



THE CORPORATION OF THE TOWNSHIP OF KING

BY-LAW NUMBER – 2023-014

A BY-LAW TO AMEND ZONING BY-LAW NUMBER 2022-053

WHEREAS Zoning By-law Number 2022-053, being a By-law to regulate the use of land and the character, location and use of buildings and structures in the countryside area of the Township of King, was passed on the 26th day of September, 2022;

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 2022-053, 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 **THAT** Section 8.6 Oak Ridges Moraine Conservation Plan Area Special Provisions of By-law 2022-053 be repealed and replaced with the following:

8.6 Oak Ridges Moraine Conservation Plan Area Special Provisions

The provisions of this Section shall apply to all lands located within the *Oak Ridges Moraine Conservation Plan Area*.

8.6.1 General, Transition, and Existing Uses

Development in Accordance with the Official Plan

- a) Nothing in this By-law applies to prevent a *use* or the *erection* or location of a *building* or *structure* within the *Oak Ridges Moraine Conservation Plan Area*, as designated in the Township of 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 Section 3.47 (*Wellhead Protection Areas*) of this By-law.
 - iii) The applicant demonstrates, to the extent possible, that the *use, building* or *structure* will not adversely affect the ecological integrity of the *Oak Ridges Moraine Conservation Plan Area* where the *use, building* or *structure* is comprised of *major development*, or proposed within a

landform conservation area, the Oak Ridges Moraine Feature Protection (ORF) zone or the *Area of Influence*.

Previously Authorized Single Detached Dwellings

- b) On lands located within the *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 *zone* other than an Oak Ridges Moraine zone, the performance standards of the applicable *zone* shall apply to all *uses, buildings* and *structures*. Where the entire *lot* is zoned ORF, the performance standards of the ORF *zone* shall apply to all *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 *single detached dwelling* will not adversely affect the ecological integrity of the *Oak Ridges Moraine Conservation Plan Area* where the single detached dwelling is comprised of *major development* or proposed within an Oak Ridges Moraine Feature Protection (ORF) *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 *use, building* or *structure* was legally *existing* as of November 15, 2001;
 - ii) The performance standards for the applicable *zone* are met;
 - iii) There is no change in *use*;
 - iv) 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* where the expansion is proposed within the Oak Ridges Moraine Feature Protection (ORF) and in an area of influence or *landform conservation area*, or if the proposal comprises *major development*.

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 is proposed within the Oak Ridges Moraine Feature Protection (ORF), in an *area of influence*, a *landform conservation area*, a *wellhead protection area* or an *area of high aquifer vulnerability* or if the proposal comprises *major development*
 - iv) Where the land is within a *landform conservation 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.
 - v) For the avoidance of doubt, in this clause, 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

- i) 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 8.6, 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.

Major Development (ORMCP)

- l) A *use, building or structure* with a total combined *ground floor area* greater than 500.0 m² per *lot* and that is proposed on lands within an Oak Ridges Moraine zone shall not be permitted unless the applicant demonstrates, to the extent possible, that the *use, building or structure* will not adversely affect the ecological integrity of the *Oak Ridges Moraine Conservation Plan Area*.

8.6.2 Area of Influence (Schedule “C-1”)

- 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 “C-1” unless the applicant demonstrates, to the extent possible, that the construction of the *building or structure, lot creation, use, or site alteration* will not adversely affect the ecological integrity of the *Oak Ridges Moraine Conservation Plan Area*.

8.6.3 Landform Conservation Area Provisions (Schedule “C-2”)

- 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 “C-2”, 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* of a *building or structure* the applicable provisions of subsection 8.6.1 d) shall apply.
 - ii) Where construction of a *building or structure*, creation of a new *lot*, change of *use* or *site alteration* comprises previously authorized *dwellings* and *accessory buildings* thereto, the applicable provisions of subsection 8.6.1 b) shall apply.
 - iii) Where construction of a *building or structure*, creation of a new *lot*, change of *use* or *site alteration* are located within the Countryside designation in the Our King Official Plan, or its successor, the provisions of subsection 8.6.1 a) shall apply.
 - iv) 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 8.6.1 h) shall apply.
- b) On lands shown 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%.
- c) On lands shown 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%.

8.6.4 Areas of High Aquifer Vulnerability (Schedule “C-3”)

- a) Notwithstanding any other provision of this By-law with the exception of the provisions for existing *institutional uses* under subsection 8.6.1 h), the following uses are prohibited on lands identified as areas of high aquifer vulnerability on

Schedule “C-3”, 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.


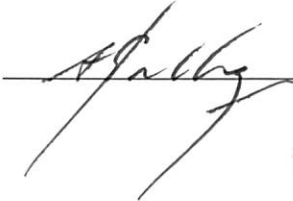
8.6.5 Oak Ridges Moraine Wellhead Protection Areas (Schedule “C-4”)

- a) Notwithstanding any other provision of this By-law with the exception of the provisions for existing *institutional uses* under subsection 8.6.1 h), the following *uses* are prohibited on lands identified as *wellhead protection area* on Schedule “C-4”, 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 or its successor.
 - ii) Generation and storage of *hazardous waste* or liquid industrial waste.
 - iii) Waste disposal sites and facilities, organic soil conditioning sites, and snow storage and disposal facilities.
- 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 3.47 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.



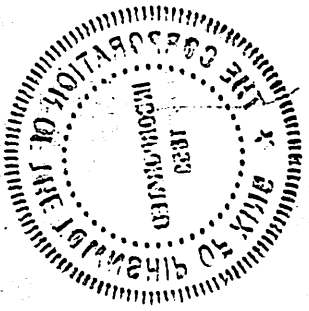
Steve Pellegrini
Mayor



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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GENERAL INVESTIGATIVE DIVISION OF THE FBI



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EXPLANATORY NOTE
TO ACCOMPANY BY-LAW NUMBER 2023-014

By-law Number 2023-014 is a By-law to amend zoning By-law 2022-053 for the Countryside Area of the Township. Specifically, the Amendment concerns lands as identified on Schedules 'A' and 'C' of By-law 2022-053.

The Zoning By-law Amendment proposes to amend Section 8.6 of By-law 2022-053 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*.