

King approves updated rural bylaw for first time in 40 years

By Mark PavilonsEditor

Setting the direction for King's rural countryside is now cast in stone. Council approved its long-awaited Zoning Bylaw for the Countryside Area, updating its current 48-year-old document. Covering 80% of the King's geographic area, the bylaw not only conforms to the OP, regional and provincial policies, it recognizes the importance of our agricultural and environmental lands. Stephen Naylor, King's director of growth management services, noted it's the culmination of two years of in-depth work by staff and consultants from WSP. "It's a bylaw we are all proud of," he said, adding these guiding principles are a result of a comprehensive consultation process that includes six open houses, workshops and literally thousands of website visits and downloads. New employment, commercial and institutional zones will be in place. The bylaw also broadens permission within the agricultural zone and introduces new on-farm diversified uses. WSP consultant Robert Rappolt noted the bylaw concentrates on hamlets, rural areas and agricultural areas of King and not the three main urban villages. Some key changes in the bylaw include "exception zones," new hamlet residential zones and expansion of non-agricultural uses. Other changes to the document include revised permitted uses within the GNH and HC zones; the establishment of a Rural Employment Greenbelt (RMG) zone to permit uses that were legally established prior to December 16, 2004, (or in accordance with the transition policies of the Greenbelt Act). The process, he said, garnered significant interest and participation from stakeholders. The Township's Official Plan includes Countryside Site Specific Policy Area 2 (CSSPA-2) which recognizes that the Highway 11 Corridor Area, while forming part of the Greenbelt Plan's Protected Countryside, includes historically established commercial and other uses. C-SSPA-2 provides direction to conduct a future lands use study for this corridor to provide further guidance on land use, development and potential expansions of existing uses. Funds to undertake the Highway 11 Corridor study have been approved in the Planning Division's Capital Budget and is scheduled to commence in 2023. The provisions for home industries have also been revised, and tied in with those of on-farm diversified uses to aid in clarity. Where a home industry comprises part of an on-farm diversified use, or is the on-farm diversified use, the maximum gross floor area for the home industry use shall be 100 square metres. This will generally be lower than the maximum permitted gross floor area for any other form of on-farm diversified use as home industries have a greater potential of creating negative impacts to neighboring properties, are generally more industrial in nature, and smaller scale uses are more appropriate in an agricultural context. Finally, provisions related to accessory uses have also been updated in the final draft, specifically in relation to shipping containers, and open storage. Some members of the public and local property owners addressed site-specific concerns and some other areas contained on the new bylaw. Angelo Santorelli, president of the King Chamber of Commerce, said some members are concerned that bylaw changes will negatively impact their current operations. Some don't conform to the new rules and staff said most will likely be non-conforming but permitted uses, although in some cases provisions will have to be made. Jay Willmot addressed the caps used for electricity generated from ground-mounted solar, noting it could hinder local sustainability. The new bylaw calls for a maximum generation of 10-kilowatts on prime agricultural land, but Willmot argued the thinking is out of date with current needs and trends. He pointed out that the advent of semitransparent bi-facial solar PV modules has added considerable new opportunity for "Agri-voltaic" mixed land use planning. These transparent solar modules create semi-shaded areas that remain available for crop cultivation underneath the racking and modules. He said provincial Renewable Energy Approval requirements already place a significant burden on farmers looking to build ground-mounted solar PV facilities, which already include considerable municipal and public consultation. So requiring either a minor variance or bylaw amendment will add to this burden and also tie up the Township's resources. "It is unlikely that the minor variance will be widely available to farmers looking to install solar PV facilities as in order to justify going through the REA process it is not feasible to build ground-mounted solar PV facilities that are only minor adjusted increases from 10kW installed. Rather, farmers are already faced with the need to build considerably larger systems to justify going through the REA, which means that in all likelihood, all applications to the Township in this regard will be for a more onerous bylaw amendment." He further stressed this runs contrary to the OP's intent to support diversified on-farm uses. Bruce Craig, on behalf of Concerned Citizens of King Township (CCKT), said they support any efforts which help address climate change and offer solutions. He also didn't see a need for a 10-kW cap, since solar is becoming more feasible and popular these days. CCKT supports the expansion of specific on-farm diversified uses and agricultural uses, including agri-tourism, which are designed to maintain the primary agricultural use while enhancing economic and

employment opportunities. Based on the information shared by Wilmott, CCKT would support a review of the 10-kW cap. In the future review of the Zoning By-law CCKT would like to see roof-mounted solar arrays and small to medium scaled wind generators considered and explored further as permitted uses in suitable zones within the agricultural and rural areas. Roof-mounted solar arrays are already in place presently within the Countryside area of King Township. Regarding hamlets, CCKT supports the approach taken to recognize the existing lot fabric of the different Township hamlets by including five different residential zones with related setbacks and other bylaw requirements. This respects and helps to sustain the unique character of each hamlet. CCKT supports a future process for the identification of suitable zones for short-term accommodation. There have been thoughtful requirements given to bed and breakfast establishments and to additional residential units in the Zoning Bylaw. Are there future opportunities to expand provisions for additional residential units in suitable identified zones within the hamlets and rural area in order to contribute to the Township's supply of diversified housing? Craig asked. CCKT is pleased and encouraged to note the change to Exception 243 where long term care home has been removed as a permitted use from this exception zone. In our view this brings the Marylake property into compliance with the vision and intent of the policies of the Oak Ridges Moraine Conservation Plan. CCKT commends King Township Planning Staff and the planning consultant in carrying out a robust process in the Rural Zoning Bylaw Review and for effectively updating this important document to align with the new King Township Official Plan, the Regional Official Plan and provincial policies. This process has included extensive public consultation and careful consideration of current directions in rural and environmental planning. Staff said the 10-kW cap was following provincial policy. Any proposals above 10-kW require provincial review and approval, so the bylaw is merely following suit. Councillor Debbie Schaefer said she didn't want to make it difficult for landowners to make investments in things like solar. She said it was odd to put a cap on it. Councillor Bill Cober also questioned the need for the cap in the bylaw, when provincial policy dictates a review anyway. He said it could be handcuffing the Township. Mayor Steve Pellegrini stressed overall, the bylaw helps encourage the prosperity within King Township. This bylaw is the final ingredient to the recently passed Official Plan. He also noted there is opportunity for review after the bylaw has been implemented.