

SECTION 8: IMPLEMENTATION

8.1 OVERVIEW

8.1.1 AUTHORIZATION

The Objectives and Policies of this Plan will be implemented by the authority given to Council under Part V of the Ontario Heritage Act. Pursuant to Subsection 41(1) of the Act, Council may, after receiving advice from the Municipal Heritage Committee, pass a by-law to designate all or part of the municipality as a Heritage Conservation District. Although there are no statutory requirements for performing a heritage district study or conducting public consultation, the Heritage Conservation District Guidelines published by the Ministry of Tourism, Culture & Recreation strongly advise that these steps be taken prior to passing a by-law. The City of Vaughan has taken both of these steps.

Upon passing a designating by-law, Council must serve notice of the passage of the by-law to each owner of property within the District and to the Ontario Heritage Foundation, and it must publish a like notice in a newspaper having general circulation in the municipality. Any person who objects to the by-law may appeal to the Ontario Municipal Board, by giving a notice of appeal to the municipal clerk, within 30 days after the publication of the by-law notice.

If a notice of appeal is given within the appeal period, the Ontario Municipal Board will consider the appeal. The Board may dismiss all or part an appeal, on various grounds spelled out in Section 41(8) of the Act, but ordinarily it will hold a hearing, open to the public, after giving such notice of the hearing as it may determine. After the hearing, the board will rule on the appeal. It may dismiss it, allow it in whole or in part, repeal the by-law, amend the by-law, or direct the municipality to repeal or amend the by-law.

If no notice of appeal is given to the clerk during the appeal period, the by-law comes into force on the day following the last day of the appeal period. If one or more notices of appeal were given to the clerk during the appeal period, the by-law comes into force when all such appeals have been withdrawn or dismissed or, if the by-law has been amended by either the Ontario Municipal Board, or by Council on an order by the Board, the by-law comes into force on the day it is amended.

8.1.2 ADMINISTRATION

Once the by-law comes into force, various administrative measures will be required for the successful implementation of the Kleinburg-Nashville Heritage District Plan:

- A permit application review process that is simple, efficient and fair.
- A review body that can provide advice to applicants and the City on proposed alterations, new construction and demolitions within the District.
- Readily available information and assistance to help applicants in preparing proposals and applications.
- Financial measures to assist the City and individuals in heritage conservation initiatives.
- Continuing public awareness activities to promote the District Concept, the Boundary, and the Policies and Guidelines of the District Plan.

8.2 PERMIT APPLICATION AND REVIEW

8.2.1 REQUIRED PERMITS

The designation of a Heritage District invokes Section 42 of the Heritage Act, which states:

. . . no person shall in the area defined in the by-law erect, demolish or remove any building or structure, or alter the external portions thereof, without a permit therefor issued by the council of the municipality. . .” In plain language, any exterior work by any person, including the municipality, in a Heritage District requires a Heritage Permit. Section 43 of the Act requires that permit applications include “information, drawings and other materials as may reasonably be required by the Council to fully consider the application.” Council must issue or refuse a permit. An applicant refused a permit may appeal to the Ontario Municipal Board.

STREAMLINING THE PROCESS

In order to streamline and simplify procedures for permit applications and their review, the permit requirements for work in the district have been divided into classes, corresponding to the scale of the work being proposed, and have been integrated into the permit process for building and development. The permit classes are:

- Heritage Permit, for minor work that does not require a building permit;
- Building Permit (Heritage), for work that requires a building permit;
- Site Plan Approval (Heritage), for work that requires planning approval.

There will be no fees charged for heritage permits. Fees for Building Permits (heritage) and Site Plan Approvals (heritage) will be the same for respective non-heritage applications.

In addition, Cultural Services will review applications for zoning amendments and applications to the Committee of Adjustment, for Minor Variances and Consents to Sever or Convey property in the District. These are not a heritage permit, but is a service to applicants, allowing them to be aware of heritage issues prior to making an application for a Building Permit (Heritage).

Refer to Section 8.7 for checklists for applications in the various classes.

Note: It is recommended that a new form be developed for Heritage Permits. For Building Permits (Heritage), a check box for heritage can be added to the existing building permit form.

In addition, Council delegates authority for review and approval of smaller scale non-controversial Heritage Permits to City staff and/or Heritage Vaughan. Such delegated reviews and approvals are to be reported to Council. If outstanding issues in an application cannot be resolved, Council will review the application, inviting deputations from the applicant, prior to its decision.

These arrangements should minimize the time required for issuing heritage permits. Applications for building permits or Site Plan Review will be circulated for heritage review, in the same way they are already circulated for planning, zoning, and other approvals. In most cases, when Policies and Guidelines of the Heritage Plan are followed, there will be little or no delay.

PRE-REVIEW

To speed and simplify the permit process for all scales of work, applicants should become aware of the requirements for the work they propose to undertake. Building Department staff can give advice on the type of permit required, and provide guidance on interpreting Heritage Policies and Guidelines. Additional advice can be obtained from Heritage Vaughan, which may also be able to assist in historical and technical research. The Urban Design Department has a small library of helpful books. Very good internet resources, for work on heritage buildings are listed Section 9.3.2.

Note: It is recommended that Heritage Vaughan strike a Heritage District Committee, composed of members who can make themselves available for consultation by applicants. The City may engage a heritage consultant to provide advice to both the City and the applicant at the pre-review stage. This may be appropriate for larger developments.

HERITAGE PERMITS

This class of permit is required for minor work in the District that doesn't require a building permit. Some examples of work that require a Heritage Permit are listed below:

Maintenance work that affects the exterior of a building, such as painting, cleaning, masonry repair and repointing, renewal of flashings.

Repair or restoration work that affects the exterior of a building and the streetscape, such as repairs or restoration to windows, doors, masonry, siding and cladding, wood porches, trim and decoration, shopfronts and signage, and fencing.

Installation of modern equipment visible from the exterior of a building, such as exterior lighting fixtures, mechanical equipment, satellite dishes, electrical and other service masts, equipment and meters.

Installation of minor shopfront elements, signage, or awnings.

Installations in the street allowance, including street and sidewalk lighting, street furniture, public information signage, planting, and above-ground public works.

Council and Heritage Vaughan have delegated the approval of minor non-controversial Heritage Permits to City Staff. The ordinary process for Heritage Permits is outlined below:

Applicant	Confirms with Building Department Staff that a building permit is not required for the work. Arranges for a Pre-review discussion with Cultural Services Staff. Completes application form, describing the work to be performed. See Application Checklist in Section 8.7.1, below.
Cultural Services	Reviews application, and grants it if non-controversial, or forwards to Heritage Vaughan for further review. Provides Heritage Vaughan with regular summaries of its actions on all applications.
Heritage Vaughan	Reviews forwarded applications and either approves permit or refuses permit with comments. Informs Council, in its regular minutes, of Cultural Services and Heritage Vaughan actions on all applications, and forwards application and report to Council if outstanding issues cannot be resolved.

BUILDING PERMITS (HERITAGE)

This class of permit is required for work in the District that requires a building permit. It takes the form of a standard building permit, but is subject to review for compliance with Heritage Policies and Guidelines. The permit, when granted, is considered to be a Heritage Permit pursuant to the Ontario Heritage Act. Some examples of work that require a Building Permit (Heritage) are listed below:

Restoration or renovation work to the exterior of a building that is of such a scale or type that it requires a building permit under the Ontario Building Code. This includes any work that involves structural alteration, change of use, or change in structural or occupancy loads.

New construction, including buildings, additions, porches, dormers. New construction may also require Site Plan Approval.

Demolition or removal of a building or part of a building.

Council has delegated approval of non-controversial Building Permits (Heritage) to Heritage Vaughan and City Staff. The ordinary process for Building Permits (Heritage) is outlined below:

Applicant	<p>Confirms with Building Department Staff that a building permit is required. Building Department will verify whether or not Site Plan Approval is required.</p> <p>Arranges for a Pre-review discussion with Cultural Services Staff.</p> <p>Completes application form, describing the work to be performed. All Building Permit applications in the District will be forwarded to Cultural Services.</p> <p>See Application Checklist in Section 8.7.2, below.</p>
Heritage Vaughan	<p>Reviews heritage aspects of application, in parallel with normal Building Department review.</p> <p>Grants heritage permit if non-controversial, or forwards to Heritage Vaughan for further review.</p> <p>Provides Heritage Vaughan with regular summaries of its actions on all applications.</p>
Heritage Vaughan	<p>Reviews forwarded applications and either approves permit or refuses permit with comments.</p> <p>Informs Council, in its regular minutes, of Staff and Heritage Vaughan actions on all applications, and forwards application and reports to Council if outstanding issues cannot be resolved.</p>

SITE PLAN APPROVAL (HERITAGE)

This approval is required, in addition to a Building Permit (Heritage) for work in the District that requires Site Plan Approval. Generally, this will apply to new development, and significant additions or alterations. Planning Staff can advise applicants when this approval is required. Requirements are similar to ordinary Site Plan Approval, and include detailed building plans and elevations, site plan, and landscape plan. Larger developments may require other supporting documents such as traffic impact studies, storm water management plans and so on. The application is handled like an ordinary Site Plan Approval, with the addition of a heritage review. City Staff has discretion to apply a simplified form of review for smaller projects. Site Plan Approvals are always sent to Council for final decision.

The ordinary process for Site Plan Approvals (Heritage) is outlined below:

Applicant	Confirms with Planning Department Staff that Site Plan Approval is required. Arranges for a Pre-review discussion with Cultural Services Staff. Applies for Site Plan Approval, describing the work to be performed. All Site Plan Approval applications in the District will be forwarded to Cultural Services. See Application Checklist in Section 8.7.3, below.
Cultural Services	Reviews application, and grants it if non-controversial, or forwards to Heritage Vaughan for further review. Provides Heritage Vaughan with regular summaries of its actions on all applications.
Heritage Vaughan	Reviews forwarded applications and either approves heritage permit, with or without conditions, or refuses permit with comments. Forwards decisions, actions, and comments of Cultural Services Staff and/or Heritage Vaughn to Planning Department for inclusion in its report to Council on the application.
Council	Acts on Development Review on the basis of the Planning Department Report.

REVIEW OF ZONING AMENDMENT AND COMMITTEE OF ADJUSTMENT APPLICATIONS

Zoning Amendment and Committee of Adjustment applications do not deal with buildings or structures, per se, but with Zoning By-law issues, under the Planning Act. As such, they don't require the attachment of a Heritage Permit. However, they are steps on the way to future construction. It's obviously inefficient, for both applicants and the Committee, to deal with a proposal that will run afoul of District Policies and Guidelines when it subsequently moves to the Building Permit stage. For example, later revision of plans to comply with the District Plan might call for other Variances than those originally applied for.

For these reason, applications for Zoning Amendments, and Minor Variances and Consents to Sever or Convey at the Committee of Adjustment will be reviewed for compliance with the District Plan. Formally, these are comments to Council of the Committee of Adjustment. Pre-review discussions with Cultural Services Staff, described above for the various classes of Heritage Permits, are also a part of the application process for these applications. This allows applicants to be aware of heritage concerns, at the earliest possible stage of a project.

The ordinary process for this review is outlined below:

Applicant	Arranges for a Pre-review discussion with Cultural Services Staff. Completes standard application forms for permissions sought. All applications in the District will be circulated to Cultural Services.
Cultural Services	Reviews heritage aspects of application, and comments to Council or Committee of Adjustment.

8.2.2 RESOLVING ISSUES AND APPEALS

The phrase "if outstanding issues cannot be resolved" appears in each of the heritage review processes listed above. The City is committed to making all reasonable efforts to resolve issues arising in the permit process, consistent with heritage policies and guidelines. And it is further committed to providing historical and technical assistance to applicants in preparing applications that will meet the requirements of the District Plan. Good faith on the part of applicants and reviewers should result in a resolution process that is conversational rather than confrontational.

Note: It is recommended that Heritage Vaughan's Heritage District Committee, mentioned above, be prepared to hold on-site discussions with applicants regarding design and details. The inspection of physical conditions is extremely valuable in assessing what level of restoration should be reasonably expected, and to what extent the work will affect the heritage character of the streetscape. The City may engage a heritage consultant to provide assistance in resolving issues.

If issues remain unresolved and are forwarded for action by Council, deputations from the applicant and his representatives will be invited before a Council decision is taken. Council may also request testimony from City Staff or Heritage Vaughan, in addition to the reports which it will have received on the matter, as outlined above.

If Council decides to deny an application for a permit under the Heritage Act, the applicant may make a final appeal to the Ontario Municipal Board, as described in Section 44 of the Ontario Heritage Act. The Board has the authority to deny the appeal, or to grant it, with or without such conditions and terms as the Board may direct.

8.3 PLAN RENEWAL

The Kleinburg-Nashville Heritage District Plan refers to the past, but it is a plan for the future. The Plan recognizes that, while the future may to some extent be foreseen, it cannot be foretold, and that plans require ongoing review to meet changing conditions. The long-term success of the Heritage District depends on 'keeping it fresh'.

8.3.1 REVIEWING BODIES

Section 8.2, above, provides for a role in the review of Heritage Permit applications by the Cultural Services Department and Heritage Vaughan. In addition, depending on the scale and scope of proposed work, both bodies may be delegated powers of approval of applications. It is important that these bodies thoroughly understand Part V of the Heritage Act, and the Policies and Guidelines in this Plan, and that everyone involved works from the basis of the same understanding.

It is recommended that the City organize an orientation session for members of the reviewing bodies, to review the Act and this Study and Plan in proper detail. It is also recommended that similar sessions be held again, when the personnel turn-over of a reviewing body reaches 50%, and after any substantial amendments to the Plan, as described in 8.3.3, below.

8.3.2 ANNUAL REVIEW

The District Plan should be reviewed annually by City Staff in consultation with Heritage Vaughan, to ensure that the Boundary, Policies, Guidelines and administrative methods remain effective and suitable for changing conditions.

8.3.3 AMENDMENTS

Policies and Guidelines in the District Plan may be amended by by-law, after consultation, circulation to potentially affected parties, and public notice. Minor administrative and technical amendments may be implemented by resolution of Council. Changes to the Boundary require approval of the Ontario Municipal Board.

8.4 ENFORCEMENT

The City will enforce the requirements of the District Plan using the regulatory provisions of the Ontario Heritage Act, the Planning Act, the Building Code Act, and the Municipal Act.

8.5 PUBLIC AWARENESS

Vaughan's Official Plan recognizes the importance of the preservation of heritage character in the Kleinburg-Nashville Community. A successful Heritage District requires public awareness and participation, and a variety of steps should or might be taken to ensure the ongoing effectiveness of the District Plan. Among these are the following:

- All City staff whose work could potentially impact on the District should be informed of the Boundary, Policies, and Guidelines for the District. This should include not only departments that administer the District or do physical work in it, but also departments that are involved in promotion of the City, planning for special events, and so on.
- All property owners and tenants in the District should receive notice of the District designation, and be given the opportunity to review or purchase copies of the District

Study and Plan. The requirements for heritage permits should be explained in the notice.

- All local real estate offices should be sent a similar notice, with a request to indicate the heritage status of properties in the District that are offered for sale or lease.
- Heritage Vaughan should consider putting notices on vacant premises so that prospective tenants will be aware of existence of the District, and the need to inquire about requirements for any work on the premises.
- Copies of the Plan and Study should be sent to Heritage Vaughan, the B.I.A., the Historical Society, Klein House, and other groups interested in heritage and town planning.
- Copies of the Plan and Study should be placed in the Kleinburg Library, for public reference, and should be offered for sale to the public.
- Consideration should be given to physical demarcation of the District with Public Works. Street signs in the District might include a "Heritage District" tag. "Gateway" devices might reinforce the identity of the District.
- A system for marking heritage buildings should be instituted. The existing heritage plaque program for Part IV designations should be continued. Incised or engraved pavers in the sidewalk would be a simple and inexpensive way to mark other heritage buildings in the District, without involving private property.
- Ongoing public awareness of the District will be reinforced if local promotion and special events publicity makes mention of the heritage character of Kleinburg-Nashville, and the existence of a Heritage District. An annual or semi-annual Heritage District newsletter, inserted in the local newspaper, might also be a cost-effective way to boost heritage awareness in the City.

8.6 ADDITIONAL POLICIES

To the extent that "Additional Measures" are adopted, such as those outlined in Section 7.3, relevant policies should be added to the plan, and the promotion of those policies should be added to public awareness efforts.

8.7 APPLICATION CHECKLISTS

The following checklists are provided to assist applicants in obtaining permits, and to assist staff in conducting pre-review and evaluating the applications.

8.7.1 HERITAGE PERMIT CHECKLIST

For minor work, not ordinarily requiring a Building Permit:

- Inspect the property description in the Inventory, Volume 2. Make note of any comments that indicate needed maintenance and repair. Proper maintenance and repair is the primary means of protecting the heritage character of the District. Applicants are strongly encouraged to include necessary maintenance tasks at the first opportunity.
- If the building is part of a "block" of similar or identical properties originally built as a unit, show a colour photograph of the existing condition. Applicants are encouraged to undertake work on such buildings in a way that enhances the unity of the block.
- Show results of any historical research. For example: provide a chip of original paint, if possible, when repainting; or provide copies of historic drawings or photographs when replacing or restoring elements such as windows, signs and awnings.
- Read and understand any required technical material. For example: take a photocopy of the relevant Preservation Brief document in appendix A.
- Read and understand the relevant Policies (Section 6) and Guidelines (Section 9) in this Plan.
- In the case of more substantial work under a Heritage Permit, provide drawings that demonstrate compliance with the Policies and Guidelines of this plan, and with other by-laws, such as the Sign By-Law. For sign and storefront work provide elevations at a minimum scale of 1:25, and details and profiles at a suitable large scale.

8.7.2 BUILDING PERMIT (HERITAGE) CHECKLIST

For additions, renovation and restoration:

- Inspect the property description in the Inventory, Volume 2. Make note of any comments that indicate needed maintenance and repair. Proper maintenance and repair are the primary means of protecting the heritage character of the District. Applicants are strongly encouraged to include necessary maintenance tasks at the first opportunity. Also make note of comments that indicate steps that could be taken to restore heritage features, or to remove unsympathetic later work.
- If the building is part of a Block of similar or identical properties originally built as a unit, show a colour photograph of the existing condition. Applicants are encouraged to undertake work on such buildings in a way that enhances the unity of the block.
- Show results of any historical research. For example: provide copies of historic drawings or photographs, or show results of investigation of conditions underlying unsympathetic later work.
- Read and understand any required technical material. For example, take a photocopy of the relevant Preservation Brief document in appendix A.

For new construction, additions, renovation and restoration:

- Read and understand the relevant Policies (Section 6) and Guidelines (Section 9) in this Plan.
- Provide all documents ordinarily required for a Building Permit. These should include, as applicable for the scale of the work: outline specifications, and drawing notes, of all materials visible from the exterior; elevations of all sides at a minimum scale of 1:50; elevations of storefronts at a minimum scale of 1:25; details and profiles, at a suitable scale, of cornices, signage and storefront elements, railings, trim, soffits and fascias, fences; an eye-level perspective, including adjacent buildings, for corner properties or free-standing buildings; a site plan showing building location, fencing, and planting. Elevations and perspectives should be "rendered" so that coursing, projecting elements, textures and fancy work are truly represented. Vertical dimensions should refer to those of adjacent buildings for alignment of horizontal elements. For new construction, copies of approved drawings from Site Plan Approval (Heritage) should be included.

8.7.3 SITE PLAN REVIEW (HERITAGE) CHECKLIST

For new construction:

- Read and understand the relevant Policies (Section 6) and Guidelines (Section 9) in this Plan.
- Provide all documents ordinarily required for a Site Plan Approval. These should include: Site plan, at a scale suitable to the size of the property, showing location of the building(s) and buildings on adjacent properties, fencing, planting, sidewalk and driveway paving, and porches, decks and other exterior elements; elevations of all sides, at a scale suitable to the size of the project, and including adjacent properties; an eye-level perspective, including adjacent buildings, for corner properties or free-standing buildings; outline specifications and drawing notes should indicate all materials visible from the exterior. Elevations and perspectives should be “rendered” so that coursing, projecting elements, textures and fancy work are truly represented.
- Provide photographs of adjacent buildings for comparison with elevations and perspectives. The use of photographs of nearby heritage buildings of a similar type, to demonstrate the architectural sympathy of the proposed building, is encouraged.