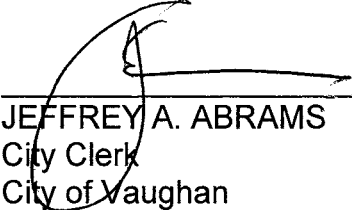


I, JEFFREY A. ABRAMS, City Clerk of the Corporation of the City of Vaughan, in the Regional Municipality of York, do hereby certify that attached is a true copy of Amendment Number 633 to the Official Plan of the Vaughan Planning Area, which was approved, in part and modified by the Ontario Municipal Board, as per Board Order Issue, dated October 5, 2009.



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JEFFREY A. ABRAMS  
City Clerk  
City of Vaughan

DATED at the City of Vaughan  
this 4th day of November, 2009.

ISSUE DATE:

Oct. 05, 2009



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

RECEIVED

OCT 06 2009

PL060606

CITY OF VAUGHAN  
CLERKS DEPARTMENT

IN THE MATTER OF subsection 17(36) of the *Planning Act*, R.S.O. 1990, C. P. 13, as amended

Appellant: 10360 Islington Avenue Inc.  
Appellant: Gioseffina (Josie) Greco-Alviani & Fabio Alviani  
Subject: Proposed Official Plan Amendment No. 633  
Municipality: City of Vaughan  
OMB Case No. PL060606  
OMB File No. O070059

IN THE MATTER OF subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: Frank Greco  
Appellant: Elisa Vallescura  
Subject: By-law No. 167-2006  
Municipality: City of Vaughan  
OMB Case No. PL060606  
OMB File No. R060141

IN THE MATTER OF subsection 42(6) of the *Ontario Heritage Act*, R.S.O. 1990, c. O. 18, as amended

Appellant: 10360 Islington Avenue Inc. and J & F Alviani  
Subject: Appeal of the Decision of Council on an application to permit the erection of a building on properties 10360 and 10384 Islington Avenue located within the Kleinburg-Nashville Heritage Conservation District  
Property Address: 10360 & 10384 Islington Avenue  
Municipality: City of Vaughan  
OMB Case No. MM080059  
OMB File No. MM080059

IN THE MATTER OF subsection 42(6) of the *Ontario Heritage Act*, R.S.O. 1990, c. O. 18, as amended

Appellant: 10360 Islington Avenue Inc. and J & F Alviani  
Subject: Appeal of the Decision of Council on an application to permit the erection of a building on properties 10360 and 10384 Islington Avenue located within the Kleinburg-Nashville Heritage Conservation District, which revises the heritage permit application under OMB Case & File No. MM080059  
Property Address: 10360 & 10384 Islington Avenue  
Municipality: City of Vaughan  
OMB Case No. MM090007  
OMB File No. MM090007

10360 Islington Avenue Inc. has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the City of Vaughan to include policies to permit a range of uses consisting of Institutional (including private school and daycare centre, retirement residence), Museum, Community Facility, Mainstreet Commercial & Residential uses, Multi-unit Residential Condominium within the existing heritage structure (Martin Smith House), as well as a range of uses consisting of a new multi-unit building ranging in height from 2-5 storeys for the purpose of either a residential condominium or a retirement residence, Institutional uses (including private school & daycare centre) & Mainstreet Commercial uses on lands located on the west side of Islington Avenue, south of Nashville Road, municipally known as 10360 & 10384 Islington Avenue in the Village of Kleinburg, City of Vaughan, designated as "Kleinburg Core" by Official Plan Amendment No. 601, as amended by Official Plan Amendment No. 633

Approval Authority File No. OP.07.004

OMB Case No. PL080178

OMB File No. PL080178

10360 Islington Avenue Inc. has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law No. 1-88, as amended, of the City of Vaughan to rezone lands municipally known as 10360 & 10384 Islington Avenue in the Village of Kleinburg, City of Vaughan, from "R1 Residential Zone" and "RM2 Multiple Residential Zone" to "OS1 Open Space Conservation Zone" and "RM2 Multiple Residential Zone", with the addition of Exceptions for the minimum lot area per unit requirement, parking requirements, parking and access requirements, permitted uses, maximum building height, setbacks, the amount of landscaped area and the landscaping strip requirements to permit a range of uses consisting of Institutional (including private school and daycare centre, retirement residence), Museum, Community Facility, Mainstreet Commercial & Residential uses, Multi-unit Residential Condominium within the existing heritage structure (Martin Smith House), as well as a range of uses consisting of a new multi-unit building ranging in height from 2-5 storeys for the purpose of either a residential condominium or a retirement residence, Institutional uses (including private school & daycare centre) & Mainstreet Commercial uses

Approval Authority File No. Z.07.031

OMB Case No. PL080179

OMB File No. PL080179

#### **APPEARANCES:**

**Parties**

City of Vaughan

**Counsel\*/Agent**

L. Townsend\* and C. Storto\*

10360 Islington Avenue Inc., Gioseffina  
Greco-Alviani, Fabio Alviani and Frank  
Greco

M. Flynn-Guglietti\*

Daniel Rea

I. Kagan\*

Toronto and Region Conservation Authority

J. Wigley\*

**MEMORANDUM OF ORAL DECISION DELIVERED BY D. R. GRANGER  
ON SEPTEMBER 23, 2009 AND PARTIAL ORDER OF THE BOARD**

This is a hearing of the appeals by Gioseffina Greco-Alviani, Fabio Alviani and Frank Greco, all now associated with 10360 Islington Avenue Inc., (Appellants), against City of Vaughan (City) Official Plan Amendment No. 633 (OPA 633) and By-law 167-2006 enacted for the Kleinburg Community Secondary Planning area and from the City Council's refusal to approve applications for an amendment to the City Official Plan, Zoning By-law I-88 (By-law) and to permit an alteration to property in the Kleinburg-Nashville Heritage Conservation District Plan to facilitate the development of a residential/institutional complex (Proposal) at 10360 and 10384 Islington Avenue (Subject Property).

This hearing was originally scheduled to commence on August 31, 2009. The parties, however, agreed to engage in a Board, otherwise constituted, mediation at that time.

At the commencement of the hearing on September 15, 2009, the Board was informed that following two weeks of intensive efforts to resolve the dispute, a Settlement in Principle had been reached between the parties. The settlement results in a considerably smaller proposal.

The Settlement in Principle was scheduled to go before City Council on September 21, 2009 in the form of Minutes of Settlement, a Heritage Easement Agreement and the final forms of the Official Plan and Zoning By-law amendments.

The parties consented to the Board adjourning to reconvene on Wednesday September 23, 2009 to hear evidence of the settlement. All parties and participants were to be able to review the proposal that results from the Settlement in Principle in the interim.

Participants York Region District School Board (YRDSB), Kleinburg Area Ratepayers Association (KARA), John McMahon and Sandra DeZen were in attendance at the September 15, 2009 commencement of the hearing. Participants Richard Lorello, Jory Kesten and Nadia Lazzarino were not in attendance but the Board was informed by Counsel of their desire to continue to be listed as participants.

Participants originally listed, Tony Spina and Denis Nazzicone, have provided no indication of their continued status, have not filed Participant Statements nor have attended at the commencement of the hearing having being so notified. The Board removes their status as participants.

Upon reconvening on September 23, 2009, the Board was informed that a settlement had been reached with the City, Toronto and Region Conservation Authority (TRCA) and the Appellants. Counsel for the only other party, Daniel Rea owner of an abutting single family home to the south of the Subject Property, confirmed that he was not opposing the settlement.

As a result of the settlement, Counsel for the Appellants confirmed its withdrawal of its appeal against By-law 167-2006. There being no objection, the Board accepts the withdrawal of the appeal. The Board's file is now closed in that regard. By-law 167-2006 is in effect.

Participants KARA and Nadia Lazzarino attended on September 23, 2009 and presented evidence in opposition to the settlement. KARA expressed concerns including the loss of trees and the addition of another building on the property associated with the historic Martin Smith House. It believes that the scale of the proposal is still not consistent with the village of Kleinburg and that the Martin Smith House should remain as a single family home. Ms Lazzarino expressed her and her neighbours' concerns including the separation between the proposal and residential properties to the immediate south of the Subject Property, appropriate landscaping and

buffering, vehicular access and the garbage collection location. She believed the proposed coverage on the Subject Property to be excessive.

Participant YRDSB attended on September 23, 2009 and confirmed its satisfaction with the settlement.

Participants Sandra DeZen and Jory Kesten attended on September 23, 2009 and presented evidence in support of the settlement. Ms DeZen set out the expense and some frustration involved in trying to maintain heritage properties and the need to support business initiatives such as the Proposal in that regard. Mr. Kesten set out what he believed to be the need for alternative forms of housing, such as the Proposal, that would allow older residents with larger homes to be able to scale down and remain living in the community.

L. Jones, on behalf of the Appellants, provided expert land use planning evidence and opinion in support of the settlement that results in a site specific Official Plan Amendment No. 703 (OPA 703), presented as Exhibit No. 4, and a site specific By-law amendment, presented as Exhibit No. 5.

D. Birchall, on behalf of the City, provided expert land use planning and urban design policy evidence and opinion in support of the settlement including OPA 703, the proposed By-law amendment and a further modified OPA 633, presented as Exhibit No. 7.

No other expert land use planning evidence or opinion was proffered.

With respect to the appeals pursuant to the *Ontario Heritage Act*, the parties have requested that the Board withhold any Order pending completion and approval of the required site plan and agreement. They submit that a permit should only issue pursuant to subsection 42 (8) of the *Ontario Heritage Act* based on the development proceeding substantially in accordance with the Proposal as now settled and set out in Exhibit No. 3 subject to the satisfactory completion of the site plan approval process.

With respect to the other planning instruments, the parties seek the approval of OPA 703, acknowledged to be a Subject Property site-specific amendment to the applicable Official Plan Amendment No. 601 (OPA 601) being the Kleinburg-Nashville

Community Plan; the proposed site-specific By-law amendment; and, a modified OPA 633 being an amendment to OPA 601 that incorporates policies based upon the findings presented in the Kleinburg-Nashville Heritage Conservation District Study and Plan and to include policies recommended in the Kleinburg Core Area Policy Review with specific regard to more clearly defining "mainstreet commercial area."

Having considered all of the evidence presented, including the evidence of two qualified expert land use planners who were not contradicted, the Board finds that OPA 703, the proposed amendment to By-law I-88 and OPA 633, as further modified, are consistent with the Provincial Policy Statement (PPS), conform to the Growth Plan for the Greater Golden Horseshoe (GP), conform to the Region of York Official Plan (ROP) and the City Official Plan (OP). The Board finds that these instruments are appropriate, represent good planning and to be in the overall public interest of the community.

~~The reasons follow.~~

The Board puts great weight on the fact that the Proposal set out in Exhibit No. 3 results from a settlement between the landowner, the City and the TRCA with the only other party, Daniel Rae, not opposing and providing no evidence at this hearing.

The Proposal now permits a multi-unit residential development with a maximum of 52 units and a maximum gross floor area of 4416 square metres or an apartment dwelling with a maximum of 80 residential suites (retirement home) and a maximum gross floor area of 4416 square metres and the use of the existing heritage structure (Martin Smith House 260.13 square metres) as amenity area. Building heights will transition from a two-storey façade facing Islington Avenue to three-storeys backing onto the Humber River valley. The site will be subject to a holding provision in the proposed By-law amendment related to servicing. A portion of the site related to the Humber River valley will be dedicated to the TRCA, including a 7.5-metre strip along and above the top-of-bank. No development, other than appropriate landscaping will occur within 10 metres of the top-of-bank.

The City carries the responsibility and has the jurisdiction to identify and protect, through the *Ontario Heritage Act* designation, properties of significant heritage importance as well as setting out through the *Planning Act*, land use designations

needed to satisfy matters of Provincial interest, in this case, development in the form of housing, natural heritage protection and cultural heritage protection.

Section 4.5 of the PPS sets out that the Official Plan is the most important vehicle for implementation of the PPS. Today, two well-qualified expert land use planners have unequivocally provided evidence and expressed their opinions that the Proposal, and resulting planning instruments noted previously, as settled between the parties, conform to the applicable Official Plans, including the applicable OPA 601, as well as conforming to and being consistent with the broader Provincial development, natural heritage and cultural heritage policies of the GP and of the PPS respectively. The evidence and opinions of these land use planners were not contradicted.

Four participants have come forward to have their evidence tested at this hearing. Two in favour of the proposal and two opposed.

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KARA has been helpful in understanding the character of the village area of Kleinburg and its importance to the community. KARA has a long history of involvement in the planning process and through such experience has come to be wary of commitments made regarding proposed development. In this case, based on the evidence and submissions made, the Board is satisfied that the settlement has addressed protections to a level of detail that will ensure commitments being fulfilled. The evidence is clear. What is now proposed affords much more protection of the public interest over what presently is permitted as-of-right and over what is already approved and registered on the southern portion of the Subject Property. These protections include the preservation, restoration and ongoing maintenance of an existing designated heritage building; the rehabilitation and dedication to the TRCA of a significant area of Humber River valley land; and, the development of a relatively small scale low-rise condominium apartment or retirement unit complex. This is a proposal that has now been endorsed by the City Council and one that presents a form of housing that may afford a greater choice for older residents in the community being able to stay in the community.

Many of the concerns expressed by the participants in opposition to the Proposal are matters to be considered and resolved through the site planning approval process. The City confirmed it a normal practice to consider input from area residents prior to



final site plan approval and in this case assured that KARA and Ms Lazzarino would be afforded that opportunity.


The land use planner for the Appellant confirmed her opinion in support of the Proposal relying on several professional reports submitted with the application including a Heritage Impact Assessment, Functional Servicing Study, Traffic Analysis, Geotechnical Study, Scoped Environmental Study and Archaeological Study. None of these studies were called into question by any other evidence presented. She confirmed her opinion that in light of the extensive study undertaken, the Proposal represents good planning and recommended approval.

The land use planner for the City confirmed that an extensive open, public process preceded the adoption of OPA 633 including the Kleinburg Core Area Study undertaken by Ted Davidson (Consultants) Inc. With respect to the site-specific ~~planning instruments, she relied upon~~ the evidence of the land use planner for the Appellant and supported the settlement achieved.

The Board has carefully considered all of the evidence presented. The evidence of the two land use planners was not contradicted nor put into question as a result of the evidence presented by those participants opposed to the Proposal. Their evidence was succinct and carefully addressed the applicable policies as required by Provincial, Regional and City planning instruments. The Board adopts and relies on that evidence.

In conclusion, with respect to the appeal from the City's refusal to enact a proposed amendment to the City OP, on consent of the parties, the Board **Orders** that the appeal is allowed and the City of Vaughan Official Plan (specifically Official Plan Amendment No. 601) is amended as now set out in Official Plan Amendment No. 703 presented as Exhibit No. 4.

With respect to the appeal from the City's refusal to enact an amendment to By-law I-88, on consent of the parties, the Board **Orders** that the appeal is allowed and By-law I-88 is amended in the form of Exhibit No. 5. The municipal clerk is authorized to assign a number to this by-law for record keeping purposes.



With respect to the appeal against Official Plan Amendment No. 633, on consent of the parties, the Board **Orders** that the appeal is allowed, in part, and Official Plan Amendment No. 633 is modified as set out in Exhibit No. 7 and as modified is approved. In all other respects, the appeal against Official Plan Amendment No. 633 is dismissed.

As noted previously, the appeal against By-law 167-2006 is withdrawn. By-law 167-2006 is in effect.

With respect to the appeals pursuant to subsection 42 (6) of the *Ontario Heritage Act*, on consent of the parties, the appeals are allowed and a permit will be issued subject to the development occurring substantially in the form of the drawings set out in Exhibit No. 3 and subject to the approval of a site plan and agreement by the City. At the request of the parties, the Board will withhold its Order that a permit be issued pursuant to subsection 46 (8) of the *Ontario Heritage Act* pending approval of the site plan and agreement by the City until June 25, 2010, acknowledged by the parties to be a reasonable time frame to accomplish same. Should difficulties arise, the Board may be spoken to. This Board Member is seized in that regard.

The Board commends the efforts of the parties in settling this dispute.

"D. R. Granger"

D. R. GRANGER  
VICE CHAIR

# *THE CITY OF VAUGHAN*

# *BY-LAW*

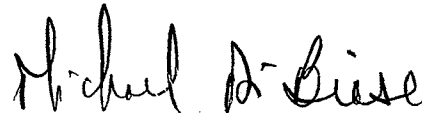
## BY-LAW NUMBER 166-2006


A By-law to amend By-law Number 371-2000, Amendment Number 601 to the Official Plan of the Vaughan Planning Area.

**NOW THEREFORE** the Council of the Corporation of the City of Vaughan **ENACTS AS FOLLOWS:**

1. That the attached Amendment Number 633 to the Official Plan of the Vaughan Planning Area, consisting of the Attached text and Schedule(s) "1", "2", "3" and "4" is hereby adopted and By-law Number 251-82 is hereby repealed.
2. AND THAT the City Clerk is hereby authorized and directed to make application to the Regional Municipality of York for approval of the aforementioned Amendment Number 633 to the Official Plan of the Vaughan Planning Area.
3. AND THAT this by-law shall come into force and take effect on the day of the final passing thereof.

READ a FIRST, SECOND and THIRD time and finally passed this 23<sup>rd</sup> day of May, 2006.

  
\_\_\_\_\_  
Michael Di Biase, Mayor

  
\_\_\_\_\_  
J. D. Leach, City Clerk

**AMENDMENT NUMBER 633**  
**TO THE OFFICIAL PLAN**  
**OF THE VAUGHAN PLANNING AREA**

The following text to Amendment Number 633 to the Official Plan of the Vaughan Planning Area and Schedules "1", "2", "3", and "4" constitute Amendment Number 633.

Also attached hereto but not constituting part of the Amendment are Appendices "I" and "II".

I. INTRODUCTION

Official Plan Amendment Number 601, the Kleinburg-Nashville Community Plan, was approved by the Region of York on October 4, 2001 and by the Ontario Municipal Board on November 15, 2001. The Community Plan provides a policy framework that directs and guides, the development and redevelopment of land within the Kleinburg-Nashville area. The Community Plan also provides policy direction to residents and landowners on how the City of Vaughan will assess development proposals.

Official Plan Amendment Number 601 included policies to authorize the study of an area within the Community Plan area for designation of a Heritage Conservation District. A study for a Heritage Conservation District was conducted, and in June 2003, Vaughan Council enacted a by-law (By-law No. 183-2003 as amended by By-law 268-2003) designating a Heritage Conservation District within the Community Plan. In April 2004, Council directed staff to undertake a land use planning study for the Kleinburg Core Area, which was substantially completed in January 2006. This Amendment incorporates as policy, the findings of both the Heritage Conservation District Study and Plan and the Kleinburg Core Area Study.

II. LOCATION

The lands subject to this Amendment, hereinafter referred to as the "Subject Lands", are shown on Schedule "1" attached hereto as "Area Subject to Amendment No. 633". For greater clarity, the majority of these lands are within the "Kleinburg Core Area" designation as outlined on Schedule 'A' in Amendment No. 601.

III. PURPOSE

The purpose of this Amendment to the Official Plan of the Vaughan Planning Area is to amend Official Plan Amendment Number 601, the Kleinburg-Nashville Community Plan, as amended, to incorporate policies based upon the findings presented in the Kleinburg-Nashville Heritage Conservation District Study and Plan as adopted by Council, and to include policies recommended in the Kleinburg Core Area Policy Review (January 2006), with specific regard to more clearly defining a "mainstreet commercial" area, including policies related to appropriate land use designations, permitted uses, development standards and the scale and massing of buildings.

IV. BASIS

In 2001, Vaughan Council directed that a Heritage Conservation District Study be undertaken for Kleinburg and Nashville. This study resulted in Council's adoption of the Kleinburg-Nashville Heritage Conservation District Study and Plan in 2003. This Amendment amends Official Plan Amendment No. 601 by incorporating

guidelines presented in the Kleinburg-Nashville Heritage Conservation District Plan for the built form of Kleinburg, with a goal of preserving and restoring the heritage features and guiding appropriate new development within the community.

In recent years, due to market conditions and its location, Kleinburg has experienced development pressures in its core area. Local residents and members of Council have expressed concerns related to the size and form of recent developments and the compatibility of these buildings with the existing heritage buildings in the community. Based upon these concerns, Council requested that a study be undertaken to determine how policies within Official Plan Amendment No. 601 could be improved to implement an appropriate character of permitted "mainstreet commercial" uses/buildings in order to protect the historical character of the Kleinburg Core Area. This study was undertaken and presented as the Kleinburg Core Area Policy Review.

The Kleinburg Core Area Policy Review analyzed the existing policy framework contained within the Ontario Heritage Act, Provincial Policy Statement, Region of York Official Plan, Official Plan Amendment No. 601 (Kleinburg-Nashville Community Plan), the City's Comprehensive Zoning By-law 1-88, as amended, and the Kleinburg-Nashville Heritage Conservation District Study and Plan. From the review of these documents a series of amendments to the policies in Official Plan Amendment No. 601 were recommended.

The decision to amend the Official Plan to incorporate the policies from the Kleinburg-Nashville Heritage Conservation District Study and Plan and the recommendations from the Kleinburg Core Area Policy Review, is based on the following considerations:

1. To respond to Council's request to review the policies within Amendment No. 601 with respect to scale and massing and appropriate development within the Kleinburg Core Area;
2. To incorporate feedback received from various citizens, the Kleinburg Area Ratepayers Association and the Village of Kleinburg Business Improvement Association during the Kleinburg Core Area Policy Review;
3. To provide a greater connection between, and consistency among, the Kleinburg-Nashville Heritage Conservation District Study and Plan, Official Plan Amendment No. 601 (The Kleinburg-Nashville Community Plan) and the City's Comprehensive Zoning By-law 1-88;
4. To incorporate recommendations contained within the Kleinburg Core Area Policy Review into Official Plan Amendment 601 – The Kleinburg-Nashville Community Plan and the City's Comprehensive Zoning By-law 1-88 with respect to scale and massing of buildings, development standards and permitted uses.
5. Having received a statutory Public Hearing held on February 20, 2006, on May 8, 2006 Vaughan Council approved Official Plan Amendment Application OP.06.004 to amend the land use policies in the Kleinburg Core Area and to reflect the recent designation of the area as a Heritage Conservation District within the Community Plan Area within Official Plan

Amendment No. 601 (The Kleinburg-Nashville Community Plan).

V. THE AMENDMENT AND POLICIES RELATIVE THERETO

Amendment No. 601 (Kleinburg-Nashville Community Plan) to the Official Plan of the Vaughan Planning Area, is hereby amended by:

1. Deleting Schedule "A" attached thereto and substituting therefor Schedule "A" attached hereto as Schedule "2".
2. Adding Schedule "A1" attached hereto as Schedule "3", to redesignate portions of the lands within the "Kleinburg Core Area" as "Mainstreet Commercial" and "Village Residential".
3. Adding Schedule "B" to Amendment No. 601 to include the boundary of the Heritage Conservation District, as adopted by Council by By-law No. 183-2003, attached hereto as Schedule "4".
4. Adding the following clause to the end of "Subsection 3.1 General":
  - "6) Ensure, to the fullest extent possible, that the heritage resources, both built and natural, of the Kleinburg-Nashville Planning District are protected in accordance with the Kleinburg-Nashville Conservation District Study and Plan."
5. Amending "Subsection 3.5 Core Areas and Commercial Growth", as follows:
  - a) Deleting Clause 3) in its entirety and substituting the following:
    - "3) Ensure core area development complements existing development in overall size and scale."
  - b) Deleting Clause 4) in its entirety, and substituting the following:
    - "4) Establish policies to implement the Kleinburg-Nashville Heritage Conservation District Plan as per Part V of the Ontario Heritage Act."
  - c) Deleting Clause 8) in its entirety and substituting the following:
    - "8) Ensure that commercial development takes place in accordance with the provisions of the Kleinburg-Nashville Heritage Conservation District Plan, ensure it remains at a village scale and ensure it complements the historic, rural village character and architectural heritage of the community."
6. Adding the following clause to the end of "Subsection 3.6 Residential Areas/Neighbourhoods":
  - "9) Ensure that residential development within the Kleinburg Core Area takes place in accordance with the provisions of the Kleinburg-Nashville Heritage Conservation District Plan, adopted by By-law 183-2003 as amended by By-law No. 268-2003, and remains at a village scale and complements the historic, rural village character and architectural heritage of the community."

7. Deleting in its entirety Clause 4) in "Subsection 3.7 Heritage", and substituting the following:
  - "4) Ensure that development or redevelopment occurs in accordance with the provisions of the Kleinburg-Nashville Heritage Conservation District Plan, adopted by By-law 183-2003 as amended by By-law No. 268-2003 and designated under Part V of the Ontario Heritage Act"
  
8. Adding the following sentence to the end of the introductory paragraph in "Subsection 4.4 Core Areas":
 

"The areas associated with "mainstreet commercial" uses along Islington Avenue and Nashville Road and with "village residential" in the balance of the Core Area, is further delineated through the recognition of the Mainstreet Commercial and Village Residential designations, as identified on Schedule "A1".
  
9. Adding the following to the end of the heading of Subsection 4.4.2 entitled "Kleinburg Core Area":
 

**-"Mainstreet Commercial and Village Residential Designations"**
  
10. Deleting Subsection "4.4.2.1 Objectives", in its entirety and substituting the following:
 

**"4.4.2.1 Objectives**

The Kleinburg Core Area includes both existing "mainstreet commercial" development located on Islington Avenue and Nashville Road, together with existing residential development on the "main streets", and "Village" residential neighbourhoods located on side streets (e.g. Napier Street., Kellam Street, John Street and Bell Court). Also located within the Kleinburg Core Area is the McMichael Gallery, the Kleinburg Public School and the recent Rotary Seniors development.

The commercial component of the Kleinburg Core Area, limited primarily to lands designated "Mainstreet Commercial", as shown on Schedule "A1", is intended to maintain and strengthen its role as a focus for tourism and as a commercial area servicing the local and neighbourhood shopping needs of the community. This will be achieved in the context of retaining the mainstreet commercial traditional character, its pedestrian friendly form of development, and its compatibility with the existing building form and residential areas and uses within the Village."
  
11. Amending "Subsection 4.4.2.2 Policies" as follows:
  - a) Deleting Clause 1) in its entirety, and substituting the following:
    - "1) All development within the Mainstreet Commercial designation will be subject to the Urban Design Policies of this Plan, the Kleinburg – Nashville Heritage Conservation District Study and Plan, a Streetscape Master Plan, a Parking Study with a view to potentially establishing a municipal parking lot, an inventory of significant



trees, a Tree Preservation By-law, and other studies as identified in this Plan.”

- b) Deleting Clause 3) in its entirety, and substituting the following:
  - “3) Detailed development standards addressing scale and massing, yard setbacks, height, maximum floor areas, parking requirements, landscape standards and other matters shall be set out in the implementing zoning by-law. In establishing the standards within the Zoning By-law, the scale and massing of historic development and the existing natural landscape shall be considered.”
- c) Adding the following Clauses to the end of “Subsection 4.4.2.2”:
  - “5) The following policies apply to the Kleinburg Core Area, exclusive of the Mainstreet Commercial designation:
    - a) Residential infilling within the Village shall be permitted subject to conformity with the Urban Design provisions of this Plan, as detailed in the Kleinburg-Nashville Heritage Conservation District Study and Plan, provided the proposed lot or development is compatible in size, shape, and configuration with adjacent lots and the size and form of development located thereon.
    - b) For all development within the Kleinburg Core Area, the urban design policies and heritage conservation policies set out in this Plan, as outlined in the Kleinburg-Nashville Heritage Conservation District Study and Plan, shall also apply to development and redevelopment in Kleinburg.
  - 6) The consolidation or severance of lands shall be discouraged. Any consolidation or severance of lands may be permitted if the proposed lot pattern is consistent with the existing lot pattern in the immediate surrounding area, in situations of minor lot line adjustment or where otherwise required by law.
  - 7) That in order to ensure the long term viability of Kleinburg as a tourist destination and as a local and neighbourhood shopping area the City may undertake an economic development review.”

12. Deleting “Subsection 4.4.2.3 Permitted Uses” in its entirety and substituting the following:

**“4.4.2.3(A) Permitted Uses, Mainstreet Commercial**

- 1) Within the Mainstreet Commercial designation the permitted uses include Village “mainstreet commercial” uses located on Islington Avenue and Nashville Road. Limited small scale mixed use developments on the main

streets may also be permitted, subject to certain requirements. These requirements may be included in the provisions of an implementing Zoning By-law. These provisions should consider matters such as the separation of uses, landscaping, the design of the site and the relationship between the site and the street.

2) Uses permitted in the Mainstreet Commercial designation, as set out in the implementing zoning by-law, excluding automobile oriented uses, may include:

- i) Retail Stores;
- ii) Personal Service Shops;
- iii) Professional and Business Offices;
- iv) Small scale hotels or "Village Inns";
- v) Bed and Breakfast operations;
- vi) Restaurants including sidewalk cafes;
- vii) Small scale mixed-use developments with at-grade commercial uses and an upper floor residential component;
- viii) Detached residential dwellings;
- ix) Converted Dwellings in the form of residential conversions to permitted commercial and mixed use developments;
- x) Parks and Open Space;
- xi) Public and Institutional uses.

#### **4.4.2.3 (B) Permitted Uses, Village Residential**

The Village Residential area currently consists of residential uses, public and institutional uses.

Residential uses include the following:

- i) Detached residential dwellings;
- ii) Bed and Breakfast establishments;
- iii) Parks and Open Space;
- iv) Public and Institutional Uses.

#### **4.4.2.3 (C)**

Any uses other than those stipulated in sections 4.4.2.3 (A) and (B) are prohibited."

13. Deleting "Subsection 4.4.2.4 Development Standards", in its entirety and substituting the following:

#### **"Section 4.4.2.4 Development Standards: Mainstreet Commercial**

The majority of commercial and mixed-use development proposals within the Mainstreet Commercial designation are or will be, subject to site specific

amendments to the zoning by-law and site plan approval pursuant to Sections 34 and 41 of the Planning Act. In addition, all development and redevelopment within the Kleinburg-Nashville Heritage Conservation District, as outlined on Schedule "B", is subject to the provisions and requirements of the Kleinburg-Nashville Heritage District Conservation Study and Plan.

Detailed development standards respecting size, scale, setbacks, height, and other matters will be set out in the implementing zoning by-law, having regard for the following:

- 1) All development within the Mainstreet Commercial designation will be subject to the urban design policies of this Plan, as outlined in the Kleinburg-Nashville Heritage Conservation District Study and Plan, and the development standards as set out in the implementing zoning by-law.
- 2) The scale of development within the Mainstreet Commercial designation shall be in keeping with the policies and guidelines established by the Kleinburg-Nashville Heritage Conservation District Study and Plan and will complement the character and scale of the existing buildings, and shall:
  - a) generally not exceed a maximum achievable building height of 9.5 metres;
  - b) have a maximum achievable Floor Space Index within the range of 0.2 to 1.0, depending upon the lot frontage, depth, proposed use, site constraints and standards established by the Zoning By-law;
  - c) have consideration for the scale, massing and use of existing development on abutting or adjacent properties."

14. Adding the following Subsection to the end of "Subsection 4.4 Core Areas":

**"4.4.2.5 Development Standards: Kleinburg Core Area**

Detailed development standards applicable to the predominantly residential uses within the Kleinburg Core Area will be established in the City's Comprehensive Zoning By-law 1-88 with particular regard to lot frontages, setbacks, building height, landscaping and with the intent of maintaining the village scale and character of development."

15. Deleting "Subsection 4.7.1 Objectives" in its entirety and substituting the following:

**"4.7.1 Objectives**

Achieving quality design is recognized as an important objective of the Community Plan. Outlined below is a set of comprehensive design policies which apply to the Community, Neighbourhood and Core Areas. The design policies set out general

criteria for the development of public and private lands within the Secondary Plan and include:

- a) the provision of a clearly defined public realm;
- b) predictable and consistent built form in keeping with the existing scale and massing of the buildings within established commercial and residential areas;
- c) safety, comfort and accessibility in the pedestrian environment;
- d) compatibility and enhancement of the unique rural village heritage character of the community; and
- e) a recognition and description of the standards established within the Kleinburg-Nashville Heritage Conservation District Study and Plan.”

16. Amending “Subsection 4.7.4 Gateways” as follows:

- a) Deleting the heading of “Subsection 4.7.4” entitled “**Gateways**” and substituting the heading “**Strategic Sites (Gateways)**”;
- b) Deleting the first sentence in “Subsection 4.7.4” and substituting the following:

“Strategic Sites are those properties shown on Schedule A-1 that warrant special design treatment because of their location and visibility. These sites have the potential to strengthen and improve the quality of the public realm. The treatment of the architecture, building materials, massing and built form should reinforce their location as a gateway to the Kleinburg Core Area, a visual terminus or an important intersection.”
- c) Adding the following paragraph to the end of the subsection:

“The elements used to define a gateway or strategic site should be sensitive to the context of the location of the gateway or site and be designed in such a manner as to contribute to a welcoming Village core.”

17. Deleting the heading of Subsection 4.7.6 entitled “**Kleinburg- Nashville Core Areas**” and substituting the heading “**Kleinburg- Nashville Core Areas, including the Mainstreet Commercial Designation**”.

18. Amending “Subsection 4.7.6.1 Public Realm” as follows:

- a) Adding the following sentence at the end of Clause 3):

“Detailed Development Standards will be set out in the implementing zoning by-law.”
- b) Adding the following sentence at the end of Clause 4):

“In Kleinburg, these spaces should be located primarily within the Mainstreet Commercial designation and designed in such a manner as to contribute to

the "mainstreet commercial" and village environment."

19. Amending "Subsection 4.7.6.5 Location of Buildings with Respect to Streets and Open Space" as follows:

a) Deleting the heading of "Subsection 4.7.6.5" in its entirety and substituting "**4.7.6.5 Location of Buildings and Permitted Uses with Respect to Streets and Open Space**"

b) Adding the following Clauses to the end of "Subsection 4.7.6.5":

"5) The entrance to Commercial and Retail Uses within the Mainstreet Commercial designation will be grade-related with access directly to the public sidewalk. Below grade entrances to commercial uses will be discouraged.

6) The implementing zoning by-law will provide details for building setbacks, massing and relationship to the public realm."

20. Deleting "Subsection 4.7.6.7 a) Building Compatibility" in its entirety and substituting the following:

**"a) Building Compatibility**

1) Where redevelopment of wide lots or consolidation of adjacent properties is proposed, the built form on the property shall reflect the historic scale and pattern of built form of the village and the adjacent and neighbouring properties. Subject to the provisions of the Zoning By-law, more than one building may be developed on the property in order to achieve a consistent scale and pattern of development.

2) New development will be compatible with adjacent and neighbouring development by ensuring that the siting and massing of new buildings does not result in negative impacts on adjacent properties, particularly with regard to overlook, shadows, wind and other environmental and compatibility factors."

21. Deleting in its entirety Clause 1) in "Subsection 4.7.6.7 b) Building Heights" and substituting the following:

"1) New buildings, additions to buildings or the redevelopment of existing sites in the Core Areas of Kleinburg or Nashville shall generally not exceed a maximum height of 9.5 metres above finished grade."

22. Adding the following Clause to the end of "Subsection 4.7.6.7 d) Building Entrances":

"3) The implementing zoning by-law may require a minimum percentage of the building frontage to be restricted to commercial use only, in order to facilitate

continuous retail activity at grade.”

23. Amending “Subsection 4.7.6.8 Parking and Servicing Areas” as follows:

a) Deleting clause 1) in its entirety and substituting the following:

“1) The provision of underground parking shall be encouraged for mixed use developments within the Mainstreet Commercial designation to reduce the impact of surface parking and to assist in providing at-grade amenity areas, and to encourage a suitable relationship to the public street.”

b) Adding the following Clauses at the end of Subsection 4.7.6.8:

“4) No parking within the Mainstreet Commercial designation will be permitted between the main building(s) and a public street.

5) Pursuant to the provisions of the Planning Act and the Municipal Act the City may establish a parking levy for the purpose of providing and maintaining off-site parking:

a) Monies raised through cash-in-lieu of parking shall be placed in a special reserve fund, separate from general revenues, dedicated to managing existing public parking resources and/or establishing new parking facilities;

b) In determining the actual cost of providing a parking space, and the appropriate fee to be levied for each space, the City may create a formula that considers the cost of land, cost of construction of a space and associated accesses, cost of landscaping, cost of maintenance, and the use of a multiplier for different types of development;

c) In order to promote the adaptive re-use (conversion and renovation) of existing heritage homes within the Mainstreet Commercial designation, the use of a multiplier to reduce the cost of providing a parking space to a landowner may be considered.

6) The City’s preferred course of action in responding to applications that propose to provide fewer parking spaces than established by the City’s Comprehensive Zoning By-law is as follows:

a) Calculate parking required, as per the City’s Comprehensive Zoning By-law;

b) Review applicant’s/owner’s site plan to determine the number of parking spaces to be provided;

c) If it is determined that the proposed site plan does not provide the required number of parking spaces, then a Parking Generation Assessment will be required from the applicant/owner;

- d) Based on the findings of the Parking Generation Assessment, a variance may be supported for the difference between the requirements of the City's Comprehensive Zoning By-law and the Parking Generation Assessment.
  - e) If the proposed number of parking spaces is less than the number of parking spaces required by the City's Comprehensive Zoning By-law and less than number of parking spaces recommended in the Parking Generation Assessment, then the applicant/owner would be required to enter into an agreement with the City pursuant to Section 40 of the Planning Act to provide cash-in-lieu of parking for the difference.
- 7) When reviewing applications for variances to the minimum required parking standards in the City's Comprehensive Zoning By-law, in addition to items normally considered, the City shall also require the following items to be submitted by an applicant/landowner:
- a) A Parking Generation Assessment;
  - b) A heritage property assessment which includes an analysis of existing landscape and tree conditions, the impact the proposed parking area will have on these site conditions and other characteristics that contribute to the character of the Kleinburg-Nashville Heritage Conservation District and any existing buildings.
- 8) The heritage property assessment shall:
- a) Be prepared by a qualified heritage professional;
  - b) Describe the impact of proposed development on the existing building(s), landscape and streetscape.
- 9) The landscape and tree analysis shall:
- a) Be prepared by a qualified horticulturalist, landscape architect, arborist or forester, depending on the feature being assessed;
  - b) Identify and assess the current location and condition of all trees, shrubs and other natural and man made features on the site. The assessment of annuals and other bedding plants is not required;
  - c) Consider the long term health of the natural feature and provide comment on the impact of additional parking on the health and protection of the identified vegetation.
- 10) The parking generation assessment shall contain a detailed description of the proposed and existing uses, and describe characteristics of the site, such as but not limited to total floor area of the building, total floor area of

each use contained within the building, number of employees, design capacity of building and seating capacity and any other item identified by the City.

The review of the proposed use(s) shall include analysis and recommendations based on a review of uses of a similar type and scale within the community and in other Heritage Conservation Districts.”

24. Adding the following Clause to “Subsection 4.7.6.9 Signage”:

“2) The City shall undertake a review of the Sign By-law to ensure that there are suitable provisions for use in the Kleinburg–Nashville Heritage Conservation District. The review shall pay specific attention to the policies and guidelines contained within the Kleinburg-Nashville Heritage Conservation District Study and Plan.”

25. Deleting “Section 4.9 Heritage Conservation” in its entirety and substituting the following:

**4.9 Heritage Conservation**

**4.9.1 Introduction**

The City has undertaken and adopted the Kleinburg-Nashville Heritage Conservation District Study and Plan, which provides guidance with respect to making decisions that have an impact on the heritage resources within the District. The Kleinburg-Nashville Heritage Conservation District Study and Plan outlines the expectations of the City when lands are developed within the district and also provides guidance to the City with respect to items that require additional study.

**4.9.2 Objectives**

The heritage objectives of the Kleinburg-Nashville Community Plan are:

- a) To use all available powers to ensure the protection, preservation and continued use of historically and architecturally significant areas, sites and buildings;
- b) To promote and, where possible, provide financial resources and assistance to further an understanding, appreciation and preservation of the historical resources of the Kleinburg-Nashville Community Planning Area to all residents and visitors;
- c) To define and clarify the role of Heritage Vaughan within the development approval process;
- d) To the fullest extent possible, implement the recommendations contained within the Kleinburg-Nashville Heritage Conservation District Study and Plan as adopted by the Council.

**4.9.3 Heritage Vaughan (Municipal Heritage Advisory Committee formerly**



#### **L.A.C.A.C.)**

Heritage Vaughan functions as the Municipal Heritage Advisory Committee for the City. It was established pursuant to the provisions of the Ontario Heritage Act, R.S.O.1990, c. 0.18. In making decisions within the Kleinburg-Nashville Heritage Conservation District, the roles and responsibilities of Heritage Vaughan require clarification and the City shall generally adhere to the following policies:

##### **4.9.3.1 Policies**

- a) Council shall consult with Heritage Vaughan prior to designating individual heritage properties or specific areas under the Ontario Heritage Act, R.S.O. 1990, c.O.18 within the Kleinburg-Nashville Planning Area.
- b) Heritage Vaughan shall provide comments on all applications for development approval (including but not necessarily limited to Official Plan Amendments, Applications for Rezoning, Minor Variance applications and Consent applications), building permit and demolition permit(s) affecting any building contained in the "Listing of Buildings of Architectural and Historical Value" referred to in Subsection 4.9.4 and all such applications that fall within the Kleinburg-Nashville Heritage Conservation District.
- c) Heritage Vaughan shall assist Council on matters relating to the conservation of buildings and heritage conservation districts, as well as promoting heritage conservation within Vaughan and advising property owners of appropriate conservation and maintenance practices.

##### **4.9.4 Listing of Buildings of Architectural and Historical Value**

To aid the public in recognizing the importance of the built environment, the City has compiled a "Listing of Buildings of Architectural and Historical Value" (the "Listing"). The properties in the Listing have been evaluated as having significant architectural, historical and contextual value. It provides brief descriptions of the properties and is used by Heritage Vaughan in providing recommendations to Council and during the Heritage Permit process.

###### **4.9.4.1 Policies:**

- a) Additional buildings of historical and/or architectural merit may be added to the Listing from time to time, as deemed suitable by City Council upon consultation with Heritage Vaughan.
- b) Council will encourage the preservation of heritage buildings identified in the Listing, and their integration into new development proposals through the development approval process and other appropriate mechanisms (i.e. Letter of Credit, Demolition Control By-law).

##### **4.9.5 Heritage Conservation District Designation**

Council adopted the Kleinburg-Nashville Heritage Conservation District Plan and within the context of this Plan as adopted by OPA No. 633 they contains policies, guidelines and relevant information, which will enhance the historical character of the area and provide a framework for renovation and redevelopment.

Any person proposing to erect, demolish, remove or make alterations or additions to any building within the Heritage Conservation district will require a Heritage Permit in addition to the normal municipal building permit requirements.

#### **4.9.5.1 Policies**

- a) Within the Kleinburg-Nashville Heritage Conservation District, it is the intent of Council to preserve and enhance the unique heritage character of the area. Council, in consultation with Heritage Vaughan, will encourage property owners to maintain and repair heritage buildings and seek and/or make available appropriate grants and loans for eligible conservation work.
- b) In reviewing proposals for the construction, demolition or removal of buildings and structures or the alteration of existing buildings, the City will be guided by the applicable Heritage Conservation District Plan and the following general principles:
  - i) heritage buildings should be protected from adverse effects of development;
  - ii) heritage building fabric and architectural features on heritage buildings should be retained and repaired;
  - iii) new additions and features should generally be no higher than the existing heritage building and wherever possible be placed to the rear of the building or set back substantially from the principle façade of the building;
  - iv) new construction and/or infilling should complement the immediate physical context and streetscape by being generally of the same height, width and orientation of adjacent buildings, being of similar setback; being of or consisting of like materials and colours; and using similarly proportioned windows, doors and roof shape.
- c) In planning and designing public works and landscaping in areas designated as a Heritage Conservation District, Council will have regard for the preservation and enhancement of existing roads and streetscapes, and the impact of such improvements on historical, architectural, scenic or archaeological resources.

Every effort will be made when undertaking road improvements to retain existing pavement widths where they are a contributor to the character of

the District.

The character and scale of the District will be taken into consideration prior to undertaking streetscape improvements.

- d) The Kleinburg-Nashville Heritage Conservation District has been designated under the Ontario Heritage Act, R.S.O. 1990, c.O.18, and is shown on Schedule 'B' – KLEINBURG-NASHVILLE HERITAGE CONSERVATION DISTRICT. Lands and buildings within this District shall be subject to the policies, guidelines and procedures of the Kleinburg-Nashville Heritage Conservation District Study and Plan and this Plan.

#### **4.9.6 Signage**

The City recognizes the importance of signage for businesses. However, the impact the design of signs has on the character of the District could be significant. Therefore, signage provided should be designed and constructed in a manner that will appropriately reflect the heritage village character of Kleinburg.

##### **4.9.6.1 Policies**

- a) Signs on designated buildings and on buildings in the Kleinburg-Nashville Heritage Conservation District will be subject to the standards established in the Kleinburg-Nashville Heritage Conservation District Study and Plan, and in the City's Signage By-law and will require a Heritage Permit pursuant to the Ontario Heritage Act.
- b) The City will encourage signs which are compatible with a heritage building and/or District and which conform to the City's signage guidelines for heritage buildings and areas. These guidelines should address items such as but not limited to illumination, colour, materials, typography, location, size and other design and construction characteristics.

#### **4.9.7 Retention/Relocation/Demolition of Heritage Buildings**

The Kleinburg-Nashville Heritage Conservation District Study and Plan recognizes a group of buildings, streets, landscapes and open spaces that are collectively of special historical, architectural or landscape significance to the community. The impact that the demolition of existing buildings or non-sympathetic renovation to heritage structures has on the landscape within the Kleinburg-Nashville Heritage Conservation District may negatively affect the characteristics that define the District.

##### **4.9.7.1 Policies**

- a) The City shall use its available powers to prevent the demolition of all buildings of architectural and/or historical and/or contextual significance within the Kleinburg-Nashville Heritage Conservation District and shall actively encourage the conservation, and where appropriate, the restoration

of these buildings.

The City, upon consultation with Heritage Vaughan, may withhold a demolition permit for an individually designated heritage building or a building in a designated Heritage District.

- b) Through the use of Zoning By-laws, Sign By-laws, Site Plan Agreements and other controls, the City will ensure that development within or adjacent to heritage buildings is designed, sited or regulated in such a manner so as not to conflict with or destroy such features whenever possible.
- c) Council shall encourage the retention of buildings of architectural and/or historical and/or contextual merit in their original locations whenever possible. Before such a building is approved for relocation to any other site, all options for on-site retention shall be investigated first.

The following alternatives, in order of priority, shall be examined prior to approval for relocation:

- i) Retention of the building on-site in its original use. In a residential subdivision, a heritage dwelling could be retained on its own lot for integration into the residential community.
  - ii) Retention of the building on-site in an adaptive re-use, e.g. In a residential subdivision, a heritage dwelling could be retained for a community centre or a day care centre.
  - iii) Relocation of the building on the development site. e.g. A heritage building, if of significant historical, architectural or contextual importance, could be relocated to another location within the proposed development.
  - iv) Relocation of the building to a sympathetic site. e.g. If interest is demonstrated, the heritage building could be relocated to an available lot at an appropriate site within the City.
- d) The City shall preserve, wherever feasible, heritage buildings and structures that are in its ownership.
  - e) The City will, to the extent possible, conform to and further the heritage objectives and policies, where feasible, through its by-laws, programs and public works.
  - f) Council, and/or any relevant Departments of the City, in commenting to the Committee of Adjustment on applications for severance or minor variance affecting lands or properties designated under the Ontario Heritage Act, R.S.O.1990, c.O.18, will support such applications only if the proposed severance or minor variance is compatible with the objectives and policies of

this Section.

#### **4.9.8 Pioneer Cemeteries**

The founders of the community and their impact on the City should be recognized through the identification and preservation of older burial sites, both aboriginal and pioneer.

##### **4.9.8.1 Policies**

- a) Council shall encourage the retention of pioneer cemeteries in their original location.
- b) Council shall discourage the closure and relocation of small cemeteries.

#### **4.9.9 Archaeological Resources**

The in situ preservation of known archaeological resources until such time as the artifacts may be catalogued and studied or preserved in situ is important. The loss or destruction of these priceless resources and the associated environs should be minimized during the development or redevelopment of lands within the Kleinburg-Nashville Heritage Conservation District. In order to protect these resources, specific actions by the City and other agencies may be required.

##### **4.9.9.1 Policies**

- a) The City may undertake a survey in order to identify the location of known registered and unregistered archaeological sites. It is intended that if these sites are threatened by development, an archaeological consultant licensed under the Ontario Heritage Act, R.S.O.1990, c.O.18, will be retained by the proponent in order to determine the most appropriate method of treating the archaeological resource. In all cases requiring archaeological assessments, the Ministry of Culture and the City will be consulted.
- b) Development applications which may affect those areas where the potential presence of an archaeological resource has been identified, in consultation with the Ministry of Culture and the City, will result in an appropriate clause in the implementing development agreement requiring the owner to secure the services of an archaeological consultant licensed under the Ontario Heritage Act, R.S.O.1990, c.O.18, to undertake an archaeological assessment of the property and to mitigate and/or excavate any significant archaeological resources.
- c) The City shall ensure that identified burial sites are treated with respect and that mitigative measures are taken to protect human remains prior to the commencement of any development.
- d) In order to protect archaeological resources from vandalism and intentional disturbance, the City will not publish or release information from

archaeological inventories or registries except to appropriate agencies or property owners on a need-to-know basis.

#### **4.9.10 Vegetation**

One of the important features that defines the community character of the Kleinburg-Nashville Heritage Conservation District and the Kleinburg Core Area is the urban forest. Specific policies with respect to preserving and enhancing the mature village tree canopy are as follows:

##### **4.9.10.1 Policies**

- a) The City shall use all available powers to ensure the preservation of mature trees and other vegetation of heritage significance, particularly where such trees and vegetation form part of the Kleinburg-Nashville Heritage Conservation District. Existing landmark trees and tree and hedge lines shall be an essential consideration in the design of any development. The preservation of significant trees along streets and roads shall be required, except where removal is necessary because of disease, damage or to ensure public health and safety.
- b) The City shall undertake a comprehensive analysis and inventory of the urban forest. This Study shall identify trees of importance and provide guidance with respect to the preservation and improvement of the urban forest in the Kleinburg Core Area.
- c) The development of landscape standards within the Zoning By-law that considers the health of mature trees and the impact development may have on these mature trees may be required prior to any suggested study occurring.

#### **4.9.11 Funding and Advocacy**

The preservation and development of buildings within a Heritage Conservation District has a financial impact on both the property owner and the City. There are costs associated with developing and maintaining heritage structures and the promotion of the importance of these structures.

##### **4.9.11.1 Policies**

- a) The City may assist in efforts to obtain funding for the conservation and restoration of buildings, for archaeological surveys and for the implementation of Heritage Conservation District programs with the assistance of the Ministry of Culture and other appropriate authorities.
- b) The City may provide loans and/or grants to property owners or groups undertaking restoration or rehabilitation of designated or significant heritage properties. Other forms of financial assistance will be investigated,

developed and utilized wherever appropriate.

- c) The City will encourage public awareness and the provision of information concerning heritage issues.
- d) The City will ensure consultation with and involvement of local residents in heritage planning matters.
- e) The City will encourage senior levels of government to take actions consistent with the policies of this Section.”

26. Adding the following clause to the end of Subsection 5.2.1 (1)

“h) Pursuant to the Planning Act and the Municipal Act the City may designate all or a portion of the lands within the area covered by the Kleinburg-Nashville Community Plan as a Community Improvement Project Area.”

27. Deleting “Subsection 5.3.2 All Development within the Kleinburg-Nashville Core Areas” in its entirety and substituting the following:

**“5.3.2 All Development within the Kleinburg-Nashville Core Areas**

Zoning applications for commercial or mixed use development within the Mainstreet Commercial designation, the Kleinburg Core Area or the Nashville Core Area designations shall be supported by the following information:

- a) a planning justification report outlining in detail how the proposed development conforms with:
  - i) the policies of this plan and in particular the policies respecting Urban Design and Core Areas;
  - ii) the Kleinburg-Nashville Heritage Conservation District Study and Plan; and
  - iii) any other study or by-law that is empowered or recommended by the provisions of this Plan or the Kleinburg-Nashville Heritage Conservation District Study and Plan, and any study, plan or regulation that may be undertaken in the future provided that it is adopted by Council.
- b) a preliminary site plan including:
  - i) preliminary building architectural elevations;
  - ii) relationship to adjacent buildings;
  - iii) relationship of the proposed development to the street;
  - iv) facilities for public sidewalks and pedestrian amenities along the street or to adjacent parks or open space areas;
  - v) residential amenities for any residential units which may be proposed;

- c) The following supplemental items may be required:
  - i) a traffic and parking report establishing the requirements of the proposed development and the adequacy of the proposed facilities;
  - ii) a vegetation report identifying any significant vegetation on site and how it is to be protected and integrated into the proposed development;
  - iii) an environmental/open space report identifying how the site is to be integrated with any adjacent open space or valley land;
  - iv) a preliminary report, prepared by a qualified heritage architect with respect to architectural design features and consistency with adjacent development, with particular regard to the Kleinburg-Nashville Heritage Conservation District Study and Plan.”

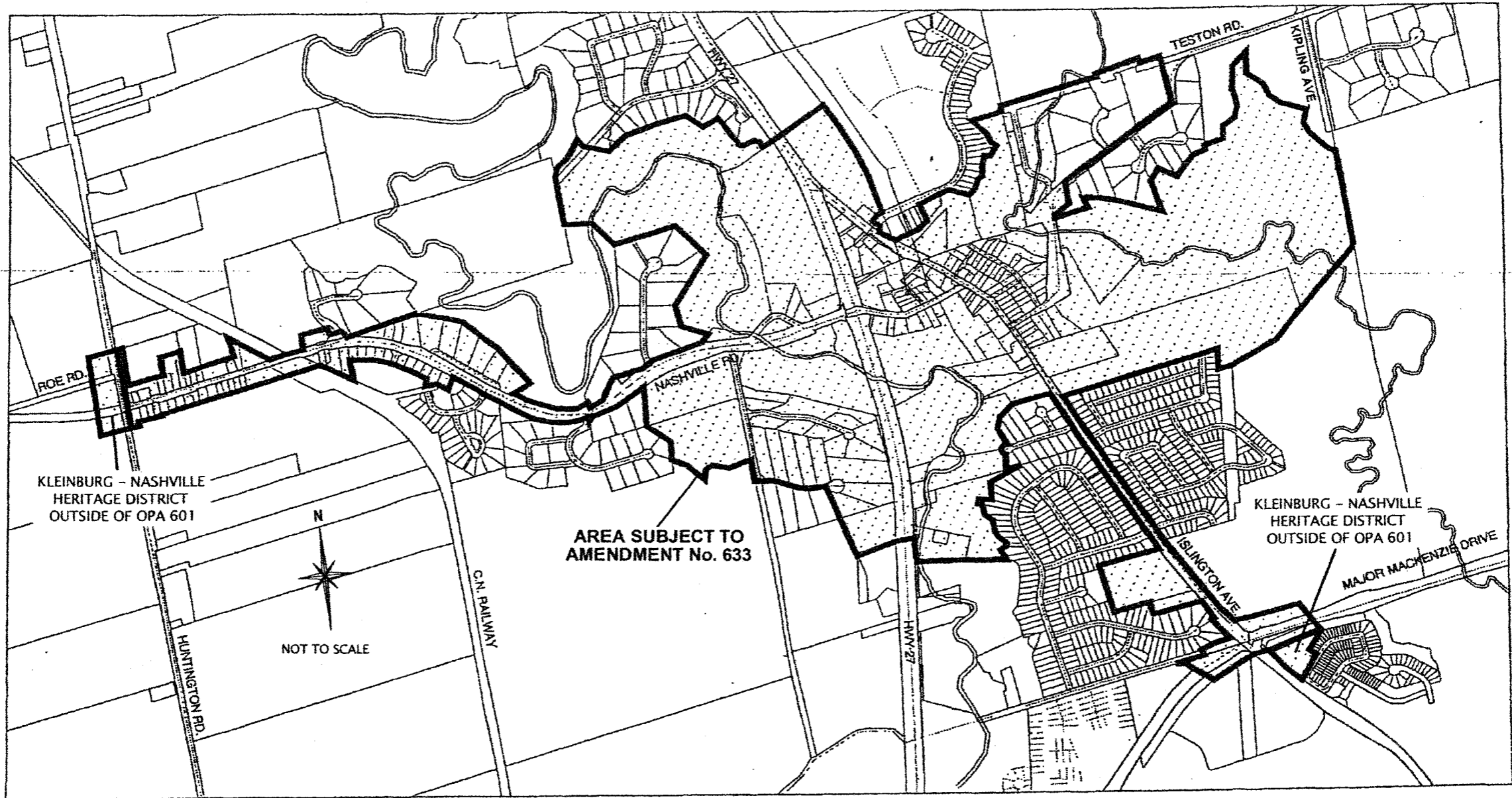
VI. IMPLEMENTATION

It is intended that the policies of the Official Plan of the Vaughan Planning Area pertaining to the subject lands will be implemented by way of Council's enactment and approval of appropriate Zoning By-laws and Site Plan Agreements, pursuant to the Planning Act.

VII. INTERPRETATION

The provisions of the Official Plan of the Vaughan Planning Area as amended from time to time regarding the interpretation of that Plan shall apply with respect to this Amendment.





FILE No. OP.06.004  
 RELATED FILE: Z.06.012  
 LOCATION: Part of Lots 24 & 25, Concession 8  
 CITY OF VAUGHAN

H:\DFT\1-BY-LAWS\op\op.06.004z.06.012

**THIS IS SCHEDULE '1' TO  
 AMENDMENT No. 633**  
 ADOPTED THE 23 DAY OF MAY, 2006

SIGNING OFFICERS

*W. P. Biase*  
 MAYOR  
 \_\_\_\_\_  
 CLERK


















THIS IS SCHEDULE 'A'  
TO AMENDMENT NO. 601

ADOPTED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2001

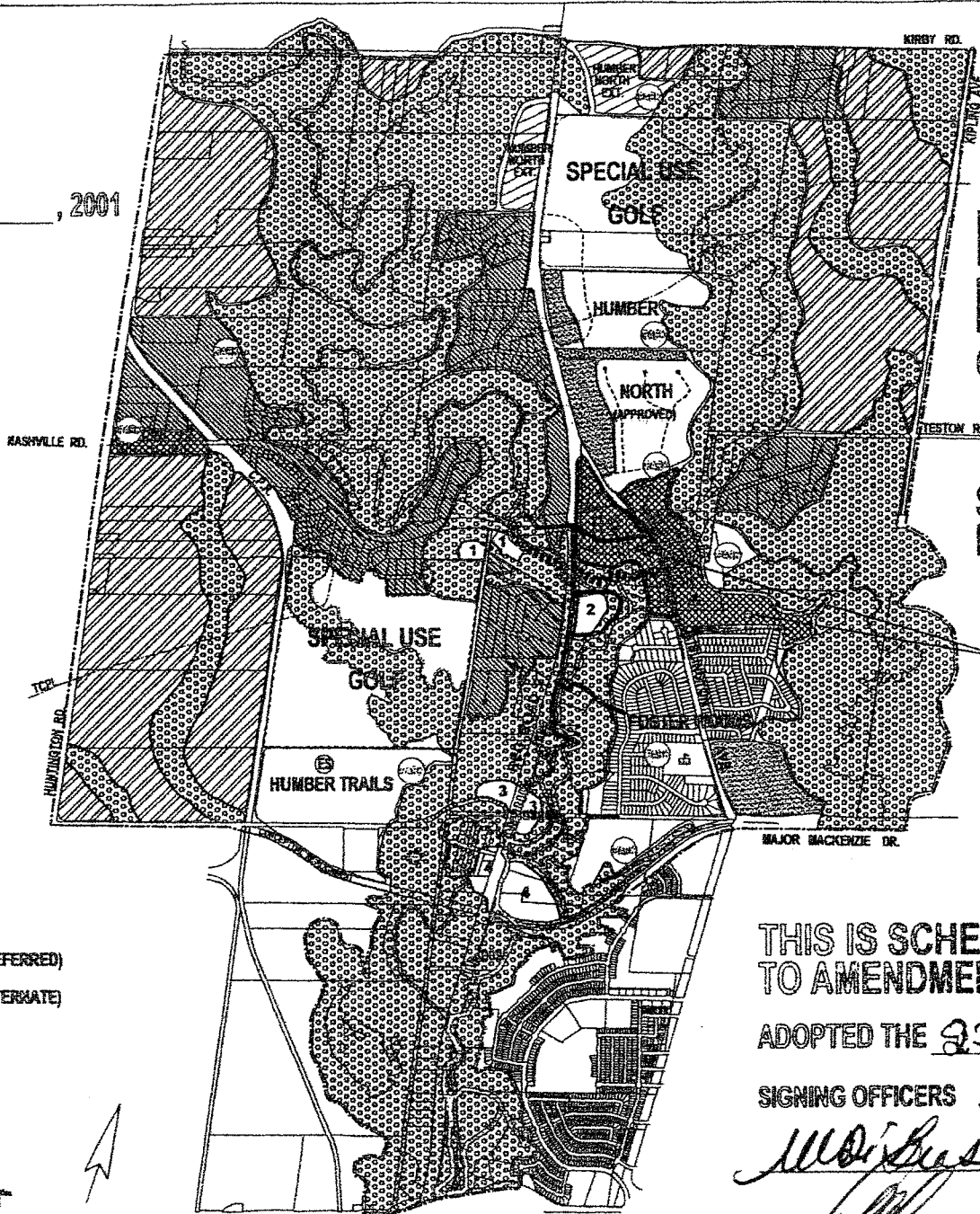
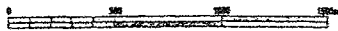
# KLEINBURG NASHVILLE COMMUNITY PLAN

## SCHEDULE 'A' LAND USE

**LEGEND**

-  SERVICED RESIDENTIAL
-  FUTURE RESIDENTIAL
-  SUBURBAN RESIDENTIAL
-  AREA INCLUDING KLEINBURG CORE AREA and MAINSTREET COMMERCIAL
-  SPECIAL USE - GOLF
-  RURAL AREA
-  VALLEY & STREAM CORRIDOR
-  OPEN SPACE
-  NEIGHBOURHOOD PARK
-  LINEAR PARK
-  INTER-REGIONAL TRAIL
-  WASTE DISPOSAL ASSESSMENT AREA
-  REGIONAL ROAD 27 TRAIL ROUTE (PREFERRED)
-  REGIONAL ROAD 27 TRAIL ROUTE (ALTERNATE)
-  ELEMENTARY SCHOOL
-  AMENDMENT AREA
-  VALLEY POLICY AREAS 1 TO 4

SCALE





KLEINBURG CORE AREA and  
MAINSTREET COMMERCIAL  
SEE FURTHER  
SCHEDULE "A1"

THIS IS SCHEDULE '2'  
TO AMENDMENT NO. 633

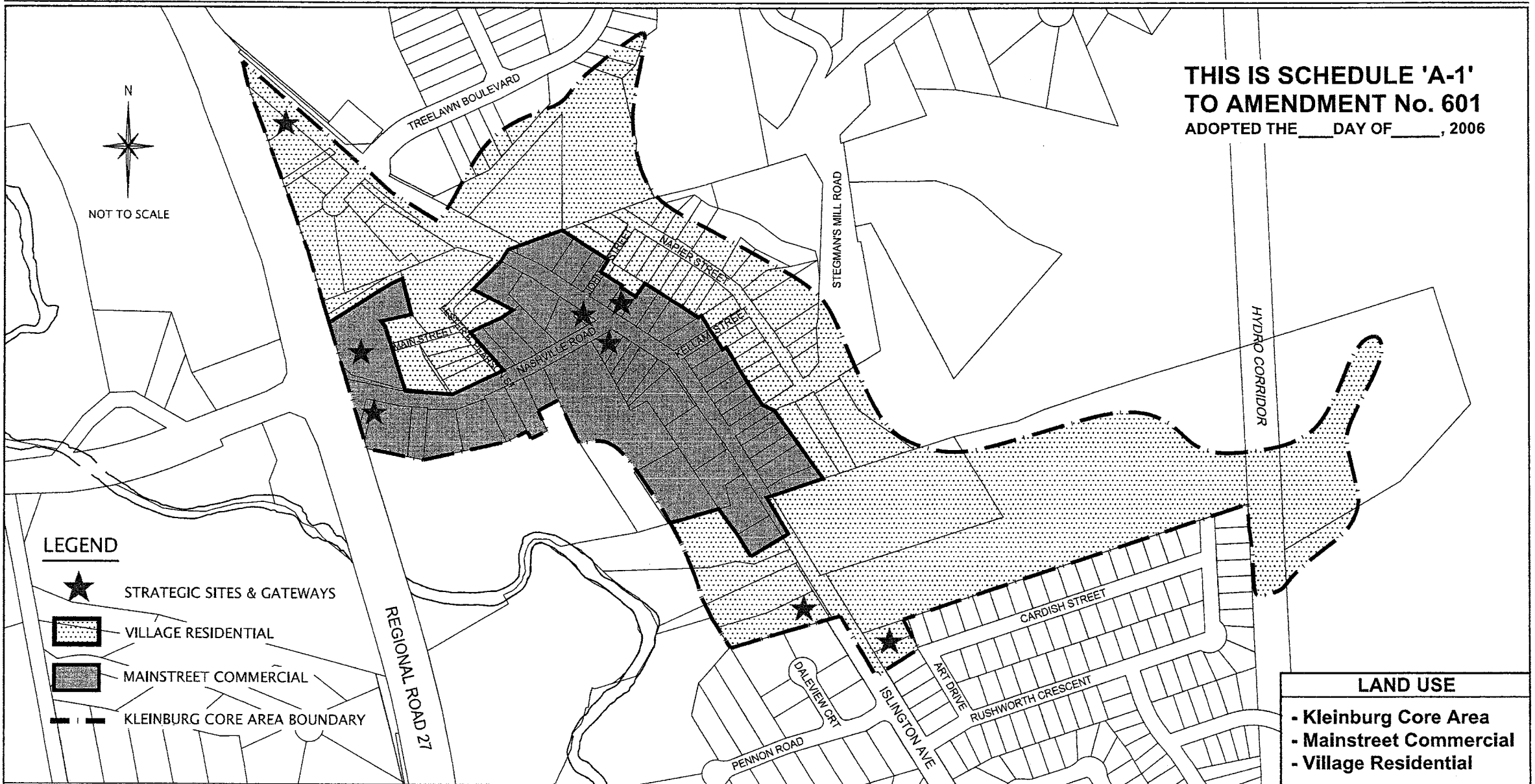
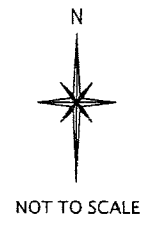
ADOPTED THE 23 DAY OF MAY, 2006

SIGNING OFFICERS

  
MAYOR

  
CLERK

**THIS IS SCHEDULE 'A-1'  
TO AMENDMENT No. 601**  
ADOPTED THE \_\_\_ DAY OF \_\_\_, 2006



**LEGEND**

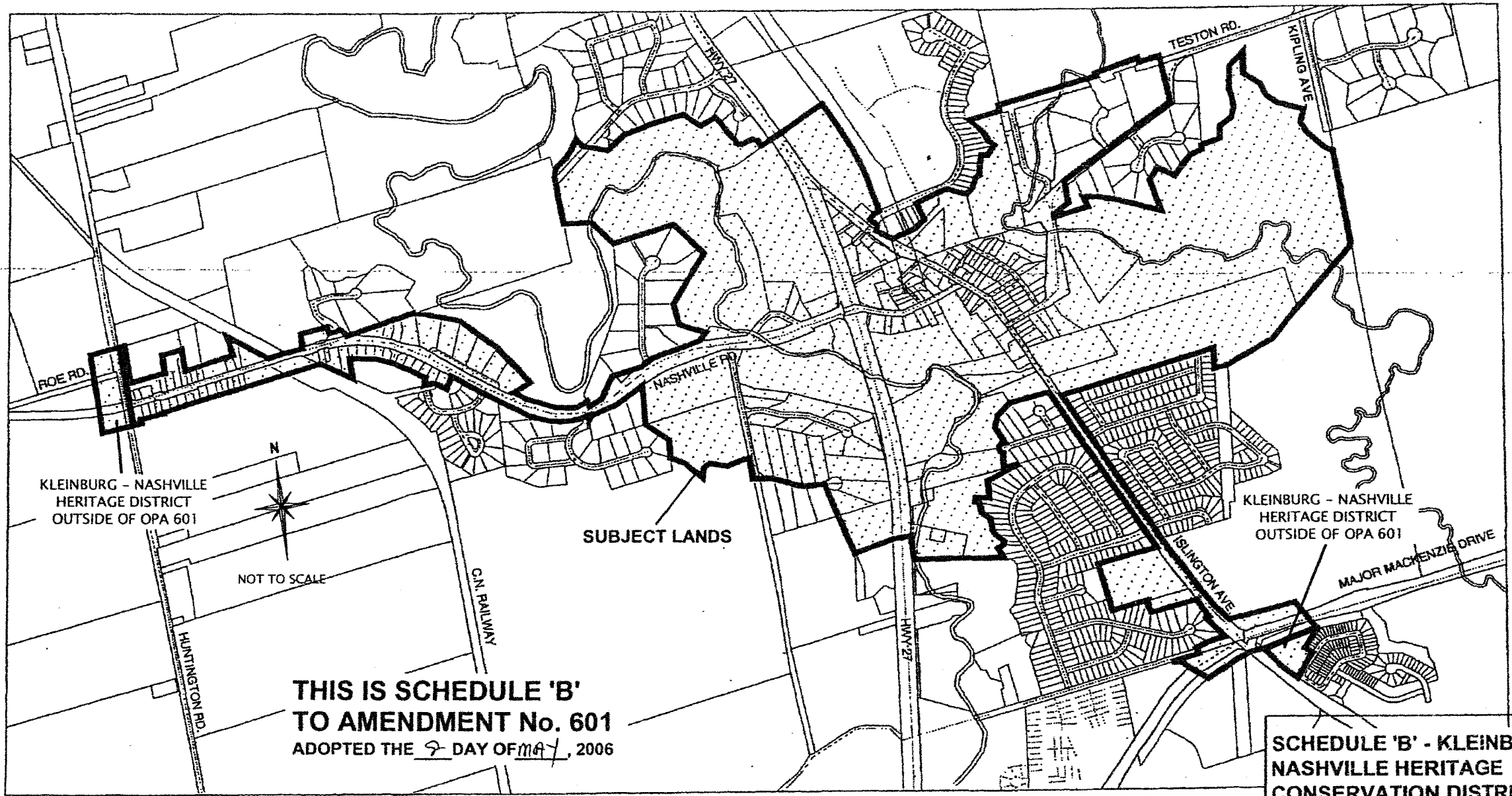
- ★ STRATEGIC SITES & GATEWAYS
- [Dotted Box] VILLAGE RESIDENTIAL
- [Grey Box] MAINSTREET COMMERCIAL
- [Dashed Line] KLEINBURG CORE AREA BOUNDARY

| LAND USE                |  |
|-------------------------|--|
| - Kleinburg Core Area   |  |
| - Mainstreet Commercial |  |
| - Village Residential   |  |

FILE No. OP.06.004  
RELATED FILE: Z.06.012  
LOCATION: Part of Lots 24 & 25, Concession 8  
CITY OF VAUGHAN  
N:\DFT\1-BY-LAWS\op\op.06.004z.06.012

**THIS IS SCHEDULE '3' TO  
AMENDMENT No. 633**  
ADOPTED THE \_\_\_ DAY OF \_\_\_, 2006

SIGNING OFFICERS  
\_\_\_\_\_  
MAYOR  
\_\_\_\_\_  
CLERK



KLEINBURG - NASHVILLE  
HERITAGE DISTRICT  
OUTSIDE OF OPA 601



**SUBJECT LANDS**

KLEINBURG - NASHVILLE  
HERITAGE DISTRICT  
OUTSIDE OF OPA 601

**THIS IS SCHEDULE 'B'  
TO AMENDMENT No. 601  
ADOPTED THE 7 DAY OF MAY, 2006**

**SCHEDULE 'B' - KLEINBURG  
NASHVILLE HERITAGE  
CONSERVATION DISTRICT**

FILE No. OP.06.004  
RELATED FILE: Z.06.012  
LOCATION: Part of Lots 24 & 25, Concession 8  
CITY OF VAUGHAN

N:\OFT\1-BY-LAWS\op\op.06.004z.06.012

**THIS IS SCHEDULE '4' TO  
AMENDMENT No. 633  
ADOPTED THE 23 DAY OF MAY, 2006**

SIGNING OFFICERS

*[Signature]*  
MAYOR  
CLERK

## APPENDIX I



















The subject lands are within the "Kleinburg Core Area" designation as identified on Schedule "A" of OPA No. 601 (Kleinburg-Nashville Community Plan), and the wider area identified as the Kleinburg-Nashville Heritage Conservation District, as adopted by By-law No. 183-2003 as amended by By-law No. 268-2003, and shown on Schedules "1" and "4" of this Amendment. These lands are described as Part lots 23 to 25, Concession 8, and Part Lots 23 to 25, Concession 9, City of Vaughan.

The purpose of this Amendment is to implement the recommendations from the Kleinburg Core Area Policy review.

On May 8, 2006 Council considered an application to amend the Official Plan and resolved the following:

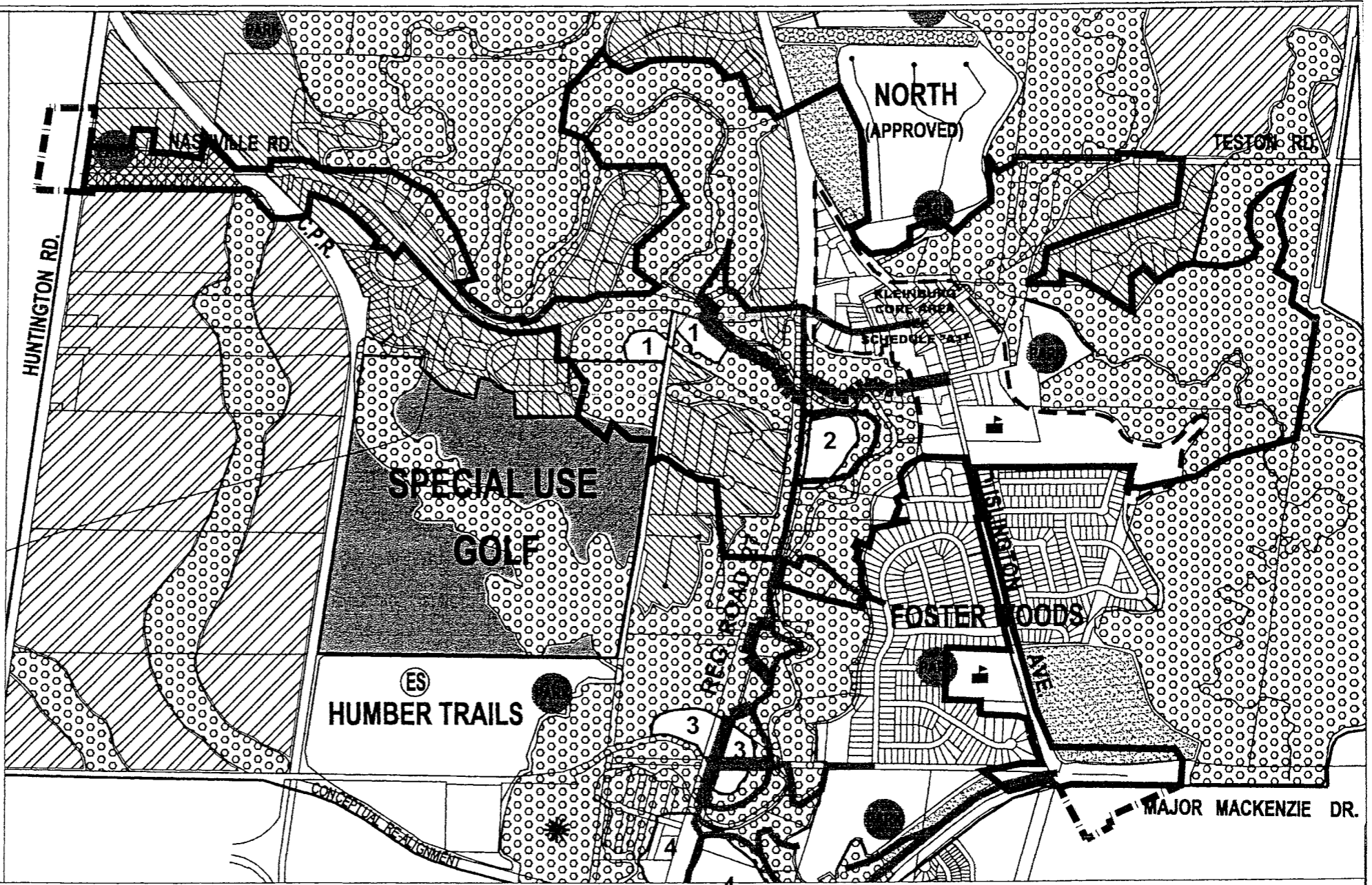
- "1. THAT Official Plan Amendment File OP.06.004 (Kleinburg Core Area Policy Review) BE APPROVED as follows:
  - a) That the implementing Official Plan Amendment:
    - i) amend Schedule "A" and add a Schedule "A1" to OPA No. 601 to redesignate the lands shown on Attachment 3 to this report from "Kleinburg Core Area" to "Mainstreet Commercial";
    - ii) incorporate new policies for the "Mainstreet Commercial" designation, including policies with respect to appropriate scale, massing and built form, and permitted uses;
    - iii) incorporate revised policies with respect to permitted uses within the "Kleinburg Core Area" designation;
    - iv) add Schedule "B" to OPA No. 601, to identify the boundary of the Kleinburg-Nashville Heritage Conservation District as shown on Attachment 4 to this report;
    - v) incorporate recommendations and policies contained in the Kleinburg-Nashville Heritage Conservation District Study and Plan;
    - vi) incorporate policies related to Section 40 of the Planning Act (Cash-in-lieu of Parking), which will address agreement(s) exempting owners from the requirement to provide parking, within the "Mainstreet Commercial" designation.
  
2. THAT Zoning By-law Amendment File Z.06.012 (Kleinburg Core Area Policy Review) BE APPROVED as follows:
  - a) That the implementing Zoning By-law:
    - i) rezone lands from C1 Restricted Commercial Zone, C3 Local Commercial Zone, C6 Highway Commercial Zone, and R1 Residential Zone to C11 Mainstreet Commercial Zone, as shown on Attachment 5 to this report;
    - ii) incorporate the new C11 Mainstreet Commercial Zone into By-law 1-88, together with permitted uses and zone requirements, and provisions respecting undersized lots, existing buildings, access from flanking streets, location of parking areas, patios, and use of basements/cellars, as set-out in this report;
    - iii) incorporate definitions for a Bed and Breakfast Establishment, Mixed Use Development Mainstreet, and a Studio into By-law 1-88;
    - iv) establish minimum parking requirements for a Bed and Breakfast Establishment and a Studio and incorporate them into the Comprehensive Zoning By-law 1-88;
    - v) delete or revise where necessary, the site specific zoning exception paragraphs contained in By-law 1-88 for lots within the C11 Mainstreet Commercial Zone to reflect the new zone requirements and provisions.
  
3. THAT the following additional initiatives for Kleinburg be undertaken by the appropriate City Department(s), in consultation with the Policy Planning/Urban Design Department, and report back to Council with terms of reference and budget implications for (a), (b), (c) and (d) and recommendations for (e) and (f):
  - a) An Economic Development Strategy to be undertaken by the Economic/Technology Development Department;
  - b) A Streetscape Master Plan to be undertaken by the Development Planning Department;
  - c) A Tree Inventory/Preservation By-law to be undertaken by the Parks and Forestry Operations Department and the Development Planning Department;
  - d) A City wide review of parking standards to be undertaken by the Policy Planning / Urban Design Department;
  - e) The Cash-in-Lieu of Parking for Kleinburg report undertaken by the Policy Planning / Urban Design Department be acted upon;
  - f) A review of the Sign By-law as it relates to the Special Sign Districts (Heritage areas) is to be undertaken by a committee/task force of staff from the Building Standards, Recreation & Culture, Policy Planning / Urban Design and Development Planning Departments."

**LEGEND**

-  SERVICED RESIDENTIAL
-  FUTURE RESIDENTIAL
-  SUBURBAN RESIDENTIAL
-  CORE AREA
-  SPECIAL USE - GOLF
-  RURAL AREA
-  VALLEY & STREAM CORRIDOR
-  OPEN SPACE
-  NEIGHBOURHOOD PARK
-  LINEAR PARK
-  INTER-REGIONAL TRAIL
-  WASTE DISPOSAL ASSESSMENT AREA
-  REGIONAL ROAD 27 TRAIL ROUTE (PREFERRED)
-  REGIONAL ROAD 27 TRAIL ROUTE (ALTERNATE)
-  ELEMENTARY SCHOOL
-  AMENDMENT AREA
-  VALLEY POLICY AREAS 1 TO 4
-  KLEINBURG-NASHVILLE HERITAGE DISTRICT OUTSIDE OF OPA #601



**AREA SUBJECT TO  
AMENDMENT No. 633**



FILE No. OP.06.004  
 RELATED FILE: Z.06.012  
 LOCATION: Part of Lots 24 & 25, Concession 8  
 CITY OF VAUGHAN

**APPENDIX II  
EXISTING LAND USE**