

THE CORPORATION OF THE CITY OF VAUGHAN

IN THE MATTER OF Section 17(28) of
the Planning Act, RSO 1990, c.P.13

and

IN THE MATTER OF Amendment Number 3
to the Vaughan Official Plan (2010) of the Vaughan Planning Area

I, **JEFFREY A. ABRAMS**, of the City of Toronto, **MAKE OATH AND SAY:**

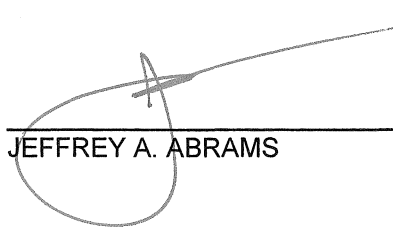
1. **THAT** I am the City Clerk of the Corporation of the City of Vaughan and as such, have knowledge of the matters hereinafter deposed to.
2. **THAT** Vaughan Official Plan (2010) Amendment Number 3 was adopted by the Council of the Corporation of the City of Vaughan on the 8th day of April, 2014, and written notice was given on the 16th day of April, 2014 in the manner and form and to the persons and public bodies that requested notification of the adoption, pursuant to Subsection 17(23) of the Planning Act, RSO 1990, as amended.
3. **THAT** no notice of appeal setting out an objection to Vaughan Official Plan (2010) Amendment Number 3 was filed with me within twenty (20) days from the date of written notice of the adoption of the amendment.
4. **THAT** Vaughan Official Plan (2010) Amendment Number 3 is deemed to have come into effect on the 7th day of May, 2014, in accordance with Subsection 17(27) of the Planning Act, RSO 1990, as amended.

SWORN BEFORE ME in the City)
of Vaughan, in the Regional)
Municipality of York, this)
13th day of May, 2014.)



A Commissioner, etc.

James Todd Coles,
a Commissioner, etc.,
Regional Municipality of York, for
The Corporation of the City of Vaughan.
Expires March 27, 2016.



JEFFREY A. ABRAMS

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 047-2014

A By-law to adopt Amendment Number 3 to the Vaughan Official Plan 2010 for the Vaughan Planning Area.

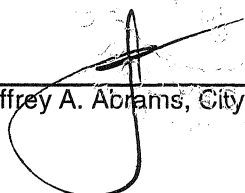
NOW THEREFORE the Council of the Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. THAT the attached Amendment Number 3 to the Vaughan Official Plan 2010 of the Vaughan Planning Area, consisting of the attached text and Schedule(s) "1" and "2" is hereby adopted.
2. AND THAT this By-law shall come into force and take effect the day after the last day for filing a notice of appeal.

Enacted by City of Vaughan Council this 8th day of April, 2014.



Hon. Maurizio Bevilacqua, Mayor



Jeffrey A. Abrams, City Clerk

**AMENDMENT NUMBER 3
TO THE VAUGHAN OFFICIAL PLAN 2010
OF THE VAUGHAN PLANNING AREA**

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

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

I PURPOSE

The purpose of this Amendment to the Vaughan Official Plan 2010 (VOP 2010) is to amend the provisions of the Official Plan of the Vaughan Planning Area, specifically, Volume 2, Section 13 respecting Policy 12.4, Kleinburg Core to facilitate a mixed-use residential-commercial development on the Subject Lands.

The subject Amendment will facilitate the following with respect to the Subject Lands identified as, "Area Subject to Amendment No. 3" on Schedule "1" attached hereto:

1. Permit a small scale mixed-use development with two existing heritage buildings (10423 and 10429 Islington Avenue) to be used for commercial uses only, and one, mixed-use 3-storey building consisting of at-grade residential and commercial uses and residential uses only on the second and third floors, with a maximum Floor Space Index (FSI) of 1.064 on the subject lands.
2. Permit a maximum building height of 12.7 m measure to the highest point of the roof surface for one mixed-use residential/commercial building.
3. Permit parking to occur between the 3-storey, mixed-use building and the public street (Islington Avenue).

II LOCATION

The lands subject to this Amendment, hereinafter referred to as the "Subject Lands", are located on the east side of Islington Avenue, south of Nashville Road, being Part of Lot 24, Concession 8, City of Vaughan, as shown on Schedule "1" attached hereto as "Area Subject to Amendment No. 3."

III BASIS

The decision to amend the Official Plan is based on the following considerations:

1. The "Mainstreet Commercial" designation permits the following uses:
 - retail store;
 - personal service shop;
 - business or professional office; and,
 - small scale mixed-use developments with at-grade commercial uses and an upper floor residential component.

The Mainstreet Commercial policies limit buildings to a maximum height of 9.5 m, with a floor space index ranging between 0.2 and 1.0. In addition, VOP 2010 includes policies that do not permit parking between the main building and a public street. The proposal does not entirely conform to VOP 2010. The Mainstreet Commercial policies of VOP 2010 need to be amended to implement a mixed-use development on the Subject Lands.

The implementing Official Plan Amendment shall incorporate wording specifying that a small scale mixed-use development shall only be permitted due to the retention and restoration of the existing heritage buildings municipally known as 10423 and 10429 Islington Avenue that shall only be used for commercial uses. In addition, the location of the existing heritage buildings, the topography (grading) sloping to the south and east, and the lot configuration (lot size and lot depth) of the Subject Lands, has contributed to the amendments to the Mainstreet Commercial policies resulting in an increased floor space index and building height, as well as the location of parking between the mixed-use building and a public street.

2. The provision to permit the mixed-use development as described above is in keeping with the intent of the Kleinburg Core Heritage Conservation District policies to maintain a commercial mainstreet.
3. The parking located between the mixed-used building and Islington Avenue, which also serves the commercial uses in the existing heritage buildings, will be screened with landscaping and the parking spaces and driveway areas will be paved in decorative pavers to complement the pedestrian walkway and to provide a more visible pleasing environment.
4. The Subject Lands include two heritage residential buildings, 10423 and 10429 Islington Avenue that are to be retained and restored and are designated under Part V of the *Ontario Heritage Act*, as part of the Kleinburg-Nashville Heritage Conservation District Guidelines. 10429 Islington Avenue is also included in the Listing of Buildings of Architectural and Historical Value, the City of Vaughan's Register of Property of Cultural Heritage Value as per Part IV, Subsection 27 of the *Ontario Heritage Act*. Designated buildings are protected by By-law and shall be preserved. The proposed changes to these buildings are in keeping with the Heritage Conservation District Plan and Design Guidelines.
5. The Subject Lands are designated "Urban Area" by York Region Official Plan (Regional Official Plan Amendment (ROPA) 52), which permits a wide range of residential, commercial, industrial and institutional uses. The proposal conforms to the Regional Official Plan.

6. The statutory Public Hearing was held on November 6, 2012. The recommendation of the Committee of the Whole to receive the Public Hearing report of November 6, 2012, and to forward a comprehensive report to a future Committee of the Whole meeting, was ratified by Vaughan Council on November 20, 2012. Subsequently on November 19, 2013, Vaughan Council ratified the October 15, 2013, Committee of the Whole recommendation, to approve Official Plan and Zoning Amendment and Site Development Files OP.12.008, Z.12.045 DA.12.045 (Heritage Hill Developments (II) Corporation).
7. On November 1, 2012, York Region exempted this Amendment from Regional approval, in accordance with Regional Official Plan Policy 7.2.7, as it does not adversely affect Regional planning policies or interests.

IV DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

The Vaughan Official Plan 2010 is hereby amended by:

1. Deleting Map 12-4.A: Kleinburg Core to VOP 2010, and substituting therefor Map 12-4.A: Kleinburg Core attached hereto as Schedule "2", to thereby identify Area B being subject to Policy 12.4.15.1.
2. Renumber "Policy 12.4.15 Interpretation" and subsections 12.4.15.1 to 12.4.15.4, inclusive, to "Policy 12.4.16 Interpretation" and subsections 12.4.16.1 to 12.4.16.4, inclusive.
3. Adding Policy 12.4.15 "Exceptions" after Policy 12.4.14 Community Guidelines, and moving all existing policies pertaining to Area A to this section and renumbering the section accordingly.
4. Adding the following Policy 12.4.15.2 Area B, after the policies pertaining to Area A:
"(OPA #3) 12.4.15.2 Area B:
 - a. Notwithstanding Policies 12.4.4.5 and 12.4.5.2 respecting permitted uses; Policies 12.4.8.1 b. i. and 12.4.11.22 respecting permitted Building Heights; Policy 12.4.8.1 b. ii. respecting maximum Floor Space Index; and, Policy 12.4.11.31 respecting parking, all within the Mainstreet Commercial area, the following development shall be permitted on the lands identified as Area B, on Map 12-4 A: Kleinburg Core:

Due to the retention and restoration of the existing heritage buildings (10423 and 10429 Islington Avenue) on the subject lands, the

topography (grading) of the subject lands sloping to the south and east, the lot configuration (lot size and depth), a small scale mixed-use development, comprised of the two existing heritage buildings (10423 and 10429 Islington Avenue) to be used for commercial uses only, and one, mixed-use 3-storey building consisting of at-grade residential and commercial uses and residential uses only on the second and third floors, shall only be permitted subject to the following:

- i. The maximum building height of the mixed-use residential-commercial building shall not exceed 12.7 m (3-storeys), measured to the top of a flat roof.
- ii. The maximum Floor Space Index on the subject lands shall not exceed 1.064.
- iii. Parking shall be permitted between the mixed-use commercial-residential building and the public street (Islington Avenue).

Site-specific development standards shall be established in the implementing zoning by-law. (OPA #3)"

V IMPLEMENTATION

It is intended that the policies of the Official Plan of the Vaughan Planning Area pertaining to the Subject Lands shall be implemented by way of an amendment to the City of Vaughan Comprehensive Zoning By-law 1-88, and Site Development Approval, pursuant to the *Planning Act*.

VI 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.



NOT TO SCALE

**THIS IS SCHEDULE '1'
TO AMENDMENT No. 3**

ADOPTED THE 8th DAY OF APRIL, 2014

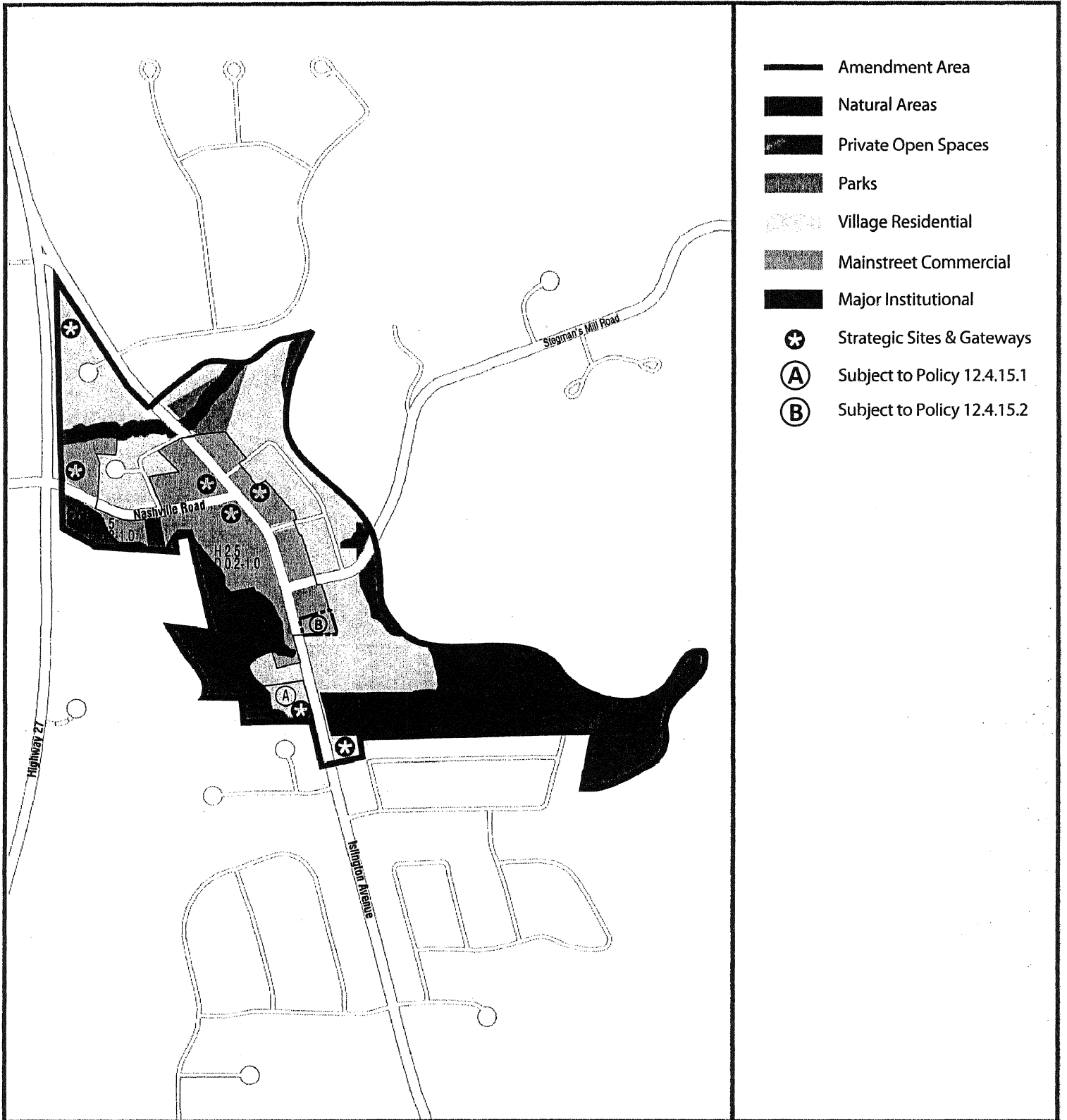
FILE No. OPA #3 & OP.12.008
 LOCATION: Part of Lot 24, Concession 8
 APPLICANT: HERITAGE HILL DEVELOPMENTS (II)
 CORPORATION
 CITY OF VAUGHAN

SIGNING OFFICERS

 MAYOR

 CLERK

KEY MAP 12.4.A: KLEINBURG CORE


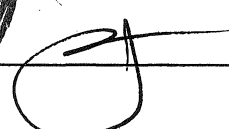


**THIS IS SCHEDULE '2'
TO AMENDMENT No. 3**

ADOPTED THE 8th DAY OF APRIL, 2014

FILE No. OPA #3 & OP.12.008
 LOCATION: Part of Lot 24, Concession 8
 APPLICANT: HERITAGE HILL DEVELOPMENTS (II)
 CORPORATION
 CITY OF VAUGHAN

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SIGNING OFFICERS

 _____ MAYOR

 _____ CLERK

APPENDIX I

The Subject Lands are located on east side of Islington Road, and south of Nashville Road, in Part of Lot 24, Concession 8, City of Vaughan.

The purpose of this Amendment is to amend the policies in the "Mainstreet Commercial" designation in Policy 12.4. Kleinburg Core, specifically the policies respecting the permitted use, the maximum building height, the maximum Floor Space Index and the location of parking in order to facilitate restoring two existing heritage detached dwelling units previously used for residential uses, which are to be converted for commercial use, and developing a new 3-storey low-rise mixed-use residential-commercial building where both commercial and residential uses are at-grade and residential uses are in the upper floors. A total combined commercial and residential gross floor area of 3,284 m², with 24 apartment units, for a total combined on-site Floor Space Index of 1.064 with a maximum building height of 12.7 m are proposed for the subject lands.

The Amendment to the Official Plan, Policy 12.4 Kleinburg Core, is being permitted due to the retention and restoration of the existing heritage buildings (located at 10423 and 10429 Islington Avenue) for commercial uses facing a public street. In addition, the location of the existing heritage buildings, along with the topography (grading) of the lands sloping to the south and east, and the lot configuration (lot size and lot depth) of the subject lands, has contributed to amendments to the Mainstreet Commercial policies resulting in increases to the floor space index, building height and the location of parking between a main building (Building "C") and a public street.

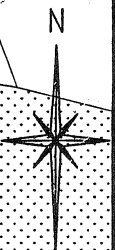
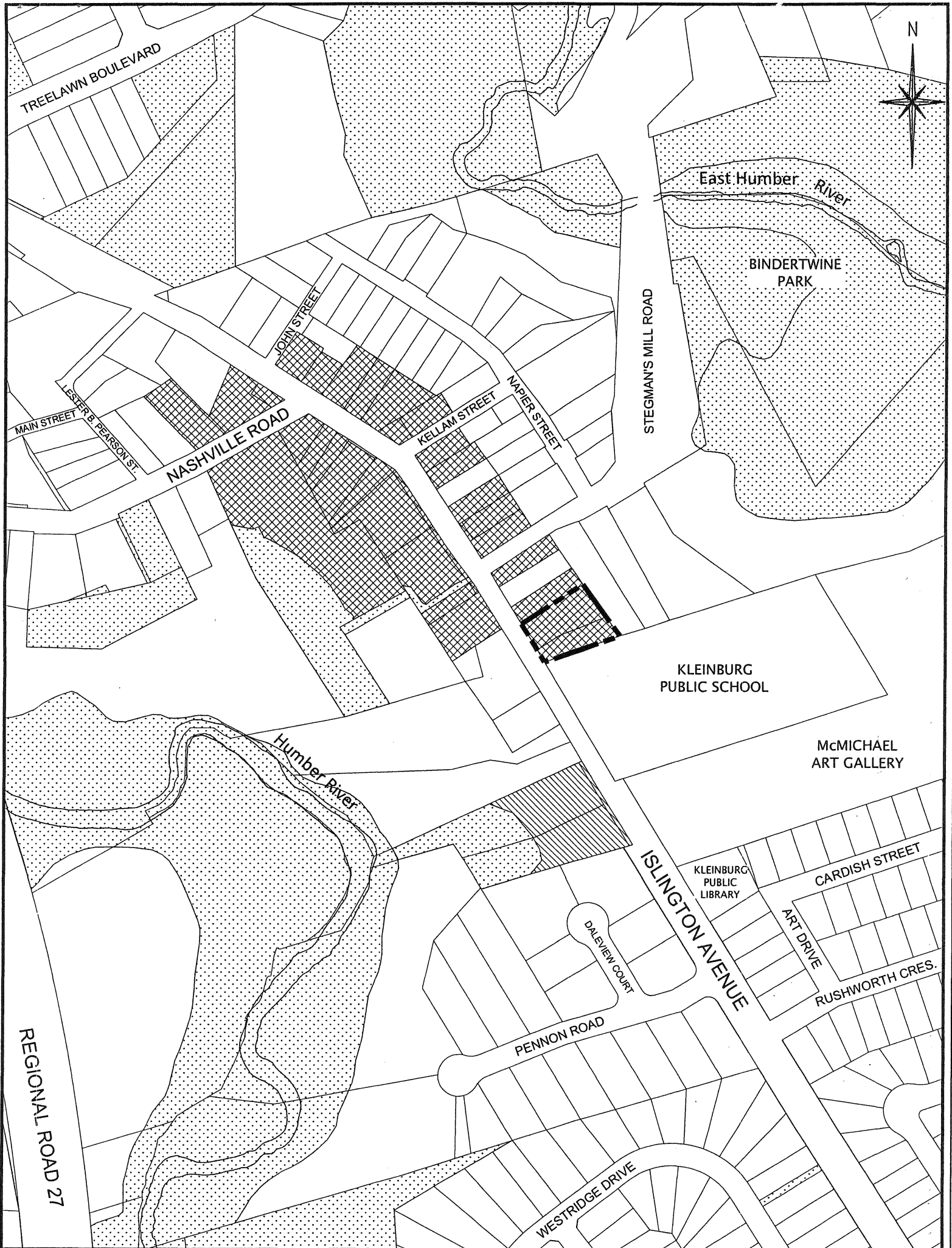
On November 19, 2013, Vaughan Council ratified the October 15, 2013, Committee of the Whole recommendation, with amendments as set out in Communication C11 dated November 18, 2013, to approve Official Plan Amendment File OP.12.008. Vaughan Council approved the following recommendation (in part):

- "1 THAT Official Plan Amendment File OP.12.008 (Heritage Hill Developments (II) Corporation) BE APPROVED, to amend OPA #601 (Kleinburg-Nashville Community Plan), as amended by OPA #633 (Kleinburg Commercial Core Plan), specifically to amend the policies respecting the "Mainstreet Commercial" designation on the subject lands shown on Attachment #3, as follows:
 - a) permit a small scale mixed-use development to include a commercial component and a residential component, where the residential component is contained within the same building as the commercial component and is also located at-grade;
 - b) permit a maximum Floor Space Index (FSI) for the overall development on the site of 1.022;
 - c) permit a maximum building height of 12.7 m to the highest point of the roof surface for Building "C";
 - d) permit parking to occur between the main building (Building "C") and the public street (Islington Avenue); and,
 - e) the implementing Official Plan Amendment shall incorporate wording specifying that a small scale mixed-use development, which shall be comprised of both a commercial component and a residential component, where the residential component shall be contained within the same building as the commercial component and may also be located at-grade, shall only be permitted due to the retention and restoration of the existing heritage buildings (Buildings "A" and "B") for commercial uses facing a public street. In addition, the location of the existing heritage buildings, along with the topography (grading) sloping to the south and east, and the lot configuration (lot size and lot depth) of the subject lands, has contributed to amendments to the Mainstreet Commercial policies resulting in increases to the floor space index, building height and the location of parking between a main building (Building "C") and a public street.
2. THAT should the implementing Official Plan Amendment for File OP.12.008 (Heritage Hill Developments (II) Corporation) be approved by Vaughan Council (approval authority), that the new City of Vaughan Official Plan 2010 (VOP 2010), which was adopted by Vaughan Council on September 7, 2010 (as modified on September 27, 2011, March 20, 2012, and April 17, 2012) as further modified and endorsed by Region of York Council on June 28, 2012, and has been approved, in part, by the Ontario Municipal Board on July 23, 2013, be further modified respecting the policies for the "Mainstreet Commercial" designation as follows:
 - a) permit a small scale mixed-use development to include a commercial component and a residential component, where the residential component is contained

within the same building as the commercial component and is also located at-grade, with a residential component on the upper floors;

- b) permit a maximum building height of 12.7 m to the flat roof for Building "C";
- c) permit parking to occur between the main building (Building "C") and the street; and,
- d) the implementing Official Plan Amendment shall incorporate wording specifying that a small scale mixed-use development, which shall be comprised of both a commercial component and a residential component, where the residential component shall be contained within the same building as the commercial component and may also be located at-grade, shall only be permitted due to the retention and restoration of the existing heritage buildings (Buildings "A" and "B") for commercial uses facing a public street. In addition, the location of the existing heritage buildings, along with the topography (grading) sloping to the south and east, and the lot configuration (lot size and lot depth) of the subject lands, has contributed to amendments to the Mainstreet Commercial policies resulting in increases to the floor space index, building height and the location of parking between a main building (Building "C") and a public street."


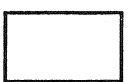


As VOP 2010 is now in effect, the subject amendment to the Official Plan will be to this document, rather than to OPA #601, as amended by OPA #633.



APPENDIX II EXISTING LAND USE OFFICIAL PLAN AMENDMENT No. 3

FILE No. OPA #3 & OP.12.008
 LOCATION: Part of Lot 24, Concession 8
 APPLICANT: HERITAGE HILL DEVELOPMENTS (II)
 CORPORATION
 CITY OF VAUGHAN
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NOT TO SCALE

AREA SUBJECT TO AMENDMENT No. 3	
LOW DENSITY RESIDENTIAL	
MEDIUM DENSITY RESIDENTIAL	
COMMERCIAL	
OPEN SPACE	