



Staff Report for Council Public Meeting

Date of Meeting: March 4, 2020

Report Number: SRPRS.20.036

Department: Planning and Regulatory Services

Division: Development Planning

Subject: SRPRS.20.036 – Request for Comments –
Zoning By-law Amendment – City of Richmond
Hill – City File D24-19003

Purpose:

A request for comments concerning a City initiated Zoning By-law Amendment with respect to “Commercial Schools”.

Recommendation:

- a) That Staff Report SRPRS.20.036 be received and all comments be directed to staff.

Contact Person:

Shelly Cham, Senior Planner, phone number 905-747-6470

Dan Terzievski, Director Development Engineering and Transportation, phone number 905-771-9996 extension 6358

Gus Galanis, Director of Development Planning, phone number 905-771-2465

Report Approval:

Submitted by: Kelvin Kwan, Commissioner of Planning and Regulatory Services

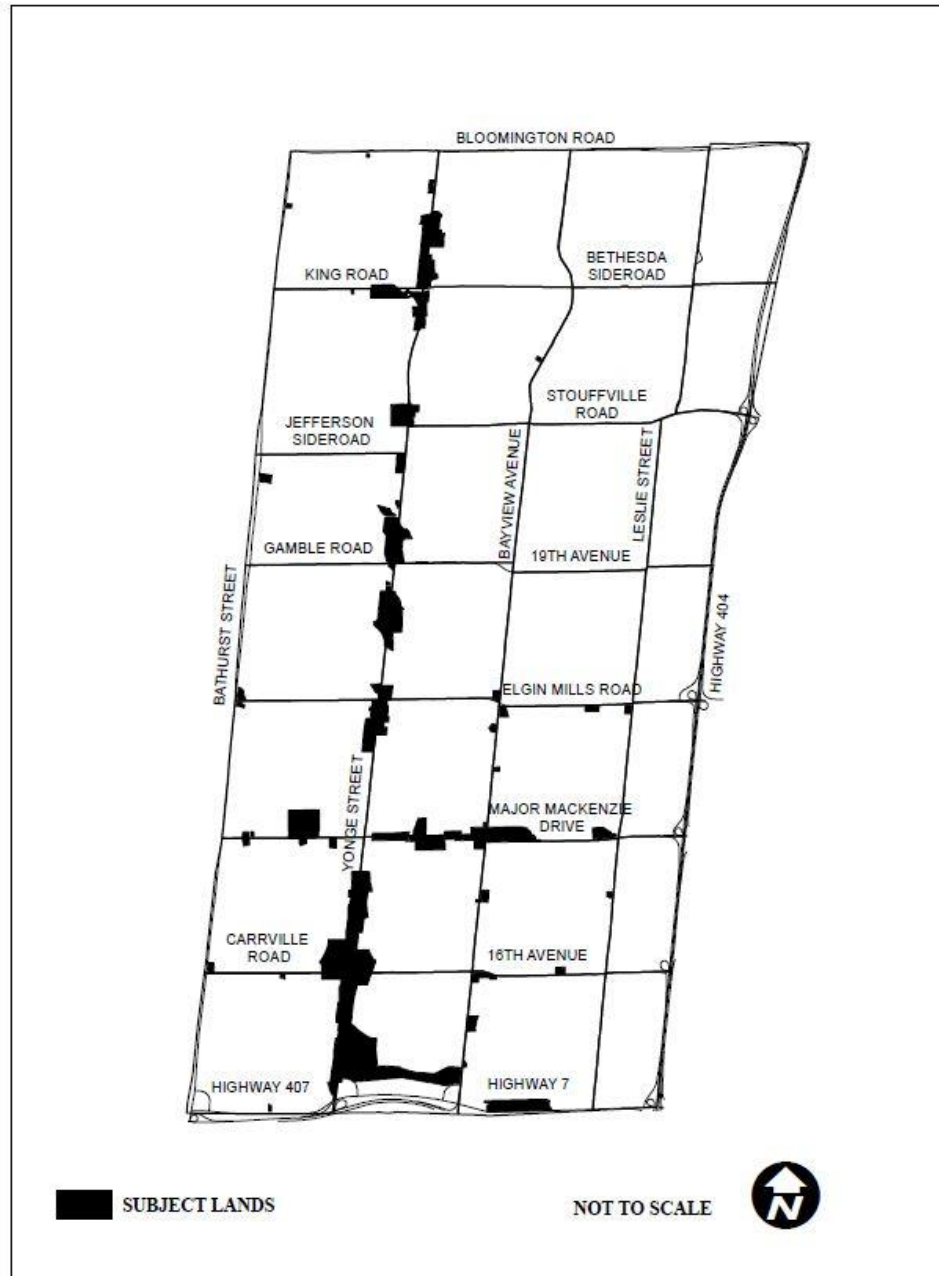
Approved by: Mary-Anne Dempster, City Manager (Acting)

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner and City Manager. Details of the reports approval are attached.

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Location Map:

Below is a map displaying the property location. Should you require an alternative format call person listed under the “Contact Person” above.



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Introduction:

The City is proposing an Omnibus Zoning By-law Amendment (Omnibus ZBLA) at this time as a housekeeping measure to harmonize the City's by-laws as they relate to "Commercial Schools".

The Omnibus ZBLA proposes to provide a definition for the term "Commercial School" and to add "Commercial School" as an additional permitted use in commercial and mixed use zones throughout the City. More specifically, the Omnibus By-law will apply to lands that are commercially designated under the City's Official Plan (the Plan) and are zoned to permit commercial uses. Principally, the affected properties currently support other commercial uses and are generally located along Yonge Street, Bathurst Street, Bloomington Road, King Road, Elgin Mills Road, Bayview Avenue, Major Mackenzie Drive, Leslie Street, Carville Road, 16th Avenue, Highway 7, and High Tech Road (the subject properties) (refer to Maps 2 to 24).

As will be discussed in more detail in the following Background Information and Planning Analysis sections of this report, commercial school uses are only permitted by certain area specific by-laws and Zoning By-law amendments for specific commercial properties. Further, where permitted, the definition of "Commercial School" may vary amongst parent Zoning By-laws and properties. In this regard, the proposed Omnibus ZBLA will serve to harmonize the City's by-laws, as they relate to "Commercial Schools", as a housekeeping measure in advance of the City's Comprehensive Zoning By-law.

As such, the purpose of this staff report is to seek comments from Council with regards to the proposed Omnibus Zoning By-law Amendment.

Background Information:

The City administers approximately 30 parent Zoning By-laws ranging from the 1950's to present, all of which have been amended over time, and most recently in 2019. Given the time frame, the City's parent Zoning By-laws vary greatly in scope and complexity. In addition, there have been area-specific and site-specific by-laws enacted over time to address topical, administrative and housekeeping matters, Zoning by-law amendments and Minor Variance approvals to implement site specific development approvals. As such, these by-laws have varying land use permissions and development standards.

The City has received a number of inquiries related to locating commercial schools within existing commercial sites over the past several years. "Commercial Schools" are generally described as a school conducted for hire or gain, which includes dancing and music studios, art schools, tutoring centres, business or trade schools and any other such specialized school. It should be noted that private schools and religious schools are not considered "Commercial Schools" and have traditionally been excluded from the list of uses that make up the definition of a "Commercial School". Private schools, which are licensed under the *Education Act*, Child Care Centres licensed under the *Child Care*

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and Early Years Act, and *religious schools* are considered Community Uses pursuant to the Official Plan (the Plan) and are therefore not considered a commercial use under the Plan.

In many cases where a “Commercial School” is not permitted by a parent by-law, proponents of “Commercial Schools” have been required to go through a Zoning By-law Amendment process to add such use as a permitted use for their lands. The City has enacted at least 10 site specific Zoning By-law Amendments since 2010 which include “Commercial School” permissions. In this regard, it is appropriate for the City to consider the enactment of an Omnibus ZBLA to harmonize the “Commercial School” use permission and definition for existing commercial or mixed used zoned properties.

Planning Analysis:

City of Richmond Hill Official Plan

The Plan envisions an urban structure framework that depicts the physical make-up of the municipality over the long-term. Based on the guiding principles of the Plan, the urban structure framework includes the **Centres and Corridors**, the **Neighbourhoods**, the **Employment Lands** and the **Greenway System**. Over the time horizon of the Plan, development in the **Centres and Corridors** is intended to accommodate the highest densities and widest range of uses.

The properties that will be applicable to this Omnibus ZBLA are located in the **Oak Ridges Local Centre, Regional Mixed Use Corridor, Yonge and 16th Key Development Area, Local Mixed Use Corridor, Local Development Area, Richmond Hill Centre and Neighbourhood Commercial** sites as identified in Appendix 7 of the Plan (refer to Maps 1 and 1a). The policies for these designations permit a range of commercial land uses and the Plan defines “commercial” broadly to encompass the ***“buying or selling of commodities and the supplying of services, including personal service uses provided to the public or where entertainment is offered for gain or profit.”*** As such, “Commercial Schools” are considered a commercial land use and are permitted in the applicable land use designations. Commercial and mixed use zones located within the **Employment Area** or **Employment Corridor** designation were excluded from the Omnibus ZBLA, as these sites are subject to a separate policy framework.

Existing Zoning By-laws

The properties that will be affected by the Omnibus ZBLA are generally subject to the following parent zoning by-laws: By-laws 1275, 1703, 107-86, 109-81, 181-81, 232-85, 184-87, 190-87, 2325-68, 232-85, 235-97, 278-96, 313-96, 3-74, 38-95, 39-71, 42-02, 434-88, 66-71 and 88-86. The subject properties are all zoned to permit commercial uses, including commercial zones such as **Restricted Commercial (C1) Zone, Highway Commercial (HC) Zone, District Commercial (DC) Zone, Village Centre Commercial (VCC) Zone, General Commercial (GC) Zone, and Neighbourhood**

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Commercial (NC) Zone, as well as mixed use zones such as **Residential Tenth Density (RM10) Zone** (refer to Maps 2-24).

The Official Plan predating the current Plan established a commercial hierarchy of uses and the Zoning By-laws of the previous era reflected this hierarchy and permitted a list of uses in one Zoning By-law that were different from another. The list of uses are generally articulated in a detailed manner and a use that is not specifically identified as a permitted use in a zone category is therefore prohibited.

In order to address the current Zoning By-law framework, the Omnibus ZBLA proposes to add a “Commercial School” as an additional permitted use in all commercial and mixed use zones that presently permit commercial uses, and to provide an updated definition for “Commercial Schools”, in order to provide greater clarity and consistency for said use across the City.

Proposed Omnibus Zoning By-law Amendment

The intent of the Omnibus ZBLA is to harmonize the City’s Zoning By-laws as they relate to “Commercial Schools”. The Omnibus ZBLA proposes to add a “Commercial School” as an additional permitted use in commercial and mixed use zones that presently permit commercial uses. The Omnibus ZBLA does not propose to introduce any new uses or to reduce the scope of permitted uses under the “Commercial Schools” definition. Rather, for added clarity, the by-law has been crafted to ensure that it reflects the City’s historical interpretation of “Commercial Schools”. Amongst others, the Omnibus ZBLA shall:

- apply to properties that are located within a commercial or mixed use zone category and commercially designated by the Plan, and exclude properties that are zoned commercial but no longer in conformity to the policies of the Plan (refer to Maps 2-24). Generally, the affected parent zoning by-laws and zone categories (refer to Maps 2 to 24) that are subject to this Amendment include the following:
 - By-laws 1275, 1703, 2525, 107-86, 109-81, 181-81, 184-87, 190-87, 2325-68, 232-85, 235-97, 278-96, 313-96, 3-74, 38-95, 39-71, 42-02, 434-88, 66-71 and 88-86; and,
 - Zone Categories: Restricted Commercial (C1) Zone, Neighbourhood Commercial (C2) Zone, Community Commercial (CC) Zone, Medical Professional Commercial (CM) Zone, Neighbourhood Commercial (CN) Zone, District Commercial (DC) Zone, General Commercial (GC) Zone, General Commercial One (GC1) Zone, General Commercial Two (GC2) Zone, Highway Commercial (HC) Zone, Local Commercial (LC) Zone, High Performance Industrial Commercial Three (MC-3) Zone, Neighbourhood Commercial (NC) Zone, Third Residential – “A” (R3A) Zone, Special Residential Commercial (RC) Zone, Residential Tenth Density (RM10) Zone, Residential Multiple Third Density (RM3) Zone, Residential Office (RO) Zone, Special Commercial One (SC1) Zone,

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Special Commercial Four (SC-4) Zone, Special Commercial Five (SC-5) Zone, Village Centre Commercial (VCC) Zone and Yonge Street Commercial (YSC) Zone;

- exclude properties that are located within the **Employment Area** or **Employment Corridor** designation, as these sites are subject to a separate policy framework;
- exclude publicly-owned properties that are subject to existing public authority provisions;
- exclude properties that are subject to active development applications or redevelopment as these are being considered by Council through the development approvals process;
- exclude properties with existing gas stations, as these sites are purpose-built as service stations and not easily convertible to other commercial uses. Further, these sites constitute automotive service commercial uses and are subject to a separate policy framework;
- exclude existing residential developments which do not include purpose built commercial units, as it is recognized that existing residential dwelling units are not easily convertible to commercial uses;
- add the following definition of “Commercial School” to all applicable Zoning By-laws:

“School, Commercial”

means a commercial establishment which provides instruction for hire or gain in any subject and may include such uses as a studio for a dance or music teacher, a martial arts school, a golf training centre, a tutoring centre, a driver’s education school, a trade school and any other similar uses; however, a “Commercial School” does not include a private school or a religious school; and,

- add “Commercial Schools” as a permitted use to the applicable Zoning By-laws as they apply to the subject properties (refer to Maps 2-24).

Parking Analysis

Transportation staff has undertaken a best practice assessment to review the current parking requirements in the City’s existing Zoning By-laws and other comparable municipalities within the Greater Toronto Area as they relate to “Commercial Schools” within intensification areas and stable neighbourhoods. The review has demonstrated that the parking requirements for a “Commercial School” in other comparable municipalities are generally comparable to parking requirements for commercial uses in applicable Zoning By-laws.

In addition, staff has carried out parking observations at various sites throughout the City currently supporting “Commercial Schools” and have observed that the uses have a similar parking demand compared to a general commercial use. In light of these findings

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and observations, the inclusion of a “Commercial School” as an additional permitted use in the commercial and mixed use zones is acceptable from a parking perspective.

Financial/Staffing/Other Implications:

The recommendation of this report does not have any financial, staffing or other implications.

Relationship to the Strategic Plan:

The proposed Zoning By-law Amendment would align with **Goal Four of the City’s Strategic Plan—Wise Management of Resources in Richmond Hill** by committing to use land responsibly and by serving as a role model for municipal management.

Conclusion:

The City initiated Omnibus Zoning By-law Amendment will serve to harmonize the City’s by-laws as they relate to “Commercial Schools”. The purpose of this report is to provide Council and the public with an overview of the proposed Zoning By-law Amendment and to discuss the regulatory regime governing the evaluation of this planning application. This report has been structured for information purposes only, with a recommendation that all comments be referred back to staff for consideration.

Appendix Contents and Maps:

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format, please call the contact person listed in this document.

- Map 1 Official Plan Designation
- Map 1a Official Plan Appendix 7
- Map 2 Zoning Key Map
- Map 3 Zoning Map – Area 1
- Map 4 Zoning Map – Area 2
- Map 5 Zoning Map – Area 3
- Map 6 Zoning Map – Area 4
- Map 7 Zoning Map – Area 5
- Map 8 Zoning Map – Area 6
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- Map 22 Zoning Map – Area 20
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Report Approval Details

Document Title:	SRPRS.20.036.docx
Attachments:	<ul style="list-style-type: none">- Map1_Official_Plan_Designation.pdf- MAP_1A_OFFICIAL_PLAN_Appendix_7.pdf- Map2_Zoning_Designation_Keymap.pdf- Map3_Area1.pdf- Map4_Area2.pdf- Map5_Area3.pdf- Map6_Area4.pdf- Map7_Area5.pdf- Map8_Area6.pdf- Map9_Area7.pdf- Map10_Area8.pdf- Map11_Area9.pdf- Map12_Area10.pdf- Map13_Area11.pdf- Map14_Area12.pdf- Map15_Area13.pdf- Map16_Area14.pdf- Map17_Area15.pdf- Map18_Area16.pdf- Map19_Area17.pdf- Map20_Area18.pdf- Map21_Area19.pdf- Map22_Area20.pdf- Map23_Area21.pdf- Map24_Area22.pdf
Final Approval Date:	Feb 18, 2020

This report and all of its attachments were approved and signed as outlined below:

Gus Galanis - Feb 14, 2020 - 2:56 PM

Kelvin Kwan - Feb 14, 2020 - 3:06 PM

MaryAnne Dempster - Feb 18, 2020 - 10:38 AM