within all zones within the Oak Ridges Moraine Conservation Plan Area subject to By-law 2005-23 or its successor, for the Countryside Area of the Township, including all Hamlets where the development is within 120 m of a Key Natural Heritage Feature (KNHF), where the development is located within a Landform Conservation Area, or where the development constitutes major development as defined by this By-law:
- i. Any agricultural building or structure and accessory buildings or structures thereto;
 - ii. Any residential building or structure, and accessory buildings or structures thereto; or
 - iii. Any additions and/or alterations to any agricultural or residential building or structure, including accessory buildings and structures in accordance with Section 8 of this By-law;

For the purpose of this By-law, the Oak Ridges the Oak Ridges Moraine Conservation Plan Area boundary shall mean the portion of the Township of King within Ontario Regulation 01/02 or its successor.

For the purpose of this By-law, the definition of KNHF and Landform Conservation Area shall have a corresponding definition to the definitions of the Our King Official Plan and shall be delineated based on the Schedules of the Our King Official Plan.

13. Established Neighbourhood Area

Notwithstanding any other provision of this By-law, within all zones for lands designated "Established Neighbourhood" by the Our King Official Plan, and as identified in Schedules "B" through "D", inclusive to this By-law, the approval of plans and drawings is required in accordance with Section 41 of the Planning Act for the following:

- a) Replacement dwellings, where a single detached dwelling is demolished and replaced;
- b) Replacement dwellings, where a dwelling is intended to be demolished and replaced, while the existing dwelling is proposed to be retained until the construction of the new dwelling has obtained occupancy;

- c) Additions and alterations, in accordance with Section 8 of this By-law;
- d) Accessory buildings and structures, where the accessory building or structure is greater than 5% of the lot area or 50 square metres;
- e) Accessory buildings, where the accessory building contains an additional residential unit, or a second dwelling unit as defined by By-law 2017-66.
- f) Residential dwellings, where the lot was created by consent;

14. Schomberg Special Policy Area

Notwithstanding any other provision of this By-law, the approval of plans and drawings is required in accordance with Section 41 of the Planning Act for all development on lands within the lands subject to By-law 2017-66 where a zone is followed by a “-SPA” (Special Policy Area) suffix.

15. Heritage Act

Notwithstanding any other provisions of this By-law, the Director of Growth Management Services shall consider for approval all plans and drawings prior to development which includes properties designated under Part IV or Part V of the Ontario Heritage Act, as amended.

16. Site Plan Approval Required for Public Agencies

This By-law applies to any development undertaken by any public agency except as follows:

- a) Any class of development undertaken by the Township of King;
- b) The installation of school portable classrooms on a school site of a district school board if such site was in existence on January 1, 2007. For clarity, the By-law will only apply if the school site was established after January 1, 2007; and
- c) Where Provincial or Federal legislation specifically exempts any public agency from municipal by-laws.

17. Pre-Application Consultation Requirements

No person shall submit a site plan application prior to engaging in a pre-consultation process with Township Staff and Staff from any external agency, as set out in Section 9.1.3 of the Our King Official Plan, unless exempted from that process by the Director of Growth Management Services. The Director of Growth Management Services may refuse to accept or may return any site plan application submitted prior to the owner/applicant engaging in a pre-consultation process with Township Staff, in accordance with By-law 2014-71, as amended and in accordance with Section 9.1.3 of the Our King Official Plan.

18. Site Plan Application Requirements

Following the completion of the pre-consultation as set out in this By-law, in By-law 2014-71 (or its successor), and Section 9.1.3 of the Our King Official Plan, the following shall be submitted in support of a complete site plan application:

- a) a completed application form;
- b) any information or materials prescribed by statute;
- c) a pre-consultation letter outlining the details of the pre-consultation process and meeting(s), prepared by Township Staff and signed by the Owner and/or Agent;

- d) any supporting information and materials to be provided within the initial submission, as determined through the pre-consultation process and meeting(s); and
- e) The prescribed, current application fee(s) and confirmation of any required review fees from York Region;

The studies, plans or items that may be required to support an application for site plan approval are as outlined in Table 4 of the Our King Official Plan. The list of information and materials listed in Table 4 does not preclude the Director of Growth Management Services from requiring additional information and materials, as may be identified during the development review process, where circumstances necessitate the need for information as part of the decision-making process.

19. Amendments to Existing Site Plan Approvals and Site Plan Development Agreements

Amendments made to an existing site plan approval or site plan development agreement, including to any of its associated plans and drawings, after the date of enactment of this By-law, are subject to the provisions of this By-law including the collection of any prescribed fee(s) required to facilitate the review of the amendments.

20. Administration and Enforcement

Administration, enforcement, and associated processes, procedures, and penalties shall be established, determined, and carried out in accordance with relevant legislation and law.

21. Revoking of Approval

The power to revoke any approval of plans and drawings is hereby delegated by Council to the Director of Growth Management Services who may revoke such approval where:

- a) The approval has been granted on mistaken or false or incorrect information; or
- b) The approval has been granted in error; or
- c) The applicant for the approval has requested in writing that it be revoked; or
- d) Two (2) years after the approval has been granted, if the development has not been substantially commenced in the opinion of the Director of Growth Management Services, acting reasonably, unless otherwise specified in the associated site plan agreement; or
- e) There is justification, in the reasonable opinion of the Director of Growth Management Services.

22. Severability

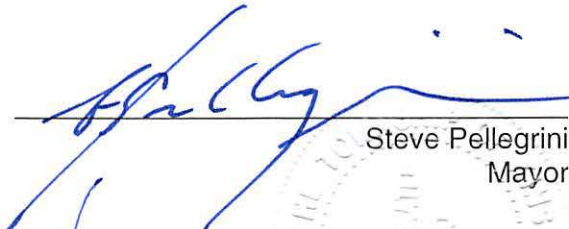
In the event that a particular provision or part of this By-law is found to be invalid or unenforceable for any reason, then the particular provision or provisions or part of the provision shall be deemed to be severed from the remainder of this By-law and all other provisions shall remain in full force and shall be valid and enforceable to this fullest extent permitted by law.

23. Schedules "A" through "D", inclusive attached hereto form an integral part of this By-law.


24. This By-law shall come into full force and effect on the date of the passing hereof with the exception of Section 13 of this By-law which shall come into full force and effect on January 1, 2023.

READ a **FIRST** and **SECOND** time this 27th day of June, 2022.

READ a **THIRD** time and **FINALLY PASSED** this 27th day of June, 2022.



Steve Pellegrini
Mayor



Kathryn Moyle
Director of Corporate Services
Township Clerk

(Ref. Growth Management Services Dept.
Report No.: GMS-PL-2022-21, C.O.W. June. 27/22)


THIS IS SCHEDULE “A” TO BY-LAW NO. 2022-052

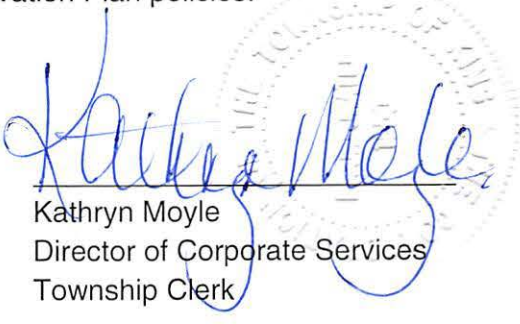
Site Plan Approval Process for Classes of Development¹
AGRICULTURAL
Mushroom Growing Houses
Commercial Riding Areas and/or Barns and Stables associated with the equine industry
Commercial Greenhouses
Agricultural Greenhouses that constitute major development, as defined in this By-law
Agricultural Buildings and/or Structures including Accessory Buildings and Structures, and Alterations and Additions in accordance with Section 12 of this By-law
Agricultural Cannabis Production Facilities
Medical Cannabis Production Sites
Farm Help Dwelling
Seasonal Farm Help Dwelling
On-Farm Diversified Uses
Commercial Patios Associated with an On-Farm Diversified Use
Agriculture-Related Uses
Additional Residential Units in an Accessory Building
Garden Suites
Bed and Breakfasts
Farm Implement Dealership
Farm Equipment Repair
COMMERCIAL
All Commercial Development, unless otherwise stated in this By-law
Commercial and Mixed-Use Parking Lots
Expansions of Commercial and Mixed-Use Parking Lots resulting in an additional five (5) or more spaces
Drive-through
Commercial Patios associated with Restaurants
Commercial Accessory Buildings or Structures
Accessory Dwelling Units within a Commercial Building
Automobile Service Stations, Including the Installation of a Car Wash
Open Produce Display Areas
Mixed-Use Buildings
INSTITUTIONAL
All Institutional Development, unless otherwise stated in this By-law
Schools
School Portables – Includes all Public and Private Schools ²
Institutional Parking Lots
Expansions of Institutional Parking Lots resulting in an additional five (5) or more spaces
Accessory Buildings or Structures
Accessory Dwelling Units within an Institutional Building
Child Care Facilities
INDUSTRIAL
All Industrial Development, unless otherwise stated in this By-law
Industrial Parking Lots
Expansions of Industrial Parking Lots resulting in an additional five (5) or more spaces
Accessory Buildings or Structures
Open Storage Areas
Open Product Display Areas
Accessory Dwelling Units within an Industrial Building
Industrial Cannabis Processing Facility
Medical Cannabis Production Site
RECREATIONAL
Privately Operated Facilities
Outdoor Recreational Facilities including golf courses, driving ranges, sports fields, private parks, campgrounds, etc.
Major Recreational Uses
Recreational Parking Lots
Expansion of Recreational Parking Lots resulting in an additional five (5) or more spaces
RESIDENTIAL

Residential Dwellings, and Additions and Alterations to Residential Dwellings as identified in Sections 12 and 13 of this By-law
Residential Accessory Buildings and Structures, and Additions and Alterations to Residential Accessory Buildings and Structures as identified in Sections 12 and 13 of this By-law
Replacement Dwellings
Additional Residential Units in an Accessory Building
Garden Suites
Temporary Dwellings
Enlargement of an existing dwelling which obtains its access via a private road or right-of-way
New residential dwellings which obtain its access via a private road or right-of-way
Residential Buildings containing more than three (3) residential dwelling units
Residential Parking Lots
Expansion of a Residential Parking Lot resulting in an additional five (5) or more parking spaces
Infill Residential Dwelling Units
Townhouse Dwelling Units, unless otherwise stated in this By-law
LEGAL NON-CONFORMING USES
As may be required in an Official Plan Amendment or Subdivision Agreement
Enlargement or Extension or Conversion of a Legal Non-Conforming Use
TRANSPORTATION and COMMUNICATION
Airstrips, Aerodromes, Airports

Notes:

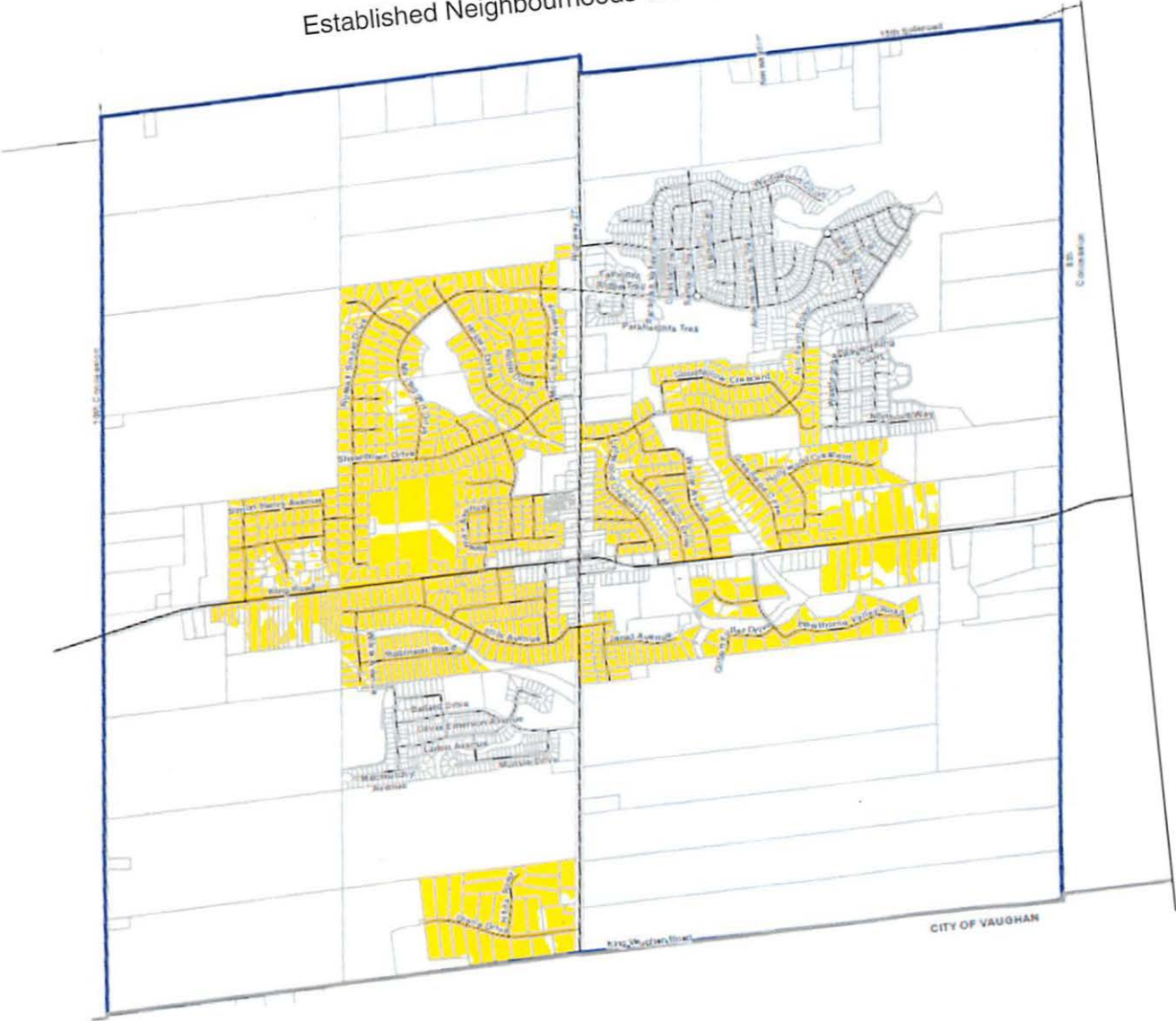
- 1) Any Class of Development requiring site plan approval which is not specifically listed in the categories above or expressly exempt in this By-law, shall be required to obtain site plan approval from the Director of Growth Management Services.
- 2) Notwithstanding Section 41(1.1) of the Planning Act, school portable classrooms on a school site of a district school board where the school was in existence on January 1, 2007, are not exempt from the Site Plan Control By-law and its requirements if the school site is subject to the Oak Ridges Moraine Conservation Plan policies.


Steve Pellegrini
Mayor


Kathryn Moyle
Director of Corporate Services
Township Clerk

THIS IS SCHEDULE "B" TO BY-LAW NO. 2022-052

Established Neighbourhoods of Nobleton



THIS IS SCHEDULE “D” TO BY-LAW NO. 2022-052

Established Neighbourhoods of Schomberg

