

COMMITTEE OF THE WHOLE JANUARY 22, 2007

**OFFICIAL PLAN AMENDMENT FILE OP.05.014
SITE PLAN CONTROL BY-LAW AMENDMENT FILE Z.05.024
CITY OF VAUGHAN
REPORT #P.2005.33**

Recommendation

The Commissioner of Planning recommends:

1. THAT Official Plan Amendment File OP.05.014 (City of Vaughan) BE APPROVED, to amend OPA #200, as amended by OPA #553, to require Site Plan Control for new individual (not within a plan of subdivision) single-detached dwellings located within the Kleinburg-Nashville Heritage Conservation District as shown on Attachment #1.
2. THAT the City's Site Plan Control By-law (#228-2005) be amended to require Site Plan Control for new individual (not within a plan of subdivision) single-detached dwellings located within the Kleinburg-Nashville Heritage Conservation District as shown on Attachment #1.
3. THAT the Tariff of Fees By-law (#89-2006) for Planning Applications be amended to require new individual (not within a plan of subdivision) single-detached dwellings that are to be constructed within the Kleinburg-Nashville Heritage Conservation District as shown on Attachment #1, to be subject to the base fee for Site Development Applications.

Economic Impact

There are no requirements for new funding associated with this report.

Purpose

The City of Vaughan has initiated applications to:

1. Amend the Official Plan (OPA #200, as amended by OPA #553) to require Site Plan Control to be applied to new individual (not within a plan of subdivision) single-detached dwellings located within the Kleinburg-Nashville Heritage Conservation District as shown on Attachment #1, which are currently exempt from the provisions of site plan control.
2. Amend the City's Site Plan Control By-law (#228-2005) to require Site Plan Control to be applied to new individual (not within a plan of subdivision) single-detached dwellings located within the Kleinburg-Nashville Heritage Conservation District as shown on Attachment #1, which are currently exempt from the provisions of site plan control.

Background - Analysis and Options

Official Plan

Site Plan Control within the City of Vaughan applies to commercial, industrial, institutional, recreational, and residential apartment, block townhouse and other multiple residential dwelling forms. Single-detached, semi-detached and street townhouse dwellings, are exempt from Site Plan Control.

Site Plan Control policies were originally added to the Vaughan Official Plan by OPA #200 when the Planning Act was changed in 1983 to allow municipalities to use Site Plan Control, Holding Provisions and Temporary Use Provisions to regulate development. These planning tools could

only be used provided a municipality has specific policies in their Official Plans to outline how these provisions would be applied.

OPA #200 added Site Plan Control policies, Holding policies and Temporary Use policies to Vaughan's Official Plan. OPA #200 prescribed Site Plan Control Policies for all residential development including single and semi-detached lots with narrow frontages, in order to ensure streetscape issues could be addressed.

In 2001, OPA #200 was amended by OPA #553. The purpose of OPA #553 is to exempt on a City-wide basis, all residential singles and semi-detached and street townhouse dwellings and accessory structures from site plan control, following a review of the City's Residential Design Standards in 2001. The purpose of the subject Official Plan Amendment is to re-introduce the single-detached residential use, as a use to be subject to site plan control in the Kleinburg-Nashville Heritage Conservation District only.

Site Plan Control By-law #228-2005

OPA #200, as amended, is implemented through the City's Site Plan Control By-law, being By-law #228-2005. This by-law identifies classes of development requiring site plan approval by Council and identifies the type of development for which site plan approval authority has been delegated to the Commissioner of Planning under Complex Procedures. By-law #228-2005 currently exempts single and semi-detached and street townhouse dwellings from site plan approval on a City-wide basis.

"Development" is defined in the Site Plan Control By-law, By-law #228-2005, as "the construction, erection or placing of one or more buildings or structures on land or the making of an addition to a building or structure that has the effect of substantially increasing the size of the building or usability, thereof, or the laying out and establishment of a commercial parking lot or of sites for the location of three or more trailers or mobile homes".

The purpose of the subject amendment to the Site Plan Control By-law is to re-introduce the single-detached residential use, as a use to be subject to site plan control in the Kleinburg-Nashville Heritage Conservation District.

Kleinburg-Nashville Heritage Conservation District Study & Plan

In the summer of 2002, the City retained heritage consultant Philip H. Carter Architect, to examine the Kleinburg-Nashville community with the intent of creating a Heritage Conservation District. The consultant's report, the "Kleinburg-Nashville Heritage Conservation District Study and Plan", identifies an area of that community where heritage conservation is considered to be important, which is shown on Attachment #1. The KNHCD Study/Plan describes the architecture of existing buildings, and how each building relates to each other and contributes to the landscape and history of the district. The KNHCD Plan also provides guidelines to preserve and enhance the heritage character of this community and recommends that site plan control be implemented for all classes of development within the KNHCD as a means of preserving and enhancing the heritage character of this community.

Currently, the City can address new development within heritage conservation districts and on individual heritage sites through the existing Site Plan Control and Heritage Permit Approval processes, the existing zoning by-law, and the provisions of the Heritage Act. However, as noted, single-detached, semi-detached and street townhouse developments are exempt from Site Plan Control.

Heritage Act

The designation of the KNHCD under Part V of the Ontario Heritage Act, requires a municipal Heritage Permit to be obtained for erecting, demolishing or removing any part of a structure, or altering the external portions thereof. Therefore, any exterior work on a building in a heritage conservation district requires a Heritage Permit.

Currently, there are 3 categories of municipal heritage permits issued by the Vaughan Cultural Services Department:

- 1) Heritage Permits for work not requiring building permits (i.e. exterior painting, resurfacing roof, replacing existing windows);
- 2) Building Permits (Heritage) for work that requires building permits (i.e. erecting a garage, adding windows where none existed, decks, gazebos); and
- 3) Site Plan Approval for work requiring heritage planning approvals (i.e. new residential construction).

There is no fee for a Heritage Permit and it must be approved and obtained prior to site plan approval under the Planning Act. The City's current Heritage Permit process works in conjunction with the site plan approval process, however, single-detached, semi-detached and street townhouse development is presently excluded from the site plan approval process.

In addition to the tools previously developed to preserve and enhance the heritage character of the community and to specifically address architectural heritage and urban design issues, the proposed Official Plan and Site Plan Control By-law amendments would subject single-detached residential development into the heritage permit/site plan approval process within the KNHCD.

Other Implementation Tools

The Development Planning Department, together with the Building Standards, Policy Planning and Cultural Services Departments have reviewed the appropriateness and implications of amending OPA #200 and the Site Plan Control By-law. The recommended amendments to these documents are as follows:

i) OPA #200

Paragraph IV, A, 4ii) of OPA #200, identifies the classes of development currently exempt from site plan control on a City-wide basis, specifically "residential detached, semi-detached, and street townhouse dwellings, and structures and buildings accessory thereto". An amendment to OPA #200 is required to provide additional provisions to identify that all classes of residential development, within the KNHCD, will be subject to site plan control, and it is recommended that this paragraph be amended as follows:

"iii) Notwithstanding Paragraph ii) above, single-detached dwellings located within the Kleinburg-Nashville Heritage Conservation District as defined in the Kleinburg-Nashville Community Plan shall be subject to Site Plan Control, but excluding any development that occurs through the subdivision approval process and complies with approved design guidelines."

This change would ensure that the objectives of the KNHCD Plan are implemented. The exemption for development proceeding through the draft plan of subdivision approval process is discussed further in Section (v) of this report.

ii) Site Plan Control By-law (228-2005)

OPA #200, as amended by OPA #553, establishes the City's Site Plan Control policies within the Official Plan, which are implemented through the current Site Plan Control By-law #228-2005. Although the entire City of Vaughan has been identified as an area subject to Site Plan Control, By-law #228-2005 exempts single-detached, semi-detached and street townhouse dwellings from the provisions of site plan control. In order to implement the recommendations of the KNHCD Study/Plan and for By-law #228-2005 to conform to the proposed amendment to OPA #200, previously outlined, it is recommended that By-law #228-2005 be amended by adding the following footnote to Schedule "1":

"7. Single-detached dwellings located within the Kleinburg-Nashville Heritage Conservation District shall be subject to Site Plan Control, but excluding such development proceeding through the subdivision approval process."

This change would implement the recommendations of the KNHCD Plan regarding Site Plan Control in the KNHCD. Commercial Development and other classes of development are already included under the existing site plan control provisions, and amendments to OPA #200 and By-law #228-2005 in this regard, are not required.

iii) Kleinburg-Nashville Community Plan (OPA #601 and OPA #633)

OPA #601, as amended by OPA #633 (upon coming into effect), being the Kleinburg-Nashville Community Plan, establishes land use designations and policies for development within the Kleinburg-Nashville Community including the KNHCD. Single-detached dwellings are permitted by the Official Plan. Semi-detached dwellings and street townhouses are not permitted within the Kleinburg-Nashville Community Plan. Both Official Plan Amendments currently include policies that would implement development through the site plan approval process. No Amendments to OPA #601 and OPA #633 are not proposed at this time.

iv) Heritage Permits

The City's current Heritage Permit process, as previously described, works together with the site plan approval process. Heritage Permits are required for additions to all buildings (including residential decks, sheds, garages, gazebos, etc), within a heritage conservation district. The current heritage permit and building permit processes under the Building Code Act adequately address heritage issues for such development and site plan approval is not considered necessary for these classes of development.

v) Exemption from Site Plan Control

The Development Planning Department recommends that site plan approval should not be applied to residential development proceeding through the draft plan of subdivision process and located within the KNHCD, since through the OPA #601 policies and the subdivision approval process, the City can ensure that the heritage characteristics of the district are addressed and protected. The implementation tools including urban design and architectural design guidelines would ensure that development is consistent with the Official Plan policies and that building permit drawings are stamped by a Control Architect for consistency with City policies and guidelines, prior to submission to the City for building permits. However, any subsequent residential redevelopment within a plan of subdivision (ie. demolition and replacement with a new dwelling), within a plan of subdivision will be subject to site plan approval.

vi) Site Plan Control Fees

By-law #89-2006 outlines the City's Tariff of Fees for Planning Applications, including a \$3790.00 base fee for the processing of site plan applications. Single detached, semi-detached, and street townhouses are presently exempt City-wide from site plan approval. The Development Planning Department recommends that the current fee schedule apply site plan approval to new individual single-detached dwellings within the KNHCD, that are not being developed through the plan of subdivision approval process.

Currently, on a City-wide basis, only commercial, industrial, institutional, recreational, and residential apartment, block townhouse and other multiple residential dwelling forms are subject to Site Plan Control. The proposed amendments will give the City the authority to proceed with the review and approval of currently exempted uses including all new residential development applications for single-detached within the Kleinburg-Nashville Heritage Conservation District (KNHCD), as shown on Attachment #1. These amendments will ensure that new residential development will preserve and enhance the heritage characteristics of the KNHCD as presented in the KNHCD Study and Plan prepared by Phillip H. Carter Architect and Planner, and adopted by Council on June 23, 2003.

The lands affected by the proposed amendment are generally located in the core areas of the Kleinburg and Nashville communities being within Part of Lots 20-26, Concession 8; Part of Lot 23, Concession 9; and, Part of Lots 25 and 26, Concession 10, in the City of Vaughan, as shown on Attachment #1.

Public Hearing

On May 12, 2005, a Notice of Public Hearing concerning the proposed amendments to the Official Plan and Site Plan Control By-law were published in the Vaughan Citizen. As of December 21, 2006, no comments have been received. The recommendation of the Committee of the Whole to receive the Public Hearing report on June 8, 2005 and to forward a comprehensive report to a future Committee of the Whole meeting was ratified by Council on June 15, 2005.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities set forth in Vaughan Vision 2007, particularly 'A-5', "Plan and Manage Growth".

Conclusion

The Kleinburg-Nashville Heritage Conservation District (KNHCD) is a unique area and it is important for the City to preserve and enhance the heritage character of this district. In 2002, the City retained a consultant to examine the merits of establishing a Heritage Conservation District within the community. The KNHCD Plan/Study recommended that a Heritage Conservation District be established, which was implemented by Council through the enactment of By-law's #183-2003 and #268-2003 in 2003, in accordance with Part V of the Heritage Act. One recommendation of the Study was that Site Plan Control apply to all classes of development within the KNHCD, in order to maintain and enhance the heritage character of the area. Currently, all classes of development within the KNHCD are subject to site plan control except single-detached, semi-detached and street townhouse dwellings. Of the three uses, only single-detached dwellings are permitted by the Kleinburg-Nashville Official Plan.

In order to implement site plan control for single-detached dwellings, amendments are required to the Official Plan (OPA #200), and the City's Site Plan Control By-law (By-law #228-2005), to implement site plan control, as discussed in this report. The proposed Official Plan and Site Plan Control Amendments, will work together with the existing heritage permit process, official plan

policies and building permit process in order to achieve the goal of preserving the heritage character of the KNHCD, as recommended by the Study/Plan.

Accordingly, the Development Planning Department, in consultation with the Building Standards, Policy Planning and Cultural Services Departments can support the approval of the proposed amendments to the site plan control provisions of the Official Plan and Site Plan Control By-law, to address heritage development issues in the KNHCD, as outlined in this report.

Attachments

1. Location Map of Kleinburg-Nashville Heritage Conservation District

Report prepared by:

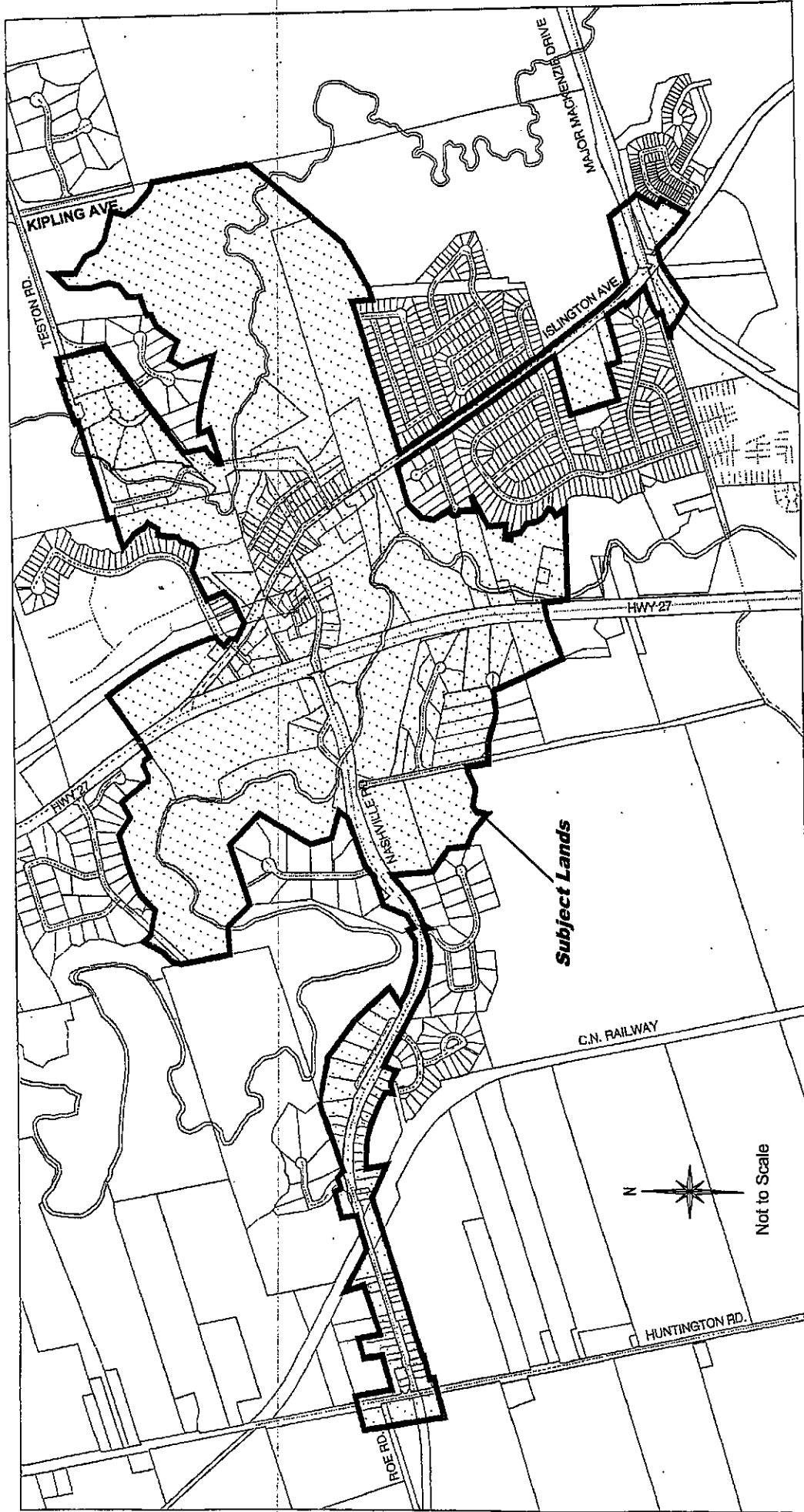
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Respectfully submitted,

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/CM



**Subject
Lands**

**Kleinburg - Nashville
Heritage Conservation
District Site Plan
Control Area**



Development Planning Department

APPLICANT:
CITY OF VAUGHAN

Part of Lots 20-26, Concession 8;
Part of Lot 22-26, Concession 9;
Part of Lots 25 & 26, Concession 10

Attachment 1

FILE No.:
OP.05.014

January 22, 2007