



Community Uses Zoning By-law Technical Paper

Draft Study

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1 Introduction

1.1 Scope

In July 2010, Council adopted the City of Richmond Hill Official Plan, July 2010, (the Official Plan) which was partially approved by the former Ontario Municipal Board (now the Ontario Lands Tribunal). The Official Plan sets out a “new kind of urban” policy direction for the City. Accordingly, the City is presently undertaking a comprehensive City-wide zoning by-law review (zoning review) with the intent of developing one comprehensive modern zoning by-law to implement the Official Plan, and repealing the multiple parent by-laws that were enacted from various periods in the City’s history that presently apply throughout the City. In support of the zoning review, a number of technical discussion papers (papers) on specific topical matters will be prepared.

The present paper addresses community uses, with a focus on these uses within Neighbourhoods and Employment Lands. The City’s Official Plan policies prescribe a range of community uses within its urban structure in Section 4.1. For the purposes of this paper, community uses include schools, places of worship, child care centres, social services, cultural services, and other privately-operated public-serving facilities operated from private property or leasing space in City facilities.

This paper will consider and address the following matters:

- The range, scale, form and list of permitted community uses appropriate to Neighbourhoods and Employment Lands;
- Consideration for the public and/or private nature of the uses and their associated impacts;
- Emerging trends for community uses including co-location of these uses on a permanent and/or temporary basis; and,
- Consideration of legally existing community uses that were comprehensively planned and approved through a Planning Act process and where these uses are not explicitly permitted under the policies of the Official Plan and do not conform to the Plan policies.

1.2 Study Objectives

The main goal and objectives of this paper is to:

- Assess whether changes in the City’s Official Plan policies are warranted in order to effectively address findings from the research and/or provide greater clarity for ease of implementation;
- Inform a zoning approach to address community uses in a manner relevant to the City of Richmond Hill; and,

- Establish a framework to develop appropriate performance standards that are based on sound data and research, best practices and which are defensible.

1.3 Methodology

The work for this paper will proceed in four (4) phases.

1. Project Kick-off
 - Project initiation meeting
 - Work plan and schedule
2. Information Gathering
 - Research and review
 - Community and stakeholder consultation
 - What We Heard Reports
3. Draft Study Development
 - Draft Study
 - Public open house
 - Meeting with City staff
4. Final Study Development
 - Final Study
 - Council meeting

2 Planning Policy

2.1 Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS promotes a range and mix of uses, including community uses, to support healthy, livable and safe communities. The PPS requires development to be adequately supported by existing or planned community uses. These community uses should be delivered in a coordinated, efficient and cost-effective manner that will meet current and projected future needs. Co-location of community uses within community hubs is preferred (Section 1.6.5). Within employment areas planned for industrial or manufacturing uses, planning authorities shall prohibit residential uses and prohibit or limit other sensitive land uses (which *may* include community uses) that are not ancillary to the primary employment uses (Section 1.3.2.3).

2.2 Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow is the Ontario government's initiative to plan for growth and development in a way that supports economic prosperity, protects the environment, and helps communities achieve a high quality of life. The Growth Plan for the Greater

Golden Horseshoe (“the Growth Plan”) promotes forecasted growth in complete communities; mixed-use places including residential and employment uses, and convenient access to local stores, services, and public service facilities (Section 2.2.1.4a).

Public service facilities and public services should be co-located in community hubs and integrated to promote cost-effectiveness (Section 3.2.8.2). New public service facilities, including hospitals and schools, should be located in settlement areas and preference should be given to sites that are easily accessible by active transportation and transit, where that service is available (Section 3.2.8.6).

The Growth Plan stipulates that in all employment areas within settlement areas, municipalities will prohibit residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment use (Section 2.2.5.7a). The Growth Plan definition of sensitive land uses refers to uses where normal activities at expected times would experience adverse effects due to contaminant discharge from nearby facilities. Most of the Richmond Hill’s employment areas are office parks which would likely not generate any adverse effects on community uses. However, Newkirk Business Park does contain some uses like a cement batching plant and automotive commercial uses that may be incompatible with sensitive land uses. Official Plan policies on community uses need to conform with the Growth Plan in this regard.

2.3 Bill 108: The More Homes, More Choice Act (2019)

The More Homes, More Choice Act, 2019 received Royal Assent on June 6, 2019. Schedule 12 of the Act makes amendments to the Planning Act to how municipalities can charge for community benefits in order to fund a range of capital infrastructure for community services that would benefit new development. This replaces height and density bonusing under Section 37 of the Planning Act as well as changes to parks provision requirements and Development Charges. There are provisions in Schedule 12 that require additional details to be prescribed by regulation.

2.4 York Region Official Plan (2010)

York Region Council adopted the in-force York Region Official Plan (YROP) in 2009; the Minister of Municipal Affairs and Housing approved the Plan in 2010. The YROP was subject to a number of appeals and has a 2019 office consolidation. The policies of the YROP guide new planning and development in York Region.

The YROP identifies a range of quality human services as essential to achieving the goal of healthy communities (part of the Region’s triple bottom line objectives) because they address social, physical, mental health, cognitive and spiritual needs of residents. Section 3.3 contains policies on the provision of human services, which are summarized below:

- To direct the location of major human service facilities to Regional Centres and Regional Corridors (3.3.3, 5.4.11);
- Local centres and corridors serve as important neighbourhood focal points and main streets that provide a range of working, shopping, recreation, human services and housing opportunities with appropriate forms and scale that complement the surrounding community (5.5.1);
- To encourage the co-location of human services with other uses such as recreational, public buildings and arts and cultural facilities (3.3.4);
- To ensure that public buildings and facilities are designed to be accessible, and are located in proximity to pedestrian, cycling and transit systems (3.3.5); and,
- To attract new educational and skills training facilities, including community college campuses and a university (3.3.6).

York Region is currently undertaking a Municipal Comprehensive Review (MCR) of the Region's population and employment forecasts, land budget and YROP policies. At time of writing, we have been advised that the MCR process is not sufficiently advanced to include it in our analysis. Subsequent to the completion of this draft paper, the Region has released a draft Regional Official Plan Amendment (ROPA). Given the timing of the draft ROPA, it was not included in this analysis.

2.5 Richmond Hill Official Plan (2010, c. 2021)

The Richmond Hill Official Plan (Official Plan) was adopted by the Council of the City of Richmond Hill on July 12, 2010. It was endorsed, with modifications, by the Regional Municipality of York on May 19, 2011. There were numerous Ontario Municipal Board (OMB) appeals. On April 5, 2012, the OMB partially approved the Official Plan and subsequently issued a number of amending Orders. The office consolidation is dated August 2021.

The City is undertaking a review and update of its Official Plan that will provide a policy framework to 2041. The findings of the present technical paper on community uses may serve to inform the Official Plan update.

Presently, the policies of the Official Plan guide decisions to manage growth and development to implement the vision of the City over the planning period to 2031. The Official Plan advances a vision of "building a new kind of urban" (Section 2.1).

The Official Plan dictates that a range of community uses shall be directed to appropriate locations within the City to contribute to a complete community (Section 4.1). The broadest range of community uses will be directed to the Centres and Corridors in a compact, urban form (Sections 3.1.7.4, 4.1.1.1, 4.1.1.2). More limited ranges will be permitted in Neighbourhoods and Employment Lands (Sections 4.1.1.1,

4.1.1.3). Table 1 outlines the community uses permitted in the different Urban Structure Components.

Table 1. Community uses “permitted” in the City of Richmond Hill Official Plan by Urban Structure component.

Urban Structure Component	Permitted Community Uses	Notes
Centres and Corridors (Section 4.1.1.2)	Hospitals and healthcare centres; Post-secondary institutions; Public and private secondary and elementary schools; Places of worship; Arts and cultural facilities; Day nurseries; Private home day care facilities; Social services	N/A
Neighbourhoods (Section 4.1.1.3)	Public elementary school; Public secondary school; Private elementary or secondary school; Places of worship; Arts and cultural facilities; Day nurseries; Private home day care facilities	Permitted uses are further limited by the type of street it may front onto.
Employment Lands (Section 4.1.1.8)	Day nurseries contained within a major office building	N/A

The Official Plan contains additional locational requirements for places of worship and schools including frontage onto certain street classifications and/or location at major intersections (Section 4.1.1). The Official Plan encourages the campusing or co-location of community uses, including schools (Section 4.1.2.2).

Recent secondary plan work for the Yonge & Carrville/16th Ave Key Development Area (KDA) and the Yonge & Bernard KDA contains relaxed locational policies for community uses. The draft Yonge & Carrville/16th KDA Secondary Plan allows sites for schools and places of worship to be considered on collector and local streets, despite Official Plan policies 4.1.1(4), (5a), and (7). A new public elementary school site is identified within the Secondary Plan fronting onto a proposed collector street. It should be noted that this

draft secondary plan is not yet approved by Council and will be reviewed as part of the ongoing Official Plan Update. The Yonge & Bernard KDA Secondary Plan states that Official Plan policies 4.1.1(4-7) do not apply within the Secondary Plan Area. The Yonge & Bernard KDA Secondary Plan is under appeal at the OLT and has been approved in part by the Tribunal.

3 Other Relevant Provincial Legislation

3.1 Education Act (1990, amended 2021)

The Education Act was adopted in 1990 and last amended in 2020 and is the main piece of legislation governing education in Ontario and provides authority for the creation of all of the main features of the education system.

The *Act* refers to the use of schools for child care programs in Section 37, stating that the Minister may make regulations to determine the amount that the board may charge operators of third-party programs or child care and early years programs and services.

The *Act* refers to multiple uses in a school building, stating in Section 196 that the board must obtain prior approval of the Minister where accommodations for pupils on a school site that is not occupied, or exclusively occupied, by the board occurs.

3.2 Child Care and Early Years Act (2014, amended 2019)

The Child Care and Early Years Act, 2014, came into effect on August 31, 2015 and it replaced the *Day Nurseries Act* and established new rules governing child care in Ontario.

The *Act* has a number of built-form requirements in section 13 (1) for child care centres built in Ontario. The child care centres must comply with the requirements made under the *Building Code Act, 1992*, the *Fire Protection and Prevention Act, 1997*, and the *Safe Drinking Water Act, 2002*, where applicable.

The *Act* requires child care centres to follow a number of provisions regarding amenity and space requirements. These are regarding designated spaces within the child care centre (Section.15), play activity space (Section.16), play activity rooms (Section.17), resource areas (Section.18), requirement for the child care centre to be on the first or second storey (Section.20), window glass to comply with the Building Code (Section.21), artificial illumination (Section.22), temperature (Section.23), and outdoor play space (Section.24).

The *Act* references the building requirements of child care centres in schools in Section 75 which may have relevance for co-location, stating that a child care centre, or part of a child care centre, that is located in a school and is deemed as part of the school, must comply with the same standards or requirements that apply to the school.

4 Richmond Hill’s Current Zoning Approach

A number of parent zoning by-laws currently cover the City of Richmond Hill:

313-96	128-04	190-87	39-71
1275	85-02	184-87	3-74
986	54-15	66-71	356-86
366-86	42-02	76-91	183-82
434-88	235-97	213-96	91-13
1703	2523	38-95	88-86
256-88	2325-68	150-80	255-96
365-86	55-15	181-81	278-96
107-86			

The approach to zoning community uses has been analyzed for a sample of these parent by-laws created in different eras. This analysis looked at by-law numbers 42-02 55-15, 66-71, 190-87, 313-96, 1703, 2325-68, and 2523.

4.1 Definitions

There is consistency between definitions of community uses in the parent zoning by-laws.

Community use definitions generally do not mention accessory and co-located uses, which we know are common in Richmond Hill. To encourage co-location of community uses, it may be worthwhile to explicitly include accessory uses in definitions (see by-law examples from Oakville and Mississauga below) and/or provide a definition for “Community Hub”.

Several definitions will require modifications.

Place of Entertainment: This term covers many quasi-public uses (e.g. auditorium, theatre, arena, etc.). Breaking this term into multiple definitions would allow for more nuanced permissions and development standards to be applied to these diverse uses.

Church: All instances of “church” in definitions should be updated to “places of worship” to reflect the diversity of faith in the City. This term was removed and re-defined as Places of Worship in various zoning by-laws by By-law No. 13-00 and By-law No. 120-00.

Commercial School: This term was re-defined in By-law 29-20 as a commercial establishment which provides instruction on any subject for hire or gain and includes such uses as a studio used by a dance or music teacher, a marital arts school, a golf training centre, a tutoring centre, a driver’s education school, a trade school and any other similar use; however, a “Commercial School” does not include a private school or

religious school. Definitions should be further revised to make clear distinction between post-secondary schools and office uses, while still including flexibility for emerging trends (see Mississauga by-law example below).

Arts and Cultural Facilities: These community uses are described in the Official Plan but are not defined terms in the parent zoning by-laws we analyzed. It may make sense to distinguish between galleries and museums.

4.2 Permissions

In residential zones, schools, child care centres, and places of worship are typically the only community uses permitted. Occasionally, health services are also permitted. Some parent zoning by-laws further restrict these uses in low-density residential zones. By-law 13-00 removed schools and places of worship as permitted uses in residential zones for zoning by-laws covering serviced areas of the city. By-law 120-00 amended By-law 13-00 to recognize existing uses and allow for their expansion, renovation, reconstruction and repair.

In institutional and commercial zones, a broad range of community uses tend to be permitted. More intensive community uses may not be permitted in neighbourhood commercial zones. Highway commercial zones do not permit any community uses.

In employment and industrial zones, community uses are severely limited or not permitted at all. Child care centres and recreation facilities are the only community uses permitted, and sometimes only if they are accessory to employment or industrial uses.

4.3 Standards

In the parent zoning by-laws reviewed, most standards were dictated by zone rather than by use. This is appropriate from a building compatibility aspect, but may result in standards that are inappropriate for community uses and may require relief from a zoning by-law to be accommodated. For example, within residential zones, often standards were based on dwelling type with no standards provided for non-dwelling uses.

All parent zoning by-laws include a public authority clause, permitting public agencies to use land or construct buildings for public service in any zone. Although this clause provides flexibility in the use, public agencies must adhere to the standards for the zone and ensure compatibility with the zone.

Overall, the parent zoning by-laws did not strongly regulate minimum or maximum size of community uses. All parent zoning by-laws provided maximum heights, mostly in the range of 10-14 metres. Occasionally a minimum lot area and/or a minimum frontage was provided. More recent parent zoning by-laws (42-02 and 55-15) provided maximum floor area ratios for community uses.

Parking standards are set based on the specific community use. Different measures are used for calculating the required number of parking spaces, including floor area, number of staff, facility capacity, and number of units. The standards developed for more recent zoning by-laws would be a good starting point for setting parking standards for the City's new comprehensive zoning by-law. We are also aware that Richmond Hill is working on a Parking and Transportation Demand Management Study, which will address this issue in greater detail. The City is also updating its Transportation Master Plan to establish a future vision for all travel modes within the City to the year 2041.

All parent zoning by-laws stipulate that where multiple uses occur on a single lot, the development standards for all uses must be followed. If there is a conflict, the more stringent standards apply.

Separation distances between community uses are not included in the parent zoning by-laws analyzed.

4.4 Comparison to Area Municipalities

This section compares the as-of-right zoning permissions for community uses in the area municipalities of the City of Toronto, Town of Oakville, and City of Mississauga.

4.4.1 Overall Comparison

Many municipalities in the Greater Toronto Area (GTA) are undertaking similar reviews of their zoning by-laws as the City of Richmond Hill. This complicates comparison between municipalities, since many of the zoning by-laws are recognized as outdated and no longer reflect best practices. As the City of Richmond Hill continues to work towards a new comprehensive zoning by-law, knowledge sharing activities with area municipalities is advised to reduce duplication of work and to allow for reasonable consistency within the Region.

4.4.2 City of Toronto

Mixed use zones allow a full range of community uses. A Clinic and Community Health Centre are permitted in all employment zones except for the heaviest industrial zone. Community Centres and Places of Worship are permitted in industrial commercial zones, but not other employment zones, and a Day Nursery is permitted in all employment zones except for the heaviest industrial zone.

The City of Toronto's zoning by-laws are very permissive with respect to community uses in residential zones. Provisions for community uses in residential zones are summarized below.

- Community Centre is permitted in 2 residential zones, out of 6 and is defined as not used for a commercial purpose.

- Community health centre is permitted in 2 residential zones, out of 6 and is defined as a public or non-profit operation.
- Day Nursery is permitted in all residential zones, with qualifications. The definition specifies that it is not to be located in a private residence. Qualification for 4 zones is that it be located in a public school, place of worship or community centre. In the other 2 zones an additional qualification is that it can be located in a building originally built for that purpose or is in a whole of a detached house or the whole of a pair of semi-detached houses.
- Municipal Community Centre is permitted in all residential zones.
- Place of Worship is permitted in all residential zones, with qualifications that the building had to be originally constructed for that purpose and that the lot frontage is at least 30 metres.
- Private Academic, Philanthropic or Religious School are permitted in 2 residential zones out of 6, and one other zone with qualifications that the building had to be originally constructed for that purpose.
- Public Art Gallery is permitted in 2 residential zones, out of 6.
- Public Library is permitted in 2 residential zones, out of 6.
- Public Museum is permitted in 2 residential zones, out of 6.
- Public School is permitted in all residential zones, with some qualifications. Defined as maintained at public expense. Includes a college or university and associated boarding or dormitory facilities. Qualification in 3 of the zones is that building had to be originally constructed for that purpose.

4.4.3 Town of Oakville

In Oakville, there are currently three comprehensive zoning by-laws in effect covering different geographies. We reviewed Zoning By-law 2014-014 because it represents the most up-to-date zoning strategy but it should be noted that certain sections are still under appeal and not in force. The Oakville zoning by-law is very well organized and easy to follow. It is very restrictive with respect to community uses in residential zones. The following summarizes permissions for community uses:

- Art Gallery is permitted in all mixed use, commercial zones and 2 employment zones (E1 Office Employment and E2 Business Employment). The definition does not distinguish between a non-profit and commercial gallery.
- Community Centre is permitted in all mixed use, commercial zones and 1 employment zone (E4 Business Commercial).
- Day Care is permitted in all residential zones. Conditions require the Day Care to be located along an arterial or major collector road with restrictions regarding side yard setbacks, driveways, height, and location of playground equipment. Day Care is also permitted in mixed use, commercial and 2 employment zones.

In the employment zones it must be located in a building used for other purposes and not occupy more than 20% of the floor area. The definition requires the facility to be licensed in accordance with the *Child Care and Early Years Act*; the definition also provides for the care of adults, but not overnight accommodation.

- Emergency Service Facility is permitted in all residential, mixed use, commercial and employment zones.
- Food Bank is permitted in all mixed use, commercial and 2 employment zones.
- Library is permitted in all mixed use, commercial and employment zones. The definition requires the use be operated by a non-profit organization.
- Museum is permitted in all mixed use, commercial zones. The definition does not distinguish between a commercial and non-profit operation.
- Private Home Day Care is permitted in all residential zones. The definition restricts number of children to 5 or fewer.
- Place of Worship is permitted in all mixed use, commercial zones and 1 employment zone. The definition includes worship, faith-based teaching, fellowship and community social outreach. In employment zones the maximum lot size is 2.5 ha and must occupy not more than 50% of the floor area.
- Post-secondary School is permitted in all mixed use and commercial zones and is defined as a public university or college and includes all accessory uses.
- Private School is permitted in all mixed use, commercial zones and employment zones. The definition includes private elementary and secondary schools. In employment zones the floor area is restricted to a maximum of 20% of the area of the lot and at least an equal amount of floor area for other uses must be built first. Pre-existing private schools are recognized by the by-law.
- Public School is permitted in all mixed use and commercial zones.

4.4.4 City of Mississauga

Mississauga's zoning by-law is to a large extent organized around very specific permissions based on small geographic areas, so it is somewhat difficult to navigate. However, it does have a section under general provisions that outlines uses that are permitted in multiple zones. These include a number of community uses. The provisions in the by-law regarding community uses are summarized below.

- Community Centre, Community Athletic Field and Library are permitted in residential zones as well as commercial, office and in employment zones. The use can include up to 20% of the floor area for a pro shop, snack bar, tutoring and/or commercial school. The use must comply with the regulations of the zone in which it is located. It is defined as being operated by, or on behalf of, a public authority and the principal use includes recreation, arts, crafts, museums, social and charitable activities.

- Day Care is permitted in residential zones as well as commercial and office zones and in one employment zone. There is no distinction between non-profit and for-profit uses. The use is defined as serving more than 5 persons and includes care for children, seniors and disabled persons. Day care in residential zones must comply with the regulations for those zones. Specific criteria are included for other zones. The by-law includes a maps of streets where day care is permitted. It appears that these are mostly arterials and collectors.
- Food bank is permitted in office, commercial and industrial zones.
- Place of Religious Assembly is permitted in residential zones, commercial, office and most employment zones. Up to 20% of the floor area can be used as tutoring and commercial school as accessory uses. Up to half of the floor area can be used as a community/multi-use hall for recreational, social, community and charitable activities. In non-residential areas the Place of Religious Assembly must comply with the regulations for that zone. There are specific regulations for residential zones. The by-law includes maps of streets in residential zones where Places of Religious Assembly are permitted. It appears that these are mostly along arterials and collectors.
- Public School is permitted in residential zones, commercial office zones and one employment zone. The use includes up to 20% of the floor area to be used for tutoring, recreational, social, community and charitable use. There are specific standards in the by-law regarding setbacks, heights etc. that apply to public schools. The definition lists school boards that have jurisdiction for public schools.
- Private School is permitted in residential zones, commercial office and one employment zone. The use includes up to 20% of the floor area to be used for tutoring, recreational, social, community and charitable uses. In non-residential zones the use must comply with the regulations that apply to that zone. There are specific provisions that apply in residential zones. The by-law includes maps of streets in residential zones where Private Schools are permitted. It appears that these are mostly located on arterials and collectors. Definition refers to academic instruction for elementary and secondary school courses of study.
- Commercial School is permitted in commercial and office zones and is defined as a building or structure that may include a business, trade, driving, dance, music, martial arts or a tutoring school.
- University and College is permitted in commercial zones.

5 Official Plan Community Use Policies in Area Municipalities

5.1 City of Markham

City of Markham Official Plan section 4.2 (Community Infrastructure), section 4.4 (Arts and Culture), and Chapter 8 (Land Use) contain policies affecting community uses in the City of Markham. There are policies to support co-location of community uses, universal accessibility, and flexible multi-purpose facilities (4.2.1.5). Similar to the City of Richmond Hill’s Official Plan, section 8.13 contains locational and other requirements for child care centres and places of worship.

The Official Plan also prescribes a few tools to achieve the desired outcomes for community uses:

- The City of Markham Official Plan calls for an Integrated Leisure Master Plan to further highlight needs and priorities relating to community uses (Section 4.2.1.2);
- A Community Infrastructure Strategy is the tool prescribed for ensuring and/or securing adequate provision of community uses as the City grows. This creates additional requirements for secondary plans, comprehensive block plans, and major development projects. This section of the Official Plan is under appeal and not in force (Section 4.2.2); and
- A site reservation policy exists to identify lands for future public schools and places of worship that can be secured through development approvals (Sections 4.2.3.1, 4.2.4.1).

Table 2. Community uses “provided for” in the City of Markham Official Plan by land use category.

Land Use Category	Community Uses Provided For	Notes
Commercial	Day care centre; Trade school; Commercial school; Place of worship; Sports and fitness recreation; Private club	Day care centre or place of worship use considered discretionary and require a site-specific zoning by-law amendment

Employment Lands	Sports and fitness recreation; Community college or university; Day care centre; Trade school; Commercial school; Private club; Place of worship	Community uses to be provided for vary substantially across the different designations in the Employment Lands category. Sometimes uses are not permitted, are discretionary (requiring a site-specific zoning by-law amendment) or must be ancillary to another use.
Residential	Day care centre; place of worship; public school	Public schools must be located on an arterial or collector street
Mixed Use	Sports and fitness recreation; Commercial school; Day care centre; Place of worship; public school or private school; Community college or university (Mixed Use Mid Rise and Mixed Use Office Priority designations); Private club (Mixed Use High Rise designation)	Public and private schools must be located on an arterial or major collector street

The City of Markham Official Plan is similarly prescriptive as the City of Richmond Hill Official Plan concerning community uses. It identifies the specific community uses to be provided for by land use designation and contains locational and other requirements for child care centres and places of worship. Where the City of Markham Official Plan differs is in its reference to other planning tools to consider in more detail how to achieve the desired outcomes for community services.

5.2 City of Toronto

Community uses policies are elaborated in section 3.2.2 (Community Services and Facilities) and in Chapter 4 (Land Use Designations) of the City of Toronto Official Plan. In comparison to the City of Richmond Hill's Official Plan, the policies are less prescriptive. Community uses are encouraged within Community Hubs (particularly schools) and all new significant private sector development across the City (3.2.2.3,

3.2.2.4, 3.2.2.7). There are no locational requirements for specific community uses, such as schools or places of worship.

The Official Plan distinguishes between social infrastructure such as government and community resources, programs and facilities and hard services, such as sewer, water, roads and transit (3.2.2). The Official Plan acknowledges that for the City to meet community needs, they require community service facilities such as community and recreation centres, arenas, community health clinics, community gardens and publicly funded schools and libraries. The policies in this section encourage adequate and equitable access of community services and local institutions by providing and preserving these facilities across the City and specifically in neighbourhoods that are under or poorly served. This can be encouraged through the shared use of multi-service facilities such as school facilities, places of worship and lands for community service purposes, and by developing strategies to provide new social infrastructure or improving existing community service facilities in areas that are inadequately serviced or are experiencing major growth or change.

Table 3. Community uses “provided for” in the City of Toronto Official Plan by land use designation.

Land Use Designation	Community Uses Provided For	Notes
Employment Areas	Industrial trade schools	N/A
Neighbourhoods	Low scale local institutions; Cultural and recreational facilities	Must be sensitive to the established built form character of the neighbourhood
Mixed Use Areas	Broad range of institutional uses	N/A

5.3 City of Mississauga

The City of Mississauga Official Plan contains many similar policies to the City of Richmond Hill Official Plan, with a few key differences. Mississauga defines community uses the same way as Richmond Hill, but is explicit that community uses may be provided by the City, agencies, other levels of government, or the private sector (7.3).

Similar to Richmond Hill, Mississauga has locational criteria for places of religious assembly (7.3.11). However, whereas Richmond Hill’s Official Plan expresses these criteria as requirements, Mississauga states these criteria are *preferences*, which may reduce the need for Official Plan amendments.

Although community infrastructure is “permitted” in all land use designations, the preferred location for community infrastructure is within the Downtown, Major Nodes,

Community Nodes and Corridors (5.3.1.10, 7.3.2, 11.2.1). Land uses serving the residential population of the city are generally discouraged in Employment areas, but may be permitted in special circumstances where the use is deemed beneficial to the city and cannot locate in residential areas due to land use conflicts or lack of a suitable site (5.3.6.8).

Other interesting and distinct policies for community uses include:

- The City of Mississauga Official Plan encourages sharing parking facilities between community uses. It also provides that cultural facilities may be able to leverage municipal parking facilities in lieu of meeting the full parking requirements on-site (7.3.8, 7.5.4) and
- Major nodes and community nodes are intended to serve as older adult clusters where community infrastructure, services, and programs to serve the needs of older adults will be directed (5.3.2.10, 5.3.3.10).

Table 4. Community uses “provided for” in the City of Mississauga Official Plan by land use designation.

Land Use Designation	Community Uses Provided For
Employment Areas	Community infrastructure; Commercial school; Entertainment, recreation and sports facilities
Neighbourhoods	Community infrastructure; Schools; Private clubs; Daycares/day programs; Places of religious assembly
Mixed Use	Community infrastructure; Post-secondary educational facility

5.4 City of Burlington

The City of Burlington Official Plan outlines community uses in section 3.2 Public Service Facilities and Institutional Uses. Public Service Facilities encompass uses such as police and fire services, libraries, schools, parks, community centres, hospitals, and long-term care facilities. Institutional uses encompass a broad category of services that are provided to the public by other partners in the community, such as a day care facility, trade school, private school, medical office and place of worship. The Official Plan permits each category in all land use categories in areas identified on specific schedules with provisions. It includes specific requirements on places of worship, public education facilities and day care facilities.

5.5 Town of Oakville

The Town of Oakville Official Plan permits most community uses in all land use designations with the exception of natural area designations in section 7. These community uses are educational facilities, places of worship, community facilities (such

as libraries, seniors’ centres, emergency services buildings and facilities, and recreational facilities), day care centres, emergency shelters, and arts and cultural facilities (such as museums, art galleries and performing arts centres) (7.1.2). There are a number of criteria that shall be considered, such as compatibility and integration with surrounding land uses, sites being an appropriate size, and the encouragement of locating certain community uses near public parks and integrated in shared facilities.

5.6 City of Vaughan (2010, c. 2020)

The City of Vaughan Official Plan explicitly directs specific Community Services and Facilities to certain land use designations in section 7.2 (See Table 5). In general, it encourages the reuse of existing municipally-owned facilities for new community serving uses and encourages co-location of multiple activities and services. It also encourages and supports the development of joint and/or shared community facilities, such as schools, community centres, libraries, day cares or other appropriate facilities (Section 7.2.1.4). While the Official Plan is very prescriptive in terms of where community uses will be permitted, it allows community uses in an extensive range of designations.

Table 5. Community uses “provided for” in the City of Vaughan Official Plan by land use designation.

Land Use Designation	Community Uses Provided For
Residential	Schools, daycares, libraries, public safety services
Mixed Use	Schools, daycares, libraries, public safety services
Employment	Libraries, public safety services
Institutional	Libraries, public safety services
Major Institutional	Schools, public safety services

Further notes on Community Uses in Vaughan’s Official Plan are the following:

- Schools are provided for in accordance with policies contained in Chapter 9 of the Plan and the precise development standards shall be established in consultation with the appropriate school board through Secondary Plan and/or Block Planning process.
- Day care uses are provided for and encouraged in all Urban Areas, subject to locational criteria, except for General Employment designations.
- Libraries are provided for in accordance with policies in Chapter 9 and suitable library sites shall be identified through Secondary Plan and/or Block Planning process.

- Public safety services (fire halls, emergency health service stations and police stations) may be located within all designations in accordance with policies in Chapter 9.

6 Review of Recent Development Applications

We reviewed four recent development applications for community uses (identified by staff to provide insight into the common issues) to learn about Richmond Hill's experiences with these types of applications and the implementation challenges.

Between these applications, some common themes and learnings emerged.

Richmond Hill's experience demonstrates that technical site issues can be adequately addressed during site plan review and where necessary, zoning by-law amendments. Detailed Official Plan policies are not required to achieve the desired outcomes and require costly and complicated procedures for applicants to amend the Official Plan. Section 8.1 provides further explanation.

There were multiple instances of sites that were barely large enough to accommodate the community use. This raises the question of how the City should determine if sites are appropriately sized.

7 Consultation Findings

7.1 Online Public Survey

An online survey gathered residents' opinions on community uses and how the City's zoning could enhance access and reduce land use conflicts. Respondents told us that the community services most easily accessible in their neighbourhoods were elementary schools, places of worship, and secondary schools. Proximity to home and being easily accessed by driving were considered important to the accessibility of community uses. Suggestions to improve access for all residents included locating community uses near transit routes, encouraging mixed use over exclusively residential uses, and incorporating community services into new developments in intensification areas.

There was limited support for permitting community uses in the City's business parks. Residents considered social services and commercial schools as the most appropriate community uses for these areas. Residents thought places of worship and elementary, secondary, and private schools should be kept out of business parks.

Traffic circulation and parking were identified by respondents as being the major challenges associated with community uses. On the issue of parking, some participants claimed an oversupply and others said there was a lack of sufficient parking for new and existing community uses. It was also suggested that parking facilities be shared between co-located community uses.

7.2 Stakeholder Workshop

A stakeholder workshop was hosted on February 7, 2020 with attendance by seven organizations that provide community services representing places of worship, a school board, and social services. Most attendees had an interest in re-developing their existing properties to expand community uses.

Most attendees shared a frustration that the City's planning processes are complicated to navigate for many of these organizations that do not have in-house development expertise. These organizations see themselves as providing valuable services for residents of Richmond Hill and welcome opportunities to work with the City to continue to deliver these services.

Affordability was a concern brought up repeatedly in discussions with stakeholders. Pre-zoned land in accessible locations is not affordable to non-profit organizations. Organizations that already own property want to be able to leverage it. There is usually no budget to relocate and construct a new facility. Organizations said they need more flexibility to build greater gross floor area to account for high land values. Reliance on government grants for construction adds another layer of complexity as the timeframes for the City's planning process and timeframe requirements of the grants often do not align. Organizations like the idea of leasing space from the City, but there are issues around agreements and costs.

7.2.1 Needs of different community uses

Small group discussions provided insight on the locational, built form and other needs of different types of community uses.

Schools need:

- Location that is central to the community
- Ground floor presence
- Flexibility to adapt built form as enrollment fluctuates
- Large sites (typically 6 acres)

Places of worship need:

- Ability to maintain and expand existing sites long term
- Locations accessible to their congregations
- Parking

Other community uses (social and health services) need:

- Large sites for community hubs along arterial streets
- Medium- to high-density built form
- Locations accessible by driving, walking and public transit
- Leased space in existing buildings for mobile facilities
- Pick-up/drop-off and specialty parking (e.g. for paramedical vehicles)

7.2.2 Challenges for different community uses

We asked stakeholders about challenges their type of use encounters when trying to locate in the City and what they wished the City understood about their use. Their responses are summarized below.

Schools

- Challenges:
 - Some zoning by-law requirements are not supported by the provincial school funding model (i.e. landscaping, bicycle parking, green roofs).
- The City needs to understand:
 - Schools have little flexibility in building and urban design from a capital and operational cost perspective;
 - Schools can be flexible in terms of sharing parks/playgrounds, parking, library;
 - School board does not need to own these amenities, just need access for students; and
 - Logistics with young children moving around a site can get complicated and require specific design considerations.

Places of worship

- Challenges:
 - Affordability of pre-zoned lands;
 - Land use conflicts with adjacent properties;
 - Providing adequate parking and vehicular circulation; and
 - Expansion of existing non-conforming uses not permitted.
- The City needs to understand:
 - Places of worship lack planning literacy; and
 - Places of worship want to maintain existing sites over the long term, adapting them to address the evolving needs of the community.

Other community uses (social and health services)

- Challenges:
 - Affordability of pre-zoned lands;
 - City's current Official Plan policies and zoning too restrictive for their desired uses; and
 - Planning applications add costs that may inhibit development.
- The City needs to understand:
 - They have limited ability to find another location because land values are too high to relocate.

8 Recommended Policy and Zoning Framework for Community Uses in Richmond Hill

8.1 Official Plan Policy Approach

Below are our recommendations related to Official Plan policies. These recommendations suggest changes to the existing Official Plan policies to optimize the policy framework. These recommendations are informed by our review of Richmond Hill's Official Plan in comparison to area municipalities, stakeholder and public consultation, review of recent development applications and our professional expertise. In some instances, we suggest specific policy language but typically we recommend a policy direction for City staff to explore further. We understand that Richmond Hill is currently reviewing its Official Plan and this work will help inform the policy framework.

8.1.1 Less prescriptive approach to community uses in the Official Plan

We recommend the City take a less prescriptive approach to community uses in the Official Plan. Our review of area municipalities' Official Plan policies for community uses and analysis of recent development applications for community uses in Richmond Hill indicates that prescriptive Official Plan policies are generally not required to achieve the desired outcomes and that technical site issues can be adequately addressed during site plan review and, where necessary, zoning by-law amendments.

As an Official Plan is a policy document and not a regulatory document, it is our opinion that Richmond Hill Official Plan policies should encourage certain uses to be "provided for", rather than "permitted". This updated language would align with best practices from area municipalities.

8.1.2 Locational policies for community uses

A key issue from this Study is whether the current locational policies within the Official Plan (with the effect of directing community uses to a limited number of locations within residential areas) are appropriate. It is our opinion that they are not appropriate and these policies should be deleted. The locational policies create an unnecessary burden by requiring an Official Plan Amendment (OPA) for public and non-profit community uses to locate in areas other than prescribed by the Official Plan. Recognizing the importance of easy access to community uses, barriers to the equitable distribution of community uses across the city should be removed.

8.1.3 Removal of for-profit community uses from the community use category

For-profit enterprises which were previously categorized as quasi commercial/community uses should be re-categorized as commercial uses. The City should provide for these uses in the Centres and Corridors, and Employment Lands as deemed necessary and compatible.

Land within Neighbourhoods should be reserved primarily for housing and select community uses that serve local residents. Such community uses differ from commercial uses and are typically operated by public and non-profit organizations that have a mandate to serve communities. They are likely to be sensitive to the needs of local residents because of this mandate. While for-profit organizations may provide important “public good” services, their primary motivator is profit and the potential for conflicts in Neighbourhoods may be greater.

For-profit child care centres under the *Child Care and Early Years Act* will continue to be considered community uses as they are tightly regulated by the provincial government and highly desirable within Neighbourhoods.

The following table lists several for-profit community uses we recommend be re-categorized as commercial uses and suggests appropriate locations within the Urban Structure for these uses. Appropriate locations were determined through land use compatibility assessment and feedback from the public and stakeholders.

Table 6. Recommended locations for for-profit community uses in Richmond Hill.

For-profit community use (to be categorized as commercial uses)	Appropriate locations
Commercial Schools (e.g. language school, trade school, music school, tutoring)	Centres and Corridors, Employment Lands
For-profit Fitness Centres (e.g. Goodlife Fitness)	Centres and Corridors, Employment Lands
For-profit Recreation Facilities (e.g. gymnastics facility, rock climbing gym)	Centres and Corridors, Employment Lands
For-profit Arts and Cultural Facilities (e.g. art gallery, cinema)	Centres and Corridors
Place of Entertainment Facilities (e.g. arcade, escape room)	Centres and Corridors

8.1.4 Continue to encourage co-location of community uses in Community Hubs

Community Hubs are locations where multiple health and social services are co-located. The Community Hub model creates efficiencies and synergies that reduce costs while enhancing service for communities.

In Ontario, provincial planning policy encourages community hubs. In this Study, we learned that co-location of community uses is highly preferred by the public and stakeholders in Richmond Hill. Richmond Hill’s Official Plan already contains policies in support of community hubs. These should be maintained and strengthened, if possible.

8.1.5 Limited range of community uses in Employment Lands

The majority of Richmond Hill's Employment Areas and Employment Corridors are office parks and compatible with a limited range of community uses. However, there are also some existing industrial and automotive commercial uses which may have compatibility issues. Users of community uses should be protected from obnoxious pollutants, noise and odour. Preserving existing industrial employment uses (including their ability to expand) is of utmost importance.

We find that a limited range of community uses may be provided in Employment Lands provided the viability and planned function of employment lands are maintained. Zoning by-law regulations (options for regulating these uses presented in section 8.3.3), land use compatibility guidelines, and site plan control can be used to mitigate adverse impacts.

We recommend the following community uses be provided for in Employment Lands.

- Government facilities such as government offices, fire and emergency services and other public facilities;
- Child Care Centres, provided the use is contained within an office building or co-located with another community use;
- Community Centres;
- Places of Worship;
- Food Banks;
- Social Services; and
- Commercial Schools.

The rationale for these uses is that they are:

- Compatible with employment uses present in Richmond Hill's Employment Lands; and/or
- Provide complementary and convenient services for workers; and/or
- Have built form requirements (e.g. large floor space needs or loading requirements) that cannot be easily accommodated in other land use designations.

8.1.6 Sample policy language

Below we recommend some policy language for Official Plan Section 4.1 Community Uses. We have incorporated many of our general recommendations while at the same time simplifying and streamlining the existing community uses policies. We expand the provision of community uses in Neighbourhoods but avoid long lists of permitted uses. This sets a policy direction, but provides the City and landowners with more flexibility. The overall effect will be to reduce the number of OPAs for community uses to ensure these vital services and facilities are available and accessible to all Richmond Hill

residents. To protect the planned function of Employment Lands, specific community uses that may be provided here have been listed explicitly.

4.1 Community Uses

Community uses include public and non-profit institutions, facilities and services that support the health, educational, recreational and socio-cultural needs of the City and includes facilities under the Child Care and Early Years Act and schools under the Education Act. Community uses are generally provided for within the land use designations in the settlement area. A range of community uses shall be directed to appropriate locations within the City to contribute to a complete community.

4.1.1 Land Use

It is the policy of Council that:

- 1. A range of community uses shall generally be provided for within the settlement area, with the broadest range of community uses directed to centres and corridors and areas in the Neighbourhood designation. A more limited range of community uses may be provided for in the Leslie Street Institutional Area, Employment Area and Employment Corridor designations as set out in the policies of this section.*
- 2. Within the centres and corridors, the following community uses shall be provided for:*
 - a. Hospitals and healthcare centres and ancillary uses such as offices and pharmacies;*
 - b. Post-secondary institutions and ancillary uses such as offices;*
 - c. Public secondary schools;*
 - d. Public elementary schools;*
 - e. Private secondary and elementary schools;*
 - f. Government facilities such as government offices, fire and emergency services and other public facilities*
 - g. Places of worship;*
 - h. Libraries;*
 - i. Community centres;*
 - j. Arts and cultural facilities;*
 - k. Day Nurseries;*
 - l. Private-home day care facilities;*
 - m. Long-term care facilities;*
 - n. Food banks; and*
 - o. Social services.*

3. *Within the Neighbourhood designation, the following community uses shall be provided for:*
 - a. *Healthcare centres;*
 - b. *Public secondary schools;*
 - c. *Public elementary schools;*
 - d. *Private secondary and elementary schools;*
 - e. *Government facilities such as government offices, fire and emergency services and other public facilities*
 - f. *Places of worship;*
 - g. *Libraries;*
 - h. *Community centres;*
 - i. *Arts and cultural facilities;*
 - j. *Day Nurseries;*
 - k. *Private-home day care facilities;*
 - l. *Long-term care facilities;*
 - m. *Food banks; and*
 - n. *Social services.*
4. *Within the Employment Lands and Employment Corridor designations, the following community uses may be located, provided that the viability and planned function of the employment lands are maintained:*
 - a. *Government facilities such as government offices, fire and emergency services and other public facilities;*
 - b. *Child Care Centres, provided the use is contained within an office building or co-located with another community use;*
 - c. *Community Centres;*
 - d. *Places of Worship;*
 - e. *Food Banks;*
 - f. *Social Services; and*
 - g. *Commercial Schools.*
5. *Within the Leslie Street Institutional Area designation, the following community uses shall be permitted:*
 - a. *Government facilities such as government offices, fire and emergency services and other public service facilities;*
 - b. *Public secondary schools;*
 - c. *Public elementary schools;*
 - d. *Private secondary and elementary schools;*
 - e. *Post-secondary schools;*
 - f. *Places of Worship;*
 - g. *Day Nurseries;*
 - h. *Long-term care facilities;*

- i. *Arts and cultural facilities; and*
- j. *Social services.*

4.1.2 Design

It is the policy of Council that:

1. *Where community uses are provided for, development for such uses shall be subject to the following requirements:*
 - a. *The proposed development shall be designed to be compatible and integrated with the surrounding area; and*
 - b. *The site is of an appropriate size to accommodate, in accordance with the proposed type of use:*
 - i. *Sufficient on-site pick-up/drop-off facilities, access and parking;*
 - ii. *Sufficient buffering and landscaping; and*
 - iii. *Sufficient amenity space.*
2. *The campusing or co-location of community uses shall be strongly encouraged.*
3. *The policies of this section are to be read in conjunction with the land use and design policies of the applicable land-use designation and Chapter 3 (Building a New Kind of Urban) within which the proposed community use is located. In the event of a conflict, the more restrictive policies shall apply.*

8.2 Definitions in Zoning By-law

Our recommended approach is to craft definitions that are broad enough to encompass novel community uses without requiring frequent updating. Zoning by-law definitions must also implement the proposed Official Plan definition of community uses, specifically that for-profit uses are considered separate from public and non-profit community uses.

8.2.1 Accessory vs. Ancillary uses

We recommend that Ancillary become a defined term in the by-law and be distinguished from the term Accessory. In general, community uses should be described as ancillary (not accessory) to primary uses. This allows for flexibility in the scale of community uses and ensures their services are available to the wider Richmond Hill community. The City of Vaughan zoning by-law takes this approach and we recommend the same for Richmond Hill.

We suggest the following definitions, or similar, be used throughout the zoning by-law:

*“**Accessory** means incidental, subordinate, and devoted exclusively to a principal use, building or structure.”*

“Ancillary means a permitted use that is additional, secondary, and complementary to a permitted principal use, but is not accessory to the permitted use.”

The term “and ancillary community uses” may be included in the definitions for other community uses with which the City wishes to encourage community hub formation, such as community centres, public schools, public libraries, and places of worship.

1.1.6. Adult Day Program

Adult Day Programs provide care for adults with physical and/or cognitive impairments, relieving their caregivers on a short-term basis. Currently, the parent by-laws do not address Adult Day Programs explicitly. Other municipalities (e.g. City of Vaughan) have taken the approach of grouping Adult Day Programs with child care centres. Since child care centres are regulated under the *Child Care and Early Years Act* and Adult Day Programs are unregulated, we do not recommend this approach. We suggest Adult Day Programs are defined separately to exclude for-profit programs.

Our recommended definition for Adult Day Program is as follows:

“Adult Day Program means premises operated by or on behalf of a government or non-profit organization for the care of adults a portion of a day not exceeding 24 hours in duration.”

8.2.2 Child Care Centre

Child Care Centres are termed Day Nurseries in most of Richmond Hill’s parent zoning by-laws. We recommend to update the defined term to Child Care Centre to align with the *Child Care and Early Learning Act*. Further, we recommend to greatly simplify the definition by referring to facilities operated under the aforementioned Act.

Our recommended definition for Child Care Centre is as follows:

“Child Care Centre means a facility regulated under the Child Care and Early Learning Act used to provide temporary care or supervision for children. A Child Care Centre is not Private Home Child Care.”

8.2.3 Community Centre

Currently the definition for Community Centre in Richmond Hill is the following:

Community Centre means any tract of land, building, or structure or any part of any land, building or structure used for community activities, including recreational and institutional uses, with commercial uses accessory thereto, the control of which is vested in the Corporation, local board or approved agent thereof and which is operated as a nonprofit organization (by-law 42-02, p.23).

Definitions from other municipalities' zoning by-laws are helpful in landing on a definition.

Toronto: Community Centre means premises operated by or on behalf of a government or non-profit organization providing community activities, such as arts, crafts, recreational, social, charitable and education activities. A club is not a community centre.

Oakville: Community Centre means a multi-purpose facility or part of that facility that offers a variety of programs of a recreational, cultural, community service, informational, or instructional nature and, where the facility is owned and operated by the Town, other uses authorized through an agreement with the Town.

Mississauga: Community Centre means a building, structure or part thereof, operated by or on behalf of a public authority for the provision of community activities, such as, but not limited to, recreation, arts, crafts, museums, social and charitable events.

We recommend that the definition remains broad to encompass a range of community activities and to include ancillary and accessory uses. Such a flexible definition will permit the formation of Community Hubs. Based on our review of other municipalities' by-laws we would suggest the following definition:

“Community Centre means premises operated by or on behalf of a government or non-profit organization providing community activities such as, but not limited to, recreation, education, arts, cultural activities, and social or charitable events. Community Centres may include ancillary community uses and accessory commercial uses.”

8.2.4 Community Health Centre

Community Health Centres operated by public or non-profit organizations should be distinguished by definition from (for-profit) Clinics. Clinics should be permitted in commercial zones whereas Community Health Centres should have additional permissions to locate in residential and institutional zones.

“Community Health Centre mean a facility operated by a public or non-profit organization for the promotion of public health and/or the provision of medical services to the local community. A Community Health Centre may include ancillary community uses. A Community Health Centre is not a Clinic or a Hospital.”

8.2.5 Place of Worship

Many Places of Worship offer important community uses, services and supports to their congregations and the community at large. Stakeholders, the public and staff have identified a lack of clarity around permitted accessory and ancillary uses in places of

worship. Our recommended definition is intended to increase certainty that a range of accessory and ancillary uses are permitted with Places of Worship. We recommend using the phrase “may also be used for the advancement of its charitable character” (borrowed from the City of Toronto zoning by-law) to not preclude charitable activities including novel ones that will arise as community needs evolve.

In Richmond Hill, Place of Worship is most recently defined as lands, buildings or lands and buildings used by bona fide religious groups for the practice of religious rites (By-law No. 42-02). In a slightly older by-law (By-law No. 13-00) Place of Worship is defined as the use of land or buildings primarily for religious worship, including accessory uses such as a hall, auditorium, manse, rectory and office required for the operation of the place of worship, but shall not include a cemetery, mausoleum, columbarium or crematorium.

Other municipalities have the following definitions:

Toronto: Place of Worship means premises used by a religious organization for religious worship, services, ceremonies or rites, which may also be used for the advancement of its charitable character.

Oakville: Church organization means a religious association or corporation which maintains a place for regular worship.

Mississauga: Place of Religious Assembly means a building, structure or part thereof, that is used as a place of public worship.

Our recommended definition for Place of Worship is as follows:

“Place of Worship means lands or buildings used by a religious organization for religious worship, services, ceremonies or rites. Lands or buildings may also be used by a Place of Worship for the advancement of its charitable character, which may include but is not limited to temporary emergency shelter, food bank, and community events. Place of Worship may include ancillary community uses, such as a child care centre.”

8.2.6 Food Bank

Currently there is no definition for Food Bank in the zoning by-laws surveyed. We recommend adding the below definition. The latter part, similar to Places of Worship, is included to increase flexibility with which accessory uses can be included in community-serving facilities.

Other municipalities define Food Banks in the following ways:

Oakville: Food Bank means a premises where a non-profit organization collects and distributes food or other goods to individuals.

Mississauga: Food Bank means a non-profit facility where food and/or other goods are collected and distributed to individuals and/or groups

Our recommended definition for Food Bank is as follows:

*“**Food Bank** means a facility where a government agency or non-profit organization collects and distributes food and/or other goods, and may also be used for the advancement of its charitable character.”*

8.2.7 Commercial School

We recommend updating the definition of commercial school. Our recommended definition narrows the scope of a commercial school to those activities that are compatible with Employment Areas while maintaining sufficient flexibility to accommodate different subjects of instruction in the future.

The most recent definition of commercial school introduced in the City of Richmond Hill By-Law No. 29-20 is: Commercial School mean a commercial establishment which provides instruction on any subject for hire or gain and includes such uses as a studio used by a dance or music teacher, a marital arts school, a golf training centre, a tutoring centre, a driver’s education school, a trade school and any other similar use; however, a “Commercial School” does not include a private school or religious school.

Other municipalities define Commercial School in the following ways:

Mississauga: Commercial School means a building, structure or part thereof, where specialized instruction is provided and may include a business school, a trade school, a driving school, a dance school, a music school, a martial arts school, or a tutoring school.

Oakville: Commercial School means a premises where non-sports related specialized instruction or life skills training is provided.

Our recommended definition for Commercial School is as follows:

*“**Commercial School** means premises where specialized instruction in classrooms or studios is conducted for hire or gain and may include but is not limited to a business school, trade school, driving school, academic tutoring school, art school, music school, language school or cultural school. A Commercial School is not an Office, Private School, Post-Secondary School or any other school under the Education Act.”*

8.2.8 Public School

The definitions related to public and private schools in the parent by-law require updating due to references to OAC or grade 13 which no longer apply. We also recommend that the definitions for primary schools and secondary schools be collapsed into a single definition for public school. Historically, primary schools have been located in the interior of residential areas and it was intended that young children would walk to school. Experience in Ontario has shown that as local demographics and enrollment change, schools may draw students from greater distances. Vehicular, pedestrian and public transit access as well as school bus loading is better accommodated for properties fronting onto arterial and collector streets. Secondary schools have similar needs and so no distinction is required.

Our recommended definition for Public School is as follows:

*“**Public School** means premises for the instruction of primary or secondary education operated by a public or separate school board under the Education Act, and may include ancillary community uses.”*

8.2.9 Private School

We recommend continuing to distinguish public schools and private schools. Unlike public schools the design of private schools is not tightly regulated by other government agencies such as the Provincial government or school boards. The private funding structure of private schools may lead to design that is not desirable in some residential zones. A separate definition for private school gives the City flexibility in choosing where to permit these facilities.

Our recommended definition for Private School is as follows:

*“**Private School** means premises for the instruction of primary or secondary education under the Education Act which secures a major portion of its funding from sources other than government agencies, and may include ancillary community uses.”*

8.2.10 Arts and Cultural Facilities

While there is presently a definition in the Richmond Hill zoning by-law for Art Gallery, adapting this definition and adding definitions for Performing Arts Studio and Performing Arts Theatre would help distinguish between different arts and cultural facilities. These facilities may have different land use compatibilities because of the noise and traffic generated by each.

The current definition for Art Gallery in the City Richmond Hill zoning by-law is a building or structure or part thereof used for the public or private preservation, exhibition and/or sale of paintings or other works of art, whether by the proprietor or otherwise.

Place of Entertainment is also a defined term in the Richmond Hill zoning by-law. It includes for-profit arts and entertainment uses such as theatres, cinemas, bowling alleys, billiards halls, etc. It is our opinion that these for-profit entertainment uses should be separated from arts and cultural facilities and limited to zones permitting commercial uses.

Our recommended definition for Arts and Cultural Facilities is as follows:

*“**Art Gallery** means premises used for the exhibition, collection or preservation of works of art for public viewing, and may include uses accessory to the gallery function.”*

*“**Museum** means premises used for the exhibition, collection or preservation of cultural, historic or scientific artifacts for public viewing, and may include uses accessory to the museum function.”*

*“**Performing Arts Studio** means premises used for the rehearsal of performing arts, such as music, dance or theatre.”*

*“**Performing Arts Theatre** means premises used for public performances of performing arts such as music, dance or theatre. Performing Arts Theatre may also be used for the rehearsal of performing arts.”*

8.2.11 Social Services

We recommend adapting the definition of Institutional Use to define Social Services. Richmond Hill’s current definition of Institutional Use is the use of land, building or structure or part thereof by any organization, group, or association for government, religious, charitable, educational, benevolent, health or welfare purposes and not for profit or gain. We suggest narrowing this definition to only include public-facing services and accessory office.

*“**Social Services** means the use of land, building or structure or part thereof by a public or non-profit organization for the provision of government, charitable, educational, benevolent, health or welfare services to the public. Social Services may include accessory office.”*

8.3 Approach to Community Use Permissions in Zoning By-law

8.3.1 Mixed-use scenarios

In zones where community uses are permitted, they may locate in mixed-use buildings or on the same property as other uses, as the other regulations allow. In general, we do not recommend any specific zoning regulations related to community uses within mixed-use scenarios in order to maintain flexibility and encourage innovation in design and delivery of these facilities and services to the public. Such regulations may be applied,

as deemed necessary to achieve the policies of the Official Plan and ensure certain functional matters, on a site-specific basis or through a zoning by-law amendment connected to a Secondary Plan Study.

8.3.2 Legal non-conforming uses

When the new comprehensive zoning by-law comes into force, there are concerns from stakeholders and City staff about existing community uses and City facilities no longer being in conformity. It is advisable to allow for the continued natural evolution of community uses on these sites. We recommend to permit certain community uses provided they were originally constructed for that purpose, bringing non-conforming uses into conformity. This may allow public and non-profit community uses to avoid a Planning Act process for future expansion of their buildings.

The City of Toronto currently takes this approach in their zoning by-law, providing for public schools, private academic, philanthropic or religious schools in certain residential zones with the qualification that the building had to be originally constructed for that purpose.

The City of Richmond Hill may include a general provision in its zoning by-law that addresses all existing uses that do not conform to the by-law provisions.

8.3.3 Pre-zoning

There is a trend toward pre-zoning to preserve space for community uses in the changing urban environment. Given the unpredictability of the market, emerging needs of communities, the uniqueness of context and the availability of sites, our conclusion is that it is not desirable to pre-zone specific sites for community uses in built up areas. It is preferable in our view to permit the uses, as appropriate, in various zones, with the provision that they meet the other development standards for that zone. The sum of our recommendations in the Study create a policy and regulatory framework that is more relaxed toward community uses. Community uses will have greater choice when locating in Richmond Hill therefore pre-zoning to reserve space will not be necessary. In circumstances where there are shorter planning horizons, it may make sense to pre-zone for City facilities such as community centres and public libraries.

8.3.4 Community Uses in Employment Zones

In this Study we recommend the following Official Plan policy regarding community uses in Employment Areas:

Within the Employment Area and Employment Corridor designations, the following community uses may be located, provided that the viability and planned function of the employment lands are maintained:

- *Government facilities such as government offices, fire and emergency services and other public facilities;*
- *Child Care Centres, provided the use is contained within an office building or co-located with another community use;*
- *Community Centres;*
- *Places of Worship;*
- *Food Banks;*
- *Social Services; and*
- *Commercial Schools.*

Employment zones are generally very permissive in regards to height, lot coverage, setbacks, etc. to accommodate larger format buildings. It is therefore possible that a community use could be erected at a scale that compromises the viability and planned function of employment lands. There are several options to address this issue in the zoning by-law.

Option #1: Do not permit community uses as of right.

This would prohibit as-of-right development of community uses in Employment Areas and require a re-zoning for all community use applications. Through the zoning by-law amendment process, the City could determine on a case-by-case basis the appropriate scale of the community use. This approach is resource intensive for the City and landowners but would ensure land use compatibility and could encourage the formation of Community Hubs.

Option #2: Create specific development standards for community uses within Employment Areas.

If the City wishes to permit the development of community uses in Employment Areas as-of-right in the zoning by-law, appropriate development standards should be in place to regulate the scale of these uses. None of the local municipalities' by-laws we reviewed took this approach so additional research and analysis would be required to determine appropriate standards (out of scope of this project).

Option #3: Permit community uses only as accessory or ancillary to employment uses

This is the approach utilized by most of the area municipalities we studied. For example, the Town of Oakville permits a number of community uses in all three of its employment zones, such as Places of Worship, Libraries, and Day Cares but stipulates that they are located in a building used for another purpose and do not occupy more than 20% of the floor area. This approach is simple and effective in ensuring that the primary function of Employment Areas remains employment. However, it could be limiting to community uses and would not encourage the formation of Community Hubs.

Each of these options has its benefits and drawbacks. We recommend exploring all three options further.

8.3.5 Community Uses in Mixed Use and Commercial Zones

In Section 8, we recommend Official Plan policies that direct for-profit quasi commercial/community uses to Centres & Corridors. Mixed Use and Commercial zones are appropriate to permit a range of for-profit uses such as commercial schools, fitness centres, entertainment facilities, recreation facilities, and arts and culture facilities.

In general, Mixed Use zones are appropriate places for a wide range of public and non-profit community uses to locate; the list of permitted uses in these zones should reflect this. We suggest that all community uses be generally permitted in Mixed Use zones:

- Public School
- Private School
- Community Centre
- Library
- Art Gallery
- Museum
- Performing Arts Studio
- Performing Arts Theatre
- Child Care Centre
- Private Home Child Care
- Adult Day Program
- Social Services
- Place of Worship
- Food Bank
- Community Health Centre

8.3.6 Community Uses in Residential Zones

We recommend broad permissions for community uses in residential zones to improve access for Richmond Hill residents. However, for-profit quasi commercial/community uses including commercial school should be restricted from locating in residential zones. We suggest that all public and non-profit community uses be generally permitted in Residential zones:

- Public School
- Private School
- Community Centre
- Library
- Museum
- Child Care Centre
- Private Home Child Care
- Adult Day Program
- Social Services
- Place of Worship

- Food Bank
- Community Health Centre

Zoning performance standards will regulate that community uses in residential zones will typically be small-scale local institutions. Community uses with high traffic will be limited to sites on larger streets where access and parking concerns can be better managed.

8.4 Zoning Performance Standards

Currently in Richmond Hill, most of the parent zoning by-laws do not regulate minimum or maximum size of community uses. By-law 120-00 sets out performance standards for Places of Worship and Schools in residential zones. These performance standards are summarized below:

Table 7. Performance Standards for Community Uses in Residential Zones (City of Richmond Hill).

Use	Min. Lot Area	Min. Lot Frontage	Max. Height	Max. Floor Area Ratio
Public School	2.0 hectares	60 metres	15 metres	N/A
Private School	1 hectare	60 metres	15 metres	20%
Place of Worship	N/A	30 metres	15 metres	N/A

Note: By-law 120-00 includes exemptions from these development standards for existing public schools, private schools and places of worship in residential zones.

Other municipalities have allocated some specific performance standards to uses and otherwise require the uses to conform to the development standards for each zone. The following table summarizes instances of specific development standards for community uses in residential zones from local municipalities' zoning by-laws.

Table 8. Performance Standards for Community Uses in Residential Zones (Local Municipalities).

Use	Municipality	Min. Lot Area	Max. Lot Area	Min. Lot Frontage	Requirement to Abut Street Type	Max. Height	Max. Gross Floor Area
Community Centre	Toronto	N/A	1500 square metres	N/A	Front or side lot line must abut a major street	N/A	N/A
Library	Toronto	N/A	1500 square metres	N/A	Front or side lot line must abut a major street	N/A	N/A
Place of Worship	Toronto	2000 square metres	N/A	30 metres	N/A	N/A	2000 square metres
Place of Worship	Mississauga	720 square metres	N/A	20 metres	N/A	10.7 metres	N/A
Public School	Mississauga	720 square metres	N/A	20 metres	N/A	13 metres	N/A

Based on our review of recent development applications and public/stakeholder consultation, the major concerns with community uses in residential zones are:

- Traffic
- Vehicular access
- Parking
- Compatibility and harmony with adjacent residential uses

8.4.1 Minimum frontages and requirements to abut certain street classifications

Regarding the transportation-related concerns (traffic, vehicular access and parking), we recommend that these be mitigated through ensuring appropriate frontages for high-traffic community uses in residential zones. We suggest minimum frontages and requirements to abut certain street classifications for community centres, public libraries and places of worship to be located within residential zones, similar to other local municipalities. Transportation concerns can be further addressed through site plan approvals.

Official Plan policies prescribing similar locational criteria are recommended to be removed. The performance standards described hereafter would mitigate transportation-related concerns while reducing the burden of planning approvals on developers of community uses. Through a minor variance or zoning by-law amendment, exceptions to these standards could be made, as appropriate.

We note that City owned and operated community centres do exist on local streets and that the City may wish not to preclude future development of City facilities on local streets. Typically, the sites for these facilities are comprehensively planned, including public consultation and needs assessment. We believe that the Public Authority clause in the zoning by-law would override other development standards in these instances.

We propose the following performance standards for Minimum Frontage and Requirement to Abut an Arterial or Collector Street in residential zones:

Community Centres must have a front lot line or side lot line abutting an arterial or collector street.

Libraries must have a front lot line or side lot line abutting an arterial or collector street.

Places of Worship must have a front lot line or side lot line abutting an arterial or collector street and must have a minimum lot frontage of at least 30 metres.

Private Schools must have a front lot line or side lot line abutting an arterial or collector and must have a minimum lot frontage of 60 metres.

8.4.2 Regulating Size and Scale of Community Uses

As we see it, there are two options to regulate the size and scale of community uses in residential zones.

Option #1: Community uses are subject to the same performance standards as residential uses in the zone.

Subjecting community uses to the same performance standards as residential uses (e.g. dwellings) is a simple method to achieve compatibility and consistency of built form throughout the zone. The drawback is that residential performance standards may be overly restrictive to community uses, leading to frequent zoning by-law amendments. Re-zonings are resource intensive for non-profit providers and the City but they would allow for context-specific consideration of compatibility and harmony between community uses and adjacent properties. If this option is preferred, the City may consider updating the performance standards for residential zones to permit non-dwelling-type buildings to accommodate community uses that cannot locate in a house-form building. Then, variances to other standards can potentially be addressed through

the Committee of Adjustment. Larger scale proposed community uses would need to go through the re-zoning process but due to the potential for greater impact, this seems wholly appropriate.

Option #2: New performance standards are developed for community uses in residential zones.

In this option, the City would prescribe performance standards for community uses located in residential zones. There could be a single set of performance standards for all types of community uses or specific requirements for each use. This option may allow for more as-of-right development of community uses in residential areas but additional research and analysis would be required to determine appropriate standards such as height, lot coverage and density (Gross Floor Area). A methodology to develop these standards would include assessing existing built form for various community uses in Richmond Hill, reviewing a larger number of recent development applications for community uses, additional focused stakeholder consultation, and possibly a more extensive review of municipal zoning by-laws outside the GTA for precedents.

In our professional opinion, the City should employ Option #1 in their new, consolidated zoning by-law. This option aligns with our overall recommended approach to make it easier for public and non-profit organizations to develop community uses in residential areas while adequately mitigating concerns of compatibility and harmony.

9 Conclusion

This Study has identified key opportunities and challenges related to community uses in Richmond Hill. The issues explored include: the prescriptive nature of community uses policies in the Official Plan, differentiating between public, non-profit, and for-profit community uses, supporting community hub development, legal non-conforming uses, pre-zoning sites, maximum/minimum size of community uses, community uses in employment areas, and commercial schools. This Study has offered options to address these key issues through changes in the Richmond Hill Official Plan and Zoning By-law.

In general, we propose that Richmond Hill create a flexible policy and regulatory framework for public and non-profit community uses. This will ensure that community uses will be distributed across the city and accessible to residents everywhere. It will allow for the natural evolution of community uses in Richmond Hill and will encourage non-profit organizations that provide community uses to continue serving their neighbours.

Specifically, our proposed policies and regulations:

- Reduce restrictions on community uses in the Official Plan, which will reduce unnecessary OPAs
- Encourage co-location and community hubs

- Distinguish public and non-profit community uses, prioritizing them for locating in residential areas
- Provide options for regulating the size and scale of community uses
- Direct most for-profit community uses to commercial areas
- Modernize community use definitions in the ZBL
- Protect legal non-conforming uses
- Create a framework to permit compatible community uses in employment lands

Looking at other municipalities for comparison, we see policy and regulatory approaches with a gradient of flexibility towards community uses with a trend towards greater flexibility in newer, more urban by-laws. We recommend the City of Richmond Hill adopt this best practice.