

EXPLANATORY NOTE
TO ACCOMPANY BY-LAW NUMBER 2023-048

By-law Number 2023-048 is a By-law to amend Zoning By-law 2016-71, being a By-law for the Nobleton urban area. Specifically, the Amendments concern all pervious surface provisions for residential lots within the By-law.

By-law 2023-048 proposes to amend subsections of Parts 2, 3 and 6 of the Zoning By-law. In particular, within Part 2 of the By-law amendments are proposed to the definitions of “Patio” and “Pervious Surface” and a new definition for “Hard Landscaping” is proposed to be introduced. Subsection 3.24 “Patio” is proposed to be amended to include provisions for patios accessory to a residential use, and amendments are proposed to Tables 6.3a and 6.3b to delete the pervious surface provisions.

The Amendments also proposes a one year transition period to ensure that nothing in this By-law shall prevent the erection of a building or structure in accordance with a Minor Variance Application that has been submitted and deemed complete by the Municipality, or approved or conditionally approved, provided the application complies with all prior zoning by-laws that affected the lot before this By-law came into effect. The Amendments align with the proposed amendments to introduce soft and hard landscaping requirements, as well as a new Hard Landscaping Exemption Permit process to the Township’s Site Alteration By-law.



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 2016-71, 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

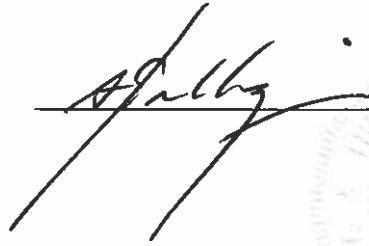
Where permitted by this By-law, a *patio* shall be in accordance with the following provisions:

- 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*."

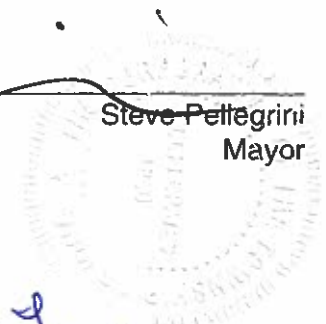

4. **THAT** Row #8 "Minimum *Pervious Surface* (as a percentage of the *lot*)" of "Table 6.3a – Lot and Building Requirements for the Residential Zones (Single Detached Dwellings)" of By-law 2016-71 shall be deleted for all zones.
5. **THAT** Row #9 "Minimum *Pervious Surface* (as a percentage of the *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 2016-71 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 2016-71 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. Growth Management Services Dept. – Planning Division and
Public Works Dept. – Development Division Joint
Report No.: JR-2023-002, Council May 15, 2023)*