



THE CORPORATION OF THE TOWNSHIP OF KING

BY-LAW NUMBER – 2021-036

**A BY-LAW TO AMEND ZONING BY-LAW NUMBER
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 Township of King was passed on the 11th day of July, 2016;

AND WHEREAS it is deemed necessary to further amend By-law Number 2016-71, as amended, where such amendment conforms to the Nobleton Community Plan, of the Township of King;

AND WHEREAS the matters herein set out are in conformity with the Official Plan of the Township of King, as amended, which is approved and in force at this time, and with Amendment No. 570 to the Official Plan for the Township of King, known otherwise as the Oak Ridges Moraine Conservation Plan conformity amendment, as adopted by Council and approved by the Ministry of Municipal Affairs and Housing on August 30, 2007.

AND WHEREAS authority is granted pursuant to Sections 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;

AND WHEREAS authority is granted to the Council of the Corporation of the Township of King under Section 36 of the Planning Act, R.S.O. 1990, Chapter P.13, to make use of the holding symbol "H" in conjunction with any use;

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

1. **THAT** the lands subject to this by-law consist of Part of the East Half of Lot 9, Concession 9 in the Township of King, in the Regional Municipality of York, municipally known as 13450, 13500 and 13580-13582 Highway 27.
2. **THAT** Schedules "1" and "2" attached hereto form part of this By-law.
3. **THAT** Schedule "A" and "A1" of By-law Number 2016-71, as amended be further amended by:
 - a) Changing the zone symbols from Future Development (FD) and Environmental Protection – Exception Section 9.5.4.5 (EP-5) Zones to Residential – Single Detached "C" – Exception Section 6.5.4.3 – Holding (R1C-3 (H)); Residential – Single Detached "C" – Exception Section 6.5.4.4 – Holding (R1C-4 (H)); Residential – Single Detached "C" – Exception Section 6.5.4.5 – Holding (R1C-5 (H)); Residential – Single Detached "C" – Exception Section 6.5.4.6 – Holding (R1C-6 (H)); Residential – Single Detached "C" – Exception Section 6.5.4.7 – Holding (R1C-7 (H)); Open Space – Exception Section 9.5.3.3 (OS – 3) and Environmental Protection (EP) Zones, for the lands shown on Schedules "1" and "2" attached hereto.
4. **THAT** section 3.2.4(b) of By-law Number 2016-71, as amended, is not applicable to the lands subject to this by-law.
5. **THAT** notwithstanding Part 6.3 and Tables 6.3a and 6.3b of Bylaw Number 2016-71, as amended, requirements for Minimum Pervious Surface (as a percentage of the lot) and Minimum Pervious Surface (as percentage of the front yard) shall not apply to the lands subject to this by-law.
6. **THAT** notwithstanding Part 3 General Provisions, for the lands subject to this by-law, Section 3.41 and Table 3.41.1 iv) and vi) respecting Yard and Setback Encroachments Permitted, the maximum encroachment into the front or rear yard for a deck with a height greater than 0.6 m but less than 3.0 m from grade, open or roofed porch not exceeding one storey in height or uncovered terrace,

shall be 2.4m. There will be no restriction for steps within the 2.4m encroachment associated with the deck, porch, or uncovered terrace. Steps will be permitted to encroach a further 1 metre into the front or rear yard beyond the permitted encroachment of the deck, porch, or uncovered terrace. Any steps shall be permitted to encroach 0.6 m into an interior or exterior side yard.

7. **THAT** notwithstanding Part 2 Definitions of By-law Number 2016-71, as amended, the following definitions shall apply to the lands subject to this by-law:

“88. Height:

means the vertical distance measured from established grade to:

- a) The highest point of the roof surface or the parapet, whichever is greater, of a flat roof;
- b) The deckline of a mansard roof; or,
- c) The mean level between eaves and ridge of a gabled, hip, gambrel roof or other type of pitched roof.

Where a lot abuts an Environmental Protection (EP) Zone, an Open Space (OS) Zone, or a Rural General (RU1) Zone and the average finished grade level at the rear yard elevation of the building is lower than the average finished grade level at the front yard elevation of the building, the building height shall be measured from the average finished grade level at the front yard elevation of such building to:

- a) the highest point of the roof surface or the parapet, whichever is the greater, of a flat roof;
- b) the deckline of a mansard roof; or
- c) the mean level between eaves and ridge of a gabled, hip, gambrel roof or other type of pitched roof.”

“107. Lot Coverage:

means the percentage of the lot area, covered by all buildings and structures above grade, excluding decks, porches and loggias, and shall not include the portion of such lot area which is occupied by a structure or portion thereof which is completely below grade, and for the purposes of this definition, the lot coverage in each zone shall be deemed to apply only to that portion of such lot which is located within said zone.”

8. **THAT** Notwithstanding Section 3.18 of By-law Number 2016-71, as amended, for the lands subject to this by-law, a model home may be used as a sales office for the purpose of selling lots and/or dwellings which are located within and/or outside of the approved Draft Plan where the model home is located.

9. **THAT** notwithstanding Section 4.4.2 of By-law Number 2016-17, as amended, for the lands subject to this by-law, be further amended by adding the following subsection:

Dimension of Driveways:

- a) The maximum width of a driveway for lots with a frontage of less than 18m shall be 6.25m measured at the street curb, provided circular driveways shall have a maximum combined width of 9.0m measured at the street curb.
- b) For lots with a lot frontage of 18.0m or greater, the maximum width of the driveway shall be 9.0m measured at the street curb provided circular driveways shall have a maximum combined width of 12m measured at the street curb.
- c) Where there is no street curb, the maximum width of the driveway shall be measured at a point 4.25m internal to the lot and parallel from the street line.
- d) The minimum distance between a driveway and intersection of street lines shall be 5.4m.

10. **THAT** Section 6.5.4 of By-law Number 2016-71, as amended, be further amended by adding the following subsection:

- a) 6.5.4.3 Exception re: Part of the East Half of Lot 9, Concession 9 (as 13450, 13500 and 13580-13582 Highway 27)

Notwithstanding the provisions of Section 6.3 and Section 6.4 of By-law 2016-71, as amended, the lands delineated as Residential – Single Detached “C” – Exception Section

6.5.4.3 – Holding (R1C-3 (H)) Zone, as shown on Schedules “1” and “2” attached hereto, may be used in accordance with the following provisions, and all other provisions of Section 6.3 and Section 6.4 shall apply unless specifically amended below:

- i. The Minimum Lot Area shall be 330 m²;
- ii. The Minimum Lot Frontage shall be 11.0 m;
- iii. The Minimum Front Yard shall be 4.5 m to the dwelling, and 6 m to the garage;
- iv. The Minimum Interior Side Yard shall be 1.2 m;
- v. The minimum Exterior Side Yard shall be 3.5 m;
- vi. The Maximum Lot Coverage shall be 50%;
- vii. The maximum garage width shall be 6.25 m;

b) 6.5.4.4 Exception re: Part of the East Half of Lot 9, Concession 9 (as 13450, 13500 and 13580-13582 Highway 27)

Notwithstanding the provisions of Section 6.3 and Section 6.4 of By-law 2016-71, as amended, the lands delineated as Residential – Single Detached “C” – Exception Section 6.5.4.4 – Holding (R1C-4 (H)) Zone, as shown on Schedules “1” and “2” attached hereto, may be used in accordance with the following provisions, and all other provisions of Section 6.3 and Section 6.4 shall apply unless specifically amended below:

- i. The Minimum Lot Area shall be 370 m²;
- ii. The Minimum Lot Frontage shall be 12.0 m;
- iii. The Minimum Front Yard shall be 4.5 m to the dwelling, and 6 m to the garage;
- iv. The Minimum Interior Side Yard shall be 1.2 m;
- v. The Minimum Exterior Side Yard shall be 3.5 m;
- vi. The Maximum Lot Coverage shall be 50%;
- vii. The maximum garage width shall be 6.25 m;

c) 6.5.4.5 Exception re: Part of the East Half of Lot 9, Concession 9 (as 13450, 13500 and 13580-13582 Highway 27)

Notwithstanding the provisions of Section 6.3 and Section 6.4 of By-law 2016-71, as amended, the lands delineated as Residential – Single Detached “C” – Exception Section 6.5.4.5 – Holding (R1C-5 (H)) Zone, as shown on Schedules “1” and “2” attached hereto, may be used in accordance with the following provisions, and all other provisions of Section 6.3 and Section 6.4 shall apply unless specifically amended below:

- i. The Minimum Lot Area shall be 460 m²;
- ii. The Minimum Lot Frontage shall be 15.0 m;
- iii. The Minimum Front Yard shall be 4.5 m to the dwelling, and 6 m to the garage;
- iv. The Minimum Interior Side Yard shall be 1.2 m;
- v. The Minimum Exterior Side Yard shall be 3.5 m;
- vi. The Maximum Lot Coverage shall be 50%; and
- vii. The maximum garage width shall be 7.0 m.

d) 6.5.4.6 Exception re: Part of the East Half of Lot 9, Concession 9 (as 13450, 13500 and 13580-13582 Highway 27)

Notwithstanding the provisions of Section 6.3 and Section 6.4 of By-law 2016-71, as amended, the lands delineated as Residential – Single Detached “C” – Exception Section 6.5.4.6 – Holding (R1C-6 (H)) Zone, as shown on Schedules “1” and “2” attached hereto, may be used in accordance with the following provisions, and all other provisions of Section 6.3 and Section 6.4 shall apply unless specifically amended below:

- i. The Minimum Lot Area shall be 550 m²;
- ii. The Minimum Lot Frontage shall be 18.0 m;
- iii. The Minimum Front Yard shall be 4.5 m to the dwelling, and 6 m to the garage;
- iv. The Minimum Interior Side Yard shall be 1.5 m;

- v. The Minimum Exterior Side Yard shall be 3.5 m;
- vi. The Maximum Lot Coverage shall be 50%;
- vii. The maximum garage width shall be 9.5 m;

e) 6.5.4.7 Exception re: Part of the East Half of Lot 9, Concession 9 (as 13450, 13500 and 13580-13582 Highway 27)

Notwithstanding the provisions of Section 6.3 and Section 6.4 of By-law 2016-71, as amended, the lands delineated as Residential – Single Detached “C” – Exception Section 6.5.4.7(R1C-7) Zone, as shown on Schedules “1” and “2” attached hereto, may be used in accordance with the following provisions, and all other provisions of Section 6.3 and Section 6.4 shall apply unless specifically amended below:

- i. The minimum lot frontage shall be 6.0 m.

11. **THAT** Section 9.5.3 of By-law Number 2016-71, as amended, be further amended by adding the following subsection:

a) 9.5.3.3 Exception re: re Part of the East Half of Lot 9, Concession 9 (as 13450, 13500 and 13580-13582 Highway 27)

Notwithstanding the provisions of Section 9.2 of By-law 2016-71, as amended, the lands delineated as Open Space – Exception Section 9.5.3.3 (OS-3) Zone, as shown on Schedules “1” and “2” attached hereto, may be used in accordance with the following provisions, and all other provisions of Section 9.2 shall apply unless specifically amended below:

- i. The permitted uses shall also include subsurface storm water management systems.

12. **THAT** the following Holding (H) Provisions shall apply as follows to the lands subject to this By-law:

Holding Provisions

- i. Notwithstanding any other provisions of this By-law, a Holding Symbol denoted as an “H” to the zone symbol for the Residential – Single Detached “C” – Exception Section 6.5.4.3 – Holding (R1C-3 (H)); Residential – Single Detached “C” – Exception Section 6.5.4.4 – Holding (R1C-4 (H)); Residential – Single Detached “C” – Exception Section 6.5.4.5 – Holding (R1C-5 (H)); Residential – Single Detached “C” – Exception Section 6.5.4.6 – Holding (R1C-6 (H)); Residential – Single Detached “C” – Exception Section 6.5.4.7 – Holding (R1C-7 (H)) Zones; shall require that no person shall use any land, erect, alter or use any building or structures for any purpose other than legally existing use(s), building(s), or structure(s) until such time as the Holding Symbol (H) is removed by an amendment to this By-law passed pursuant to Section 36 of the Planning Act, as amended.
- ii. The Council for the Township of King may amend this By-law to remove the Holding Symbol (H) from all or part of the lands subject to this By-law or in stages to permit the development of the lands subject to the Holding Symbol in accordance with the provisions of this By-law and Section 36 of the Planning Act, as amended, at such time as:
 - a. The Council for the Township of King has assigned water and sanitary sewer servicing allocation to the lands to which the Holding symbol has been applied and that the Holding symbol shall remain for any lands/zone(s) which have not been assigned water and sanitary sewer servicing allocation.
 - b. A Draft Plan of Subdivision has been draft approved and a Subdivision Agreement(s) in accordance with Section 51 of the Planning Act, R.S.O. 1990, Chapter P.13, has been executed between the Township of King and the owner(s) of the lands subject to

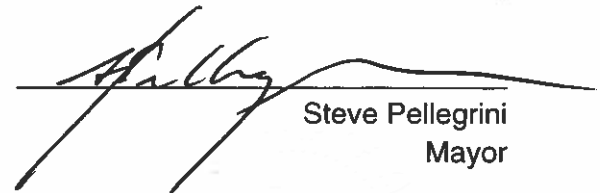
this by-law, as shown on Schedule “1” attached hereto, and any encumbrancer(s), if any, and that such Agreement has been registered on title.

- c. The Council of the Township of King is satisfied that the Subdivision Agreement(s) includes provisions requiring the approval of a phasing plan.
 - d. The Subdivision Agreement includes provisions for any lands forming part blocks/lots to ensure that they shall only be developed in conjunction with the adjacent lands and that satisfactory arrangements to enable the assembly of the full block/lot(s) is in place.
 - e. The Council of the Township of King is satisfied that there is compliance with the Municipal Capital Facility Agreement (MCFA) between the Township and TG Nobleton LP and Crisdan Holdings, dated December 22, 2020; or such successor agreement between the Township and any successor landowners as may be executed with the Township.
- iii. The Council for the Township of King may amend this By-law to remove the Holding Symbol in part/stages from portions of the lands and/or zone to which it applies subject to the following:
 - a. The criteria above as applicable to the relevant Zone has been fulfilled;
 - b. The amending By-law shall include a schedule which identifies the lands upon which the Holding Symbol is being removed and/or shall remain in place; and,
 - c. The criteria above shall continue to apply to the lands upon which the Holding Symbol shall remain in place.
- 13. Pursuant to Section 37 of the Planning Act, the density of development permitted by this By-law is permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the owner of the lands which are the subject of this By-law (the “Owner” and the “Lands” respectively for purposes of Sections 13 to 16 inclusive herein) of the facilities, services and matters set out below, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the Planning Act.
- 14. Upon the execution and registration of an agreement or agreements with the Owner of the Lands pursuant to section 37 of the Planning Act securing the provision of the facilities, services and matters set out in Section 15 and 16 herein, the Lands are subject to the provisions of this By-law, provided that in the event the said agreements(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the Owner may not erect or use such building until the Owner has satisfied the said requirements.
- 15. The facilities, services and matters set out in Section 16 of this By-law are the facilities, services and matters required to be provided by the Owner of the Lands to the Township in accordance with an agreement or agreements, pursuant to section 37(1) of the Planning Act, in a form satisfactory to the Township. Unless there is an express statement in this By-law to the contrary, all financial contributions to be provided to the Township or to any other person or entity pursuant to this By-law shall not be reimbursed to the Owner of the Lands in any manner whatsoever.
- 16. The Owner of the Lands shall comply with all terms, conditions and provisions contained in the Municipal Capital Facility Agreement (MCFA) between the Township and TG Nobleton LP and Crisdan Holdings, dated December 22, 2020; or such amending agreement or successor agreement between the Township and any successor landowners as may be executed with the Township. Without limiting the generality of the foregoing,
 - i. the Owner shall make all payments and provide all facilities, Services, securities, Development Charges, Municipal Capital Facility Contribution and/or any other requirements, as required by the MCFA and by applicable legislation;
 - ii. the Owner shall agree in a subdivision agreement to:

- a. to comply with the MCFA between the applicant and Corporation of the Township of King;
 - b. make all payments and provision of facilities, Services, securities, Development Charges, Municipal Capital Facility Contribution and/or any other requirements, as required by the MCFA and by applicable legislation;
- iii. the Owner shall pay to the Township the Municipal Capital Facility Contribution, including any related security, in accordance with the MCFA; and
- iv. the Owner shall enter into any further agreement(s) between the Township and the Landowners (which agreement(s) may be required prior to a subdivision agreement between the Township and the Owner), that may be required by the Township to further implement any of the provisions of the MCFA.
17. **THAT** any provisions of By-law 2016-71 not in conflict with the provisions contained herein shall continue to apply to the lands shown on Schedules "1" and "2", attached hereto.
18. **THAT** this By-law shall come into force on the day it was passed, where no notice of appeal has been filed to 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 28th day of June, 2021.

READ a THIRD time and **PASSED** this 28th day of June, 2021.



Steve Pellegrini
Mayor



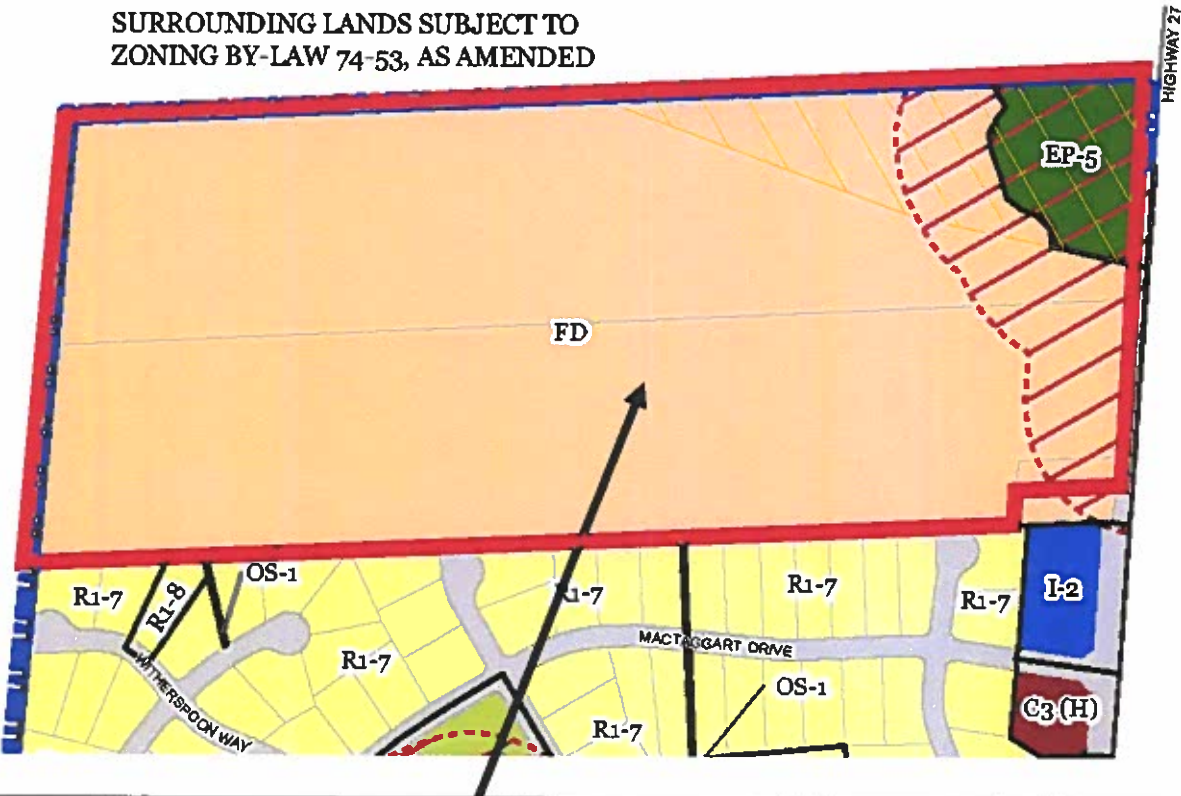
Kathryn Moyle
Director of Corporate Services
Township Clerk

THIS IS SCHEDULE "2" TO BY-LAW NO. 2021-036

PART OF THE EAST HALF OF LOT 9, CONCESSION 9

TOWNSHIP OF KING

REGIONAL MUNICIPALITY OF YORK



Future Development (FD) and Environmental Protection – Exception Section 9.5.4.5 (EP-5) Zones to:

- Residential – Single Detached “C” – Exception Section 6.5.4.3 – Holding (R1C-3 (H));
- Residential – Single Detached “C” – Exception Section 6.5.4.4 – Holding (R1C-4 (H));
- Residential – Single Detached “C” – Exception Section 6.5.4.5 – Holding (R1C-5 (H));
- Residential – Single Detached “C” – Exception Section 6.5.4.6 – Holding (R1C-6 (H));
- Residential – Single Detached “C” – Exception Section 6.5.4.7 – Holding (R1C-7 (H));
- Open Space – Exception Section 9.5.3.3 (OS - 3); and
- Environmental Protection (EP) Zones