



THE CORPORATION OF THE TOWNSHIP OF KING
REPORT TO COUNCIL
PUBLIC PLANNING MEETING

Monday, April 3, 2023

Growth Management Services Department - Planning Division
Report Number GMS-PL-2023-20
RE: Zoning Amendment Applications Z-2022-01 & Z-2022-02
Proposed Township Initiated Amendments to Residential Pervious Surface Requirements

RECOMMENDATION(S):

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

1. That Growth Management Services Report GMS-PL-2023-20 **BE RECEIVED** and referred back to Staff for a further recommendation Report to be presented to Council following receipt and completion of the Planning Division's review of all Agency, Department, Council, and public comments.

PROPERTY INFORMATION:

- The proposed Amendments impact all residential lots within the Villages of King City, Nobleton and Schomberg as identified in Appendix A.
- Lands within the Villages of King City, Nobleton and Schomberg that will be affected by the proposed Amendments are subject to By-law 2017-66 (Schomberg and King City Zoning By-Law), and By-law 2016-71 (Nobleton Zoning By-Law).

PROPOSAL:

Township Staff are proposing to amend Zoning By-laws 2017-66 and 2016-71 to revise and remove the provisions related to pervious surface requirements for low-density residential uses and recommend the incorporation of these provisions in the Township's Site Alteration By-law. The Amendments are proposed in response to feedback received regarding the need for approval of minor variances to obtain relief from the minimum pervious surface requirements of the Township's Urban Area Zoning By-laws. Staff received direction from Council to undertake the statutory Public Meeting for the proposed Amendments on February 27, 2023, resulting from Staff's Report to Council [JR-2023-01](#).

The proposed Amendments to relocate the pervious surface provisions into the Township's Site Alteration By-law will aid in streamlining the review of minor residential applications (i.e., additions, cabanas, sheds, etc.) by incorporating the review of proposed pervious area in the current site alteration and grading review process rather than requiring a separate Minor Variance Application. The incorporation of the provisions into the Site Alteration By-law would enable lot level reviews to occur that ensure that existing drainage and grading conditions are maintained through infiltration and ground water recharge and that there are no drainage or grading impacts to surrounding properties.

PUBLIC NOTICE:

The Application has been circulated in accordance with the requirements of the Planning Act. Notice of the Public Meeting has been published in the King Weekly Sentinel.

POLICY:

Provincial Plans

The Provincial Policy Statement, 2020 (PPS), provides policy on matters of provincial interest relating to land use planning and development. As detailed above, the proposed Amendments concern all lots zoned for residential uses within the Village boundaries of King City, Nobleton and Schomberg. The Villages of King City, Nobleton and Schomberg are considered Settlement Areas by the PPS. The PPS includes policies to sustain healthy, livable and safe communities including ensuring the wise use and management of resources. Accordingly, the PPS sets out policies that Planning authorities shall protect, improve or restore the quality and quantity of water including by planning for efficient and sustainable use of water resources through practices for water conservation and sustaining water quality. The proposed Amendments conform with the PPS by introducing standards to the Township's Site Alteration By-law that will aid in ensuring that existing drainage and water balance conditions are preserved and restored through infiltration and groundwater recharge.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) was prepared under the Places to Grow Act, 2005. A Place to Grow encourages growth while aiming to ensuring that growth is planned for and managed in an effective and sustainable manner.

The Villages are also considered Settlement Areas under the Greenbelt and Oak Ridges Moraine Conservation Plans. Under these Plans, Settlement Areas are encouraged to develop for a wide range of uses, while minimizing impacts on ecological functions and hydrological features. The proposed Amendments conform with the Greenbelt and Oak Ridges Moraine Conservation Plans by reducing impacts to hydrologic features through preserving or restoring the existing drainage and water balance conditions and by reducing runoff volume and flow rates.

The proposed Amendments are in conformity with the Provincial Policy Statement (2020), A Place to Grow (2020), the Greenbelt Plan (2017) and the Oak Ridges Moraine Conservation Plan (2017).

York Region Official Plan

The Region of York's Official Plan was approved by the Minister of Municipal Affairs and Housing on November 4th, 2022. The Villages are identified as Towns and Villages on Map 1 and are identified as Community and Employment Areas in Map 1A. Staff note that the proposed Amendments only concern the portions of the Villages identified as Community Areas on Map 1A.

Community Areas are identified as where residential, population-related employment and community services are directed to accommodate concentrations of existing and future population and employment growth. Growth within these areas is to be through a comprehensive integrated growth management process that provides for sustainable, complete communities including by adapting to the impacts of climate change on stormwater management by minimizing the disruption of natural drainage patterns and encouraging low impact development and green infrastructure. The proposed Amendments conform with the York Region Official Plan (2022) by promoting the utilization of low impact development measures and lot level systems that preserve and/or restore the existing drainage and water balance conditions.

Our King Official Plan

The Township's Our King Official Plan sets out a detailed vision for the Township's Villages and policies to ensure that the vision for the Villages is obtained. The majority of low-residential uses (single detached dwellings, semi detached dwellings and townhouse dwelling units) in the Villages are designated Established Neighbourhood or Neighbourhood. These designations include policies for the protection of the natural heritage system including natural heritage and natural hydrologic features, and policies to ensure that new development within these areas will not have negative impacts on surrounding properties, including related to grading and drainage. The proposed Amendments conform with the Township's Official Plan by ensuring that the Site Alteration By-law includes provisions that allows for the review of new buildings and structures, such as additions, decks, patios, pools and sheds, to ensure that there are no negative grading or drainage impacts to surrounding properties.

Zoning By-laws for the Schomberg and King City Urban Areas (2017-66) and Nobleton Urban Area (2016-71)

The proposed amendments to the Zoning By-law for the Urban Areas By-laws (By-laws 2017-66 and 2016-71) impact all residential zones in the By-laws. The residential zones are set out in Part 6 of both By-laws. The proposed amendments would remove all pervious surface provisions in Part 6 of both By-laws including the pervious surface provisions that were introduced to By-law 2017-66 through amending By-law 2020-043. Amendments are also proposed to several definitions in Part 2 of both By-laws to ensure consistency between the Zoning By-law and Site Alteration By-law, and amendments are also proposed to Section 3.24 "Patios" of the By-law to introduce setback provisions for patios accessory to a residential use to ensure that side yard and rear yard swales are maintained, and to ensure alignment between the Zoning By-law and the Site Alteration By-law. The draft Zoning By-laws that details the proposed Amendments are attached to this Report as Appendix B and C.

Site Alteration By-law

In 2019 and 2020 the Township undertook a review of lot coverage and pervious surface requirements for the urban areas, and amendments were made to the urban area Zoning By-Laws to revise lot coverage and pervious surface requirements. Through this process a review of the Township's storm water infrastructure capacity was completed to ensure that the existing systems could accommodate the proposed amount of impervious (hard landscaped) areas. The amendments that were made in 2019 and 2020 reflected both the review of the Township's infrastructure and a review of the existing lot fabric and built form within the Township's urban areas.

To continue to preserve the integrity of the Township's infrastructure, the proposed Site Alteration By-law amendments were drafted to be in alignment with the requirements of the Township's Urban Area By-laws (By-laws 2016-71 and 2017-66). However, the following changes are proposed to streamline the review, and to clarify surfaces that are considered pervious (soft landscaping):

- Pools are proposed to be considered a pervious surface;
- Artificial turf is proposed to be considered an impervious surface;
- The terminology for "pervious" and "impervious" are proposed to be revised to "soft landscaping" and "hard landscaping", respectively;
- Adding definitions for "Villages" and "Residential Lot"; and
- Identifying hard landscaping maximums for residential lots in the Villages as shown on Appendix A.

While pools do not permit infiltration, pools do have the capability to retain runoff and stormwater, and as such Staff have no concerns with classifying pools as an area of “soft landscaping”. Artificial turf is recognized as a hard landscaping area, however Staff may consider artificial turf to be a mitigation measure when reviewing for an increase in hard landscaping depending on the specifications of the product and a review of the storm water management considerations of the lot.

Further, as noted above, Staff are proposing that every residential lot within the Villages as identified in Appendix A would have a maximum percentage of hard landscaping. A maximum hard landscaping percentage of 60% is proposed where the residential lot contains a single or semi-detached dwelling, and a maximum hard landscaping percentage of 80% is proposed where the residential lot contains a townhouse dwelling unit.

The approach to hard landscaping percentages differs from the approach that was introduced through the amendments in 2020 for King City and Schomberg where specific percentages were developed based on built form and lot size for each zone. The proposed amendments to the Site Alteration By-law would introduce consistent rates across the Villages to ensure that the requirements are clear and to eliminate confusion. The proposed 60% hardscaping maximum for single and semi-detached dwellings, and 80% for townhouse dwellings, is generally consistent with the current requirements of the Zoning By-laws. Lots that exceed the maximum hard landscaping with approved Minor Variances from the Committee of Adjustment, or lots where the hard landscaping was installed in accordance with the Zoning By-law will be exempt from this requirement and will be considered to have grandfathered approvals.

To implement the proposed changes as outlined above, Staff are proposing the development of a Hard Landscaping Exemption Permit/Application Process that would replace the previous Minor Variance Application process. The Hard Landscaping Exemption Process could permit an increase in the maximum amount of hard landscaping based on the use of mitigation measures, such as, but not limited to, low impact development measures, or other on-site measures that promote the restoration of existing drainage and water balance conditions. The Exemption Permit Process would not require public notice and would not be tied to the Committee of Adjustment meeting schedule and therefore provides flexibility to process requests faster and in a more cost-effective manner benefitting both the applicant and the Township. The Exemption Permit Process is proposed to be structured as follows:

- The Director of Public Works, or their designate, be authorized and have delegated authority to permit an increase in Hard Landscaping based on the qualifiers identified above;
- That to consider an increase in hard landscaping, a Grading and Drainage Site Plan, and a Storm Water Evaluation shall be provided by the Applicant to support the use of mitigation measures.
- Required materials shall be required to be prepared and stamped by a Qualified Professional.
- An Application Form is completed and submitted.
- Applications can be, and are encouraged to be, submitted concurrently with a building and/or pool permit application.
- The proposed Application Fee is \$100.00 where the review is incorporated into the building and/or pool permit application.
- Standalone applications are proposed to have a fee of \$150.00, with a separate Inspection fee of \$425.00. The inspection fee is proposed at the same amount as the current Lot Grading Inspection Fee which is required as part of a Building Permit Application.
- The current Fees and Charges By-law already includes a Violation Fee of double the application fee.
- Public Works Staff will document which lots are permitted for an increase in hard landscaping in the Township’s internal development tracking system.

In addition to the above, other minor amendments are proposed to the Site Alteration By-law to increase clarity, and to align the By-law with the proposed amendments to the Township's Zoning By-laws:

- Clarification that repaving a driveway or parking lot with asphalt without changing the size and grading is not defined as "Aggregate", but installing new asphalt or expanding the size is.
- Adding patio pavers to the definition of "Clean Concrete and Brick"
- Introducing new definitions for "Artificial Turf", "Hard Landscaping", "Low Impact Development" and "Villages".
- Adding a requirement that no hard landscaping is to be installed within 0.6 m of a property line to preserve the drainage swales between each lot.

The draft By-law that details the proposed amendments to the Township's Site Alteration By-law is attached to this Report as Appendix D.

PLANNING AND LAND USE MATTERS UNDER REVIEW:

The proposed Amendment(s) are currently undergoing a detailed technical review. The primary planning and land use matters being confirmed include:

- Confirming that all necessary zoning provisions have been identified.
- Reviewing definitions between the Zoning By-laws and Site Alteration By-law for consistency.
- Developing the approval process for Hard Landscaping increases.
- Undertaking reviews to confirm which materials can be considered permeable and therefore not hard landscaping.
- Preparing training for Staff to explain the proposed changes.
- Preparing information for the Public to introduce and explain the proposed amendments and changes to Township processes.

NEXT STEPS:

Planning Staff will continue to work with Public Works - Development Services Staff to address feedback received through the public consultation process. Based on these comments, revisions may be required to the draft By-laws. A Staff Report to Council will be brought forward at a later date for the Township to make a decision on the Zoning By-law Amendment Applications.

APPENDICES:

- [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 - Final Draft Site Alteration By-law](#)

Prepared By:

Recommended By:

Aloma Dreher
Senior Planner - Policy

Stephen Naylor
Director of Growth Management Services

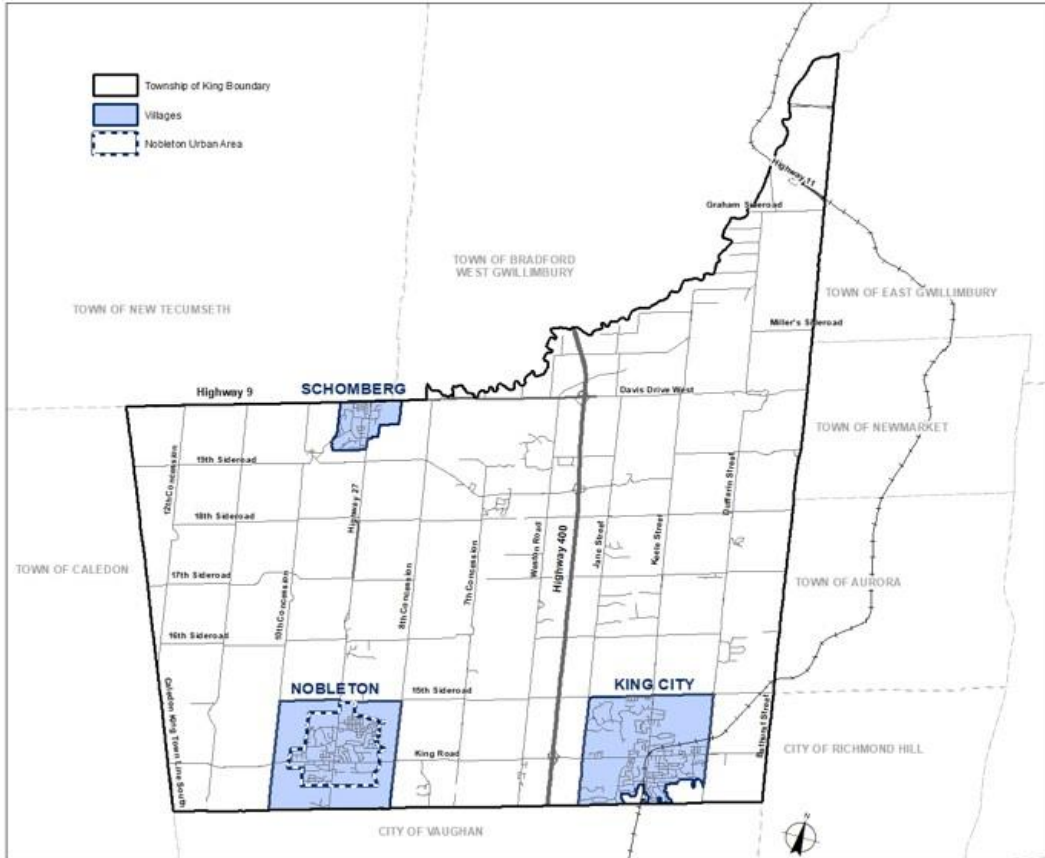
Prepared By:

Kristen Harrison
Manager of Policy Planning

Approved for Submission By:

Daniel Kostopoulos
Chief Administrative Officer

Appendix 'A'
Location Map





THE CORPORATION OF THE TOWNSHIP OF KING

BY-LAW NUMBER – 2023-0YY

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, 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** 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 XX day of April, 2023.

READ a THIRD time and **FINALLY PASSED** this XX day of April, 2023.

Steve Pellegrini
Mayor

Denny Timm
Township Clerk

(Ref. Growth Management Services Dept.
Report No.: GMS-PL-2023-20 C.O.W Apr 3, 2023)



THE CORPORATION OF THE TOWNSHIP OF KING

BY-LAW NUMBER – 2023-0XX

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, 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** 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 XX day of April, 2023.

READ a THIRD time and **FINALLY PASSED** this XX day of April, 2023.

Steve Pellegrini
Mayor

Denny Timm
Township Clerk

*(Ref. Growth Management Services Dept.
Report No.: GMS-PL-2023-20 C. O. W Apr 3, 2023)*



THE CORPORATION OF THE TOWNSHIP OF KING

BY-LAW NUMBER 2023-0XX

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 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, 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, provided that such lot has received approval of a Minor Variance from the Committee of Adjustment prior to the passing of By-law 2023-0XX.”

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 By-law 2023-0XX 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 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 by a Qualified Professional.

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 XX day of April, 2023.

READ a THIRD time and FINALLY PASSED this XX day of April, 2023.

Steve Pellegrini
Mayor

Denny Timm
Township Clerk

(Ref.: Growth Management Services
Report No.: GMS-PL-2023-20, C.O.W. April 3, 2023)