

City of MARKHAM



Comprehensive
Zoning By-law
Project



**Task 14: Review &
Assessment - Places of
Worship**



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Contents

1.0	INTRODUCTION	1
1.1	Purpose	1
1.2	Definition of Use	1
2.0	REVIEW OF OFFICIAL PLAN & EXISTING ZONING BY-LAWS	3
2.1	Markham Official Plan Part I	3
2.2	Markham's Current Zoning By-laws	10
3.0	REVIEW OF MARKHAM'S PLACES OF WORSHIP STUDIES	19
3.1	Places of Worship Study Background Issues & Options Report (June 2002)	19
3.2	Places of Worship Study Future Directions Report (April 2014)	20
3.3	Places of Worship Future Directions Report Parking Standards Review (April 2014)	21
4.0	CASES STUDIES	23
4.1	City of Toronto Zoning By-law 569-2013	24
4.2	City of Ottawa Zoning By-law 2008-250	27
4.3	City of Hamilton Zoning By-law 05-200	29
4.4	City of Mississauga Zoning By-law 0225-2007	30
4.5	Town of Oakville Zoning By-law 2014-014	33
5.0	MATTERS IDENTIFIED AND POTENTIAL OPTIONS	34

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1.0 INTRODUCTION

1.1 Purpose

The purpose of this report is to identify issues associated with *places of worship* that need to be addressed prior to drafting a new comprehensive zoning by-law and to provide options for addressing these issues. Chapter 2 of this report will provide a detailed review of the relevant Markham Official Plan policies that deal with places of worship, as well as a review on how the various existing zoning by-laws deal with regulations associated with the use. Chapter 3 will review past and recent studies on places of worship in Markham, and will identify the issues that are discussed in these reports. Chapter 4 will examine case studies of five other municipalities (Toronto, Ottawa, Hamilton, Mississauga, and Oakville) on how their respective zoning by-laws control issues associated with places of worship. Finally, Chapter 5 will identify the issues reviewed in this report and provide potential options for dealing with these issues in the new zoning by-law.

1.2 Definition of Use

The land use term 'Place of Worship' is the most common term used in Ontario zoning by-laws to describe a use, building, or structure used by a recognized religious organization for religious worship, services, ceremonies or rites. They typically refer to churches, synagogues, mosques, temples, or other forms of buildings that are dedicated to a particular religious organization or group. While some older by-laws refer to the term 'church' to describe the land use, the intent of the zoning by-law is to regulate all types of places of worship. Markham's Official Plan defines *Place of worship* as:

"means a premise used by a charitable religious group(s) for the practice of religious rites and may include **accessory uses** that are subordinate and incidental to the

practice of religious rites. Examples of **accessory uses** include, but shall not be limited to, classrooms, assembly areas with a potential occupancy less than the **place of worship** area, a kitchen, a residence for the faith group leader, and offices subordinate and incidental to the principal place of worship. A place of worship does not include a cemetery, **day care centre**, or private school.”¹

As identified in the *Task 5 – Review & Assessment of Zoning By-law Definitions Report*, the existing 46 parent zoning by-laws have a variety of definitions for the land use terms ‘church’ and ‘place of worship’ that are similar to the Official Plan definition for Place of Worship. The existing by-law definitions all involve lands or buildings used by a religious organization for the fundamental purpose of religious activities and may have certain accessory uses associated with those activities.

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¹ City of Markham, Official Plan Part I, Chapter 11.2 Definitions, Place of worship. Note bolded terms are defined terms in the Official Plan.

2.0 REVIEW OF OFFICIAL PLAN & EXISTING ZONING BY-LAWS

2.1 Markham Official Plan Part I

The Markham Official Plan Part I recognizes places of worship as an important land use that contributes to the municipality's healthy neighbourhoods and communities. The plan is very clear in how this land use should contribute to the overall fabric of the City and how it should be regulated in different land use areas. Further, the Official Plan identifies specific policies for new places of worship that will directly guide how zoning for such uses in the future should be considered.

2.1.1 Chapter 4 – Healthy Neighbourhoods and Communities

Chapter 4 of the Official Plan (Healthy Neighbourhoods and Communities) outlines policies dealing with housing, community services, arts and culture, heritage, which the Plan describes as the “DNA of everyday life in Markham”. Included in these policies are the roles and context to which places of worship should play in the community. In particular, policies under 4.2.4 of the chapter state:

“Policy 4.2.4.1

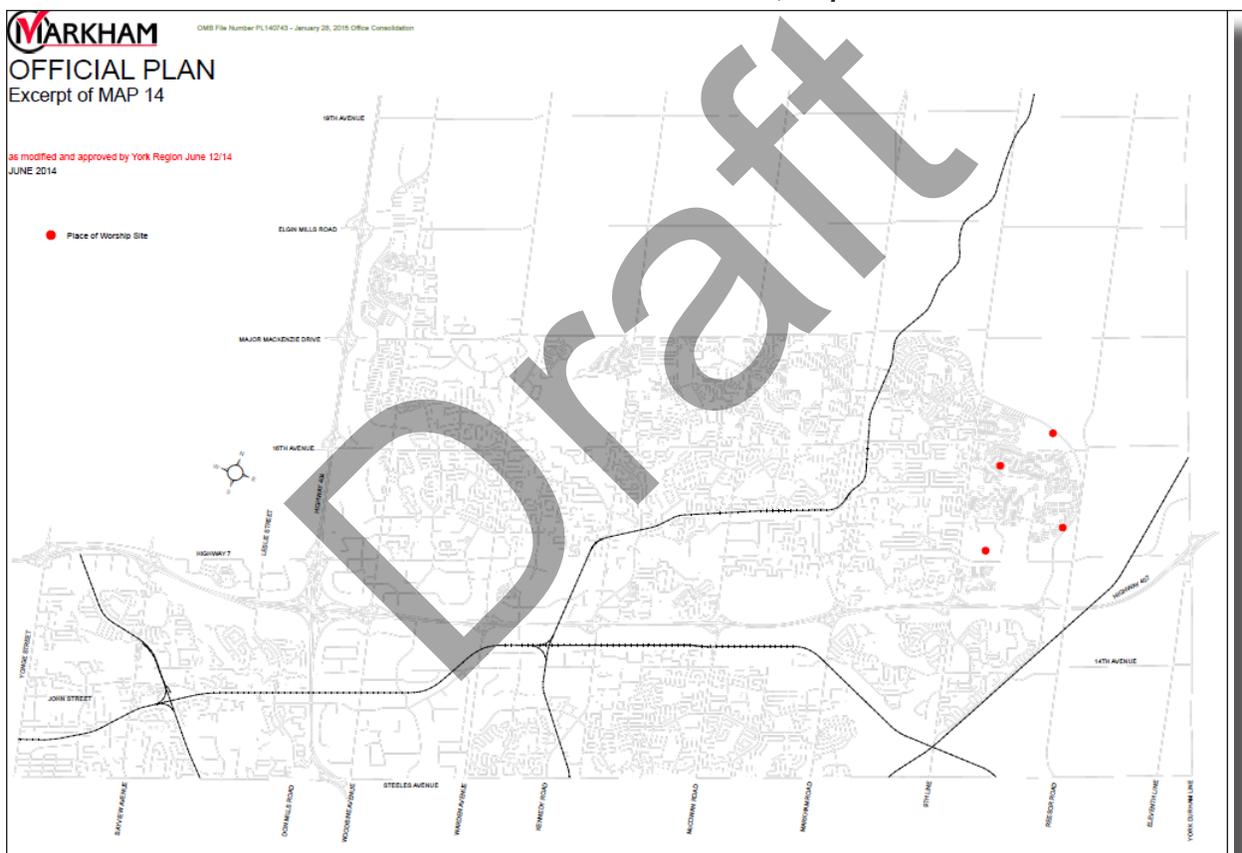
To recognize the significance of *places of worship* for the residents of Markham and to work with faith communities to enable the establishment of *places of worship* by:

- a) identifying preferred locations within new secondary plans in accordance with Council's *place of worship* site reservation policy;
- b) maintaining a database of reserved sites to assist faith communities in identifying available sites in Markham;

- c) providing for rental of municipal facilities, where appropriate; and
- d) securing *place of worship* sites as generally identified on Map 14 – Public School, Place of Worship and Park Sites through the *development approval* process.”

The policy is designed to show the importance that places of worship play in the community. Reference is made to Council’s “site reservation policy”, which was established in 1997 and updated in 2003 to identify areas in secondary plans to reserve for future places of worship as areas are developed through subdivision, site plan or other agreements.² Secondly, the municipality will maintain a database of the reserved sites, provide for rental of municipal facilities where appropriate, and help secure sites identified on Map 14 in the Official Plan. The red dots on Figure 1 indicate the location of the reserved sites for places of worship. All are located in the eastern end of the municipality in the Cornell community.

FIGURE 1: Markham Official Plan, Map 14



2 Places of Worship Study, City of Markham, Future Directions Report, Macaulay Shiomi Howson Ltd., April 2014, Section 2.3.4, p.13

“Policy 4.2.4.2

That where preferred locations for *places of worship* are identified in secondary plans:

- a) the location may be changed without further amendment to the secondary plan, provided the size is consistent with the objectives of the secondary plan and the policies of this Plan; and
- b) the location shall be incorporated as a *place of worship* site in a plan of subdivision or other appropriate development plans, with implementing provisions reflected in associated agreements.”

This policy allows some flexibility to identify specific sites within the secondary plan areas, without the need to amend such plans, so long as the size and scale stipulated under the secondary plan is maintained and the specific plan of subdivision identifies the location of the planned place of worship.

“Policy 4.2.4.3

That the development of *places of worship* be subject to the policies of each land use designation in Chapter 8 and in particular, the specific use policies of Section 8.13.7.”

This policy is designed to note that places of worship are subject to land use designation policies found under Chapter 8 of the Official Plan and makes reference to the land use policies associated with places of worship found within the Specific Use Policies of 8.13 of the Official Plan.

2.1.2 Chapter 8 – Land Use

Chapter 8 of the Official Plan sets out the land use policies associated with each of the land use designations, as well as specific use policies. Under policy 8.1.3 item g) , it is noted that place of worship is identified as a use with specific use policies, and that the use and its accessory uses are permitted uses, where provided for within each of the land use designations, subject to specific use policies for place of worship in Section 8.13.7 of the Official Plan. Regarding the land use designations, the following are noted:

1. In addition to the uses listed in Section 8.1.1 (Uses provided for in all Land Use Designations), *item iv. of policy 8.2.1.2* provides for a place of worship as a permitted use in all ‘Residential’ designations, in accordance with the policies set out in Section 8.13.7 of the Official Plan.³
2. In addition to the uses listed in Section 8.1.1 (Uses provided for in all Land Use Designations), *item g) of policy 8.3.1.2* provides for a place of worship as a permitted use in all ‘Mixed Use’ designations, in accordance with the policies set out in Section 8.13.7 of the Official Plan.⁴
3. In addition to the uses provided for in Section 8.4.1.3 (Uses provided for on lands designated Commercial), *item b) of policy 8.4.1.4* provides for a place of worship as a permitted discretionary use⁵, subject to a review of a site specific zoning by-law amendment application, and in

3 City of Markham, Official Plan Part I, Policy 8.2.1.2

4 City of Markham, Official Plan Part I, Policy 8.3.1.2

5 *Discretionary uses* is defined in the Markham Official Plan, Section 11.2, “means uses that are not intended to be permitted as-of-right in the implementing zoning by-law, and are not intended to be permitted on every property within a designation but may be permitted subject to review of a specific development application for zoning approval, subject to the criteria set out in this Official Plan.”

accordance with Sections 8.5.1.3 (Discretionary Land Uses), 8.5.1.2 (Sensitive Land Use Policies) and the policies set out in Section 8.13.7 of the Official Plan.⁶

4. In addition to the uses provided for in Section 8.5.4.2 (Uses provided for on lands designated Service Employment), *item r) of policy 8.5.4.3* provides for a place of worship as a permitted discretionary use, subject to a review of a site-specific zoning by-law amendment application, and in accordance with Sections 8.5.1.2 (Sensitive Land Use Policies), 8.5.1.3 (Discretionary Land Uses), and that the place of worship only be in multiple unit buildings and limited to a maximum gross floor area of 500 square metres in accordance with policies set out in Section 8.13.7 of the Official Plan.⁷
5. Under Section 8.5 (Employment Lands) it is noted that place of worship is **not** permitted in Business Park Employment designations (Policy 8.5.2.4 f) and Business Park Office Priority Employment designations (Policy 8.5.3.4 h)).⁸

Policy 8.13.7 of the Official Plan sets out specific policies for new places of worship. In considering an application for a plan of subdivision or an amendment to the zoning by-law to permit a new place of worship or an addition to an existing place of worship where it is provided for under Section 4.2.4 of the Official Plan, the property being considered for such a development must meet the size and location criteria for each land use designation identified in the chart associated with policy 8.13.7.1 (see Figure 2).

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6 City of Markham, Official Plan Part I, Policy 8.4.1.4

7 City of Markham, Official Plan Part I, Policy 8.5.4.3

8 City of Markham, Official Plan Part I, Policies 8.5.2.4 and 8.5.3.4

FIGURE 2: Place of Worship Size and Location Criteria Chart from Policy 8.13.7.1 of the Official Plan

Land Use Designation	Maximum Site Area (hectares) or Maximum Premise Size (square metres)	Location
Residential	2.0 ha or 2.5 ha if located on an arterial road or a maximum gross floor area of 500 sq.m. in a multiple unit building.	At an intersection of: a) an arterial road with another public road; b) a major collector road with a local road at a location that is in proximity to other institutional, commercial, mixed-use or higher density residential uses.
Mixed Use except Mixed Use Heritage Main Street		
Mixed Use Heritage Main Street or any designation within a Heritage Conservation District	0.4 ha	On an arterial or major collector road.
Commercial	2.5 ha	On an arterial or major collector road.
Service Employment	A maximum gross floor area of 500 sq.m. only in a multiple unit building in accordance with Section 8.5.4.3 r)	
Hamlets	2.0 ha	On an arterial or major collector road, or on Reesor Road in the hamlet of Cedar Grove.

Therefore, it is important to note that Markham’s Official Plan establishes a maximum site area or a maximum premise size and a location criteria for places of worship for each of the land use designations that allow for the use. Moving forward, zoning regulations involving places of worship must conform to these criteria.

Policy 8.13.7.1 also sets out criteria regarding traffic, access, and site layout for considering new places of worship, as follows:

- “b) a traffic impact assessment and other requirements for a study as identified in Section 10.6.2 shall be submitted to demonstrate, to the satisfaction of Markham and/or the Region that the *place of worship* will not result in significant impacts;
- c) provision for adequate and appropriate access for vehicles, accessibility by pedestrians, and existing or future availability of public transit within a short walking distance; and
- d) the design and site layout of the *place of worship* will:
 - provide for a building form and scale that is compatible with, or enhances, the character of surrounding uses including adjacent heritage features;

- provide for appropriate on-site open spaces and landscaping that contribute to the enhancement of the *place of worship* facility and surrounding uses;
- provide for appropriate buffering in the form of visual screening, planting and/or fencing between the *place of worship* use and adjacent residential uses, where required;
- manage and mitigate the potential impact of noise, light, traffic and parking on the surrounding community;
- provide sufficient on-site parking;
- provide a plan for off-site parking for special events held at the *place of worship*, where required; and
- any other requirements as approved by Council.”⁹

These sets of policies are designed to set out the elements that should be considered when reviewing the site plan application associated with an application for a new place of worship.

2.1.3 Chapter 9 – Area and Site Specific Policies

The area and site specific policies in Chapter 9 of the Markham Official Plan include interim policy provisions for the secondary plan areas identified in Appendix F – Secondary Plan Areas “where the provisions of the Official Plan (Revised 1987) and relevant secondary plans shall continue to apply until an update of the existing secondary plan or a new secondary plan is completed and approved to conform with the provisions of this Plan. Once completed these secondary plans will form Part II of this Official Plan.”¹⁰ There are twenty “districts” identified in Chapter that relate to Secondary Plan areas that have been approved, Secondary Areas that have been identified but awaiting approval, as well as other areas and specific sites. There are a number of policies in Chapter 9 of the Official Plan which deal with places of worship in certain districts in Markham, and are listed as follows:

9.2 **Armada**

1. Policy 9.2.6.1 d) allows a place of worship as a discretionary use within the Service Employment designation of the Armada West Employment Area, located on the north side of 14th Avenue, east of McCowan Road.
2. Policy 9.2.6.1 h) allows a place of worship at 5370 14th Avenue.

9.4 **Buttonville**

1. Policy 9.4.6.5 states that for the ‘Residential Low Rise’ lands of the Buttonville Heritage Centre, a place of worship is **not** a permitted use.
2. Policy 9.4.12 states that a place of worship accessory to a private school is permitted on the ‘Business Park Employment’ lands at 245 Renfrew Drive.

9.5 **Cathedral**

1. Policy 9.5.7.5 recognizes that The Cathedral of the Transfiguration of Our Lord is a significant landmark of the Cathedraltown community and that new development shall maintain the prominence and visibility of the Cathedral.

⁹ City of Markham, Official Plan Part I, Policy 8.13.7.1 b), c) and d)

¹⁰ City of Markham, Official Plan Part I, 9.0 Area and Site Specific Policies

Task 14: Places of Worship

2. Policy 9.5.9.2 states on the 'Residential Low Rise' lands in the Historic Village of Victoria Square that buildings associated with an existing place of worship are permitted.

9.7 Cornell

1. Policy 9.7.7 identifies three sites for the Cornell district which corresponds to three dots on Map 14 for places of worship to be secured through the development approval process.
2. Policy 9.7.11 recognizes that a place of worship may occupy the entire 'Mixed Use Low Rise' lands, or portion thereof, at the southwest corner of Bur Oak Avenue and White's Hill Avenue in accordance with policies 8.13.7 b), c), and d) of the Official Plan.
3. Policy 9.7.12 states that a place of worship is not a permitted use in the heritage building at 527 William Forster Road.

9.8 Countryside / Hamlet/ Greenbelt

1. Policy 9.8.2 a) states that a place of worship is permitted at 7452 Reesor Road, 7046 11th Concession, and 7070 Durham Line.
2. Policy 9.8.2 b) states that a place of worship is permitted at 5664 Elgin Mills Road East.
3. Policy 9.8.3 a) states that a place of worship is permitted at 10530 Highway 48, 11248 Kennedy Road, and 5438 Major MacKenzie Drive East.
4. Policy 9.8.3 b) states that a place of worship with a maximum gross floor area of 784 square metres and a worship area with a capacity of 464 persons is permitted at 10992 Kennedy Road.
5. Policy 9.8.3 c) states that a place of worship is permitted at 11359 Warden Avenue.
6. Policy 9.8.3 i) states that a place of worship with a maximum gross floor area of 860 square metres is permitted at 11175 Kennedy Road.

9.13 Markham Village

1. Policy 9.13.4.7 states that a place of worship is **not** permitted on the 'Residential Low Rise' lands identified in Figure 9.13.4.

9.14 Markville

1. Policy 9.14.5 states the existing place of worship may also be permitted on the 'Greenway' lands at 8205 McCowan Road.

9.18 Thornhill

1. Policy 9.18.13.4 states that for the 'Residential Low Rise' lands of the Thornhill Heritage Centre, place of worship use is **not** permitted.

9.19 Unionville

1. Policy 9.19.6.5 states that for the 'Residential Low Rise' lands of the Unionville Heritage Centre, place of worship use is **not** permitted.
2. Policy 9.19.6.6 b) states that in the 'Mixed Use Heritage Main Street' lands a place of worship is **not** a permitted use.
3. Policy 9.19.6.8 c) states that a parking lot is permitted on the lands to accommodate parking associated with the place of worship at 218 Main Street Unionville.

2.1.4 Other Policies

Under Chapter 5 (A Strong and Diverse Economy), policy 5.1.6 deals with institutions, and specifically policy 5.1.6.3 states:

“To integrate institutional uses such as *cemeteries, public schools, places of worship, and shared housing* within the community in accordance with the provisions of the appropriate ‘Residential’, ‘Mixed-Use’ and ‘Private Open Space’ designations.”¹¹

Under Chapter 6 (Urban Design and Sustainable Development), policy 6.1.5 deals with landmarks and views, and specifically policy 6.1.5.3 states:

“To recognize the importance of the following buildings and features and enhance their status as significant landmarks for the community:

a) public and institutional buildings that serve the community such as places of worship, colleges and hospitals;”¹²

Finally, it is important to note that within the definition of *Floor space index (FSI)* in the Official Plan it notes that “where a lot includes lands to be used for a *public school, place of worship, parks and open space, or includes natural heritage features and their associated vegetation protection zones, these lands shall not be included in the calculation of the floor space index.*”¹³

2.2 Markham's Current Zoning By-laws

The permissions and regulations in Markham’s 46 zoning by-laws regarding places of worship have evolved over the decades. Each of the by-laws involve a definition of the use and explain which zones permit the use. By-law 28-97 established new parking rates for different land uses across the municipality, including the required parking rate for places of worship. The by-laws also include a number of site specific amendments which introduce and permit a place of worship on specific lands, notwithstanding the underlying zoning.

2.2.1 Definitions

As noted in the Task 5 Report – Review & Assessment of Zoning By-law Definitions, ‘*place of worship*’ and the less comprehensive land use term ‘*church*’ are defined by five different definitions throughout the 46 zoning by-laws and various amendments.

Church

“means a building dedicated to a religious worship and includes a church hall, church auditorium, Sunday school, parish hall and day nursery.”

This definition is found in zoning by-laws 122-72; 77-73; 83-73; 119-73; 151-75; 88-76; 127-76; 250-77; 145-78; 162-78; 163-78; 184-78; 72-79; 91-79; 118-79; 134-79; 153-80; 165-80; 72-81; 90-81; 108-81; 193-81; 221-81; 28-82; 194-82; 196-82; and 47-85.

11 [City of Markham, Official Plan Part I, Policy 5.1.6.3](#)

12 [City of Markham, Official Plan Part I, Policy 6.1.5.3 a\)](#)

13 [City of Markham, Official Plan Part 1, Chapter 11- Interpretation, Definitions, Floor space index \(FSI\)](#)

Task 14: Places of Worship

Place of Worship

“means a building or part of a building used by a charitable religious group(s) for the practice of religious rites.”

This definition is found in zoning By-law 177-96.

“means a premises used by a charitable religious group(s) for the practice of religious rites.”

This definition is found in zoning By-law 162-78 as amended by by-law 28-82; By-law 108-81 as amended by By-law 2002-141; By-law 2004-196 and By-law 28-97 (the parking by-law) which amends by-laws 1229, 1442, 1507, 1767, 1914, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, and 19-94.

“means lands or buildings used for worship by any association of persons: (a) that is charitable under the laws of Ontario; and (b) that is organized for the advancement of religion and for the conduct of religious worship, service or rites; and may include customary accessory uses such as a residence for a caretaker or head of congregation, and an assembly hall.”

This definition is found in zoning By-law 1229 as amended by By-law 76-93; By-law 1767 as amended by by-laws 182-89, 205-90 and 250-94; By-law 77-73 as amended by By-law 81-95; and By-law 2150 as amended by By-law 2001-115.

“means PREMISES used by a charitable religious group(s) for the practice of religious rites.”

This definition is found in zoning By-law 1767 as amended by By-law 2003-255.

Markham’s practice to date is to use the parent by-law definition to control for use, and the definition under By-law 28-97 (the parking by-law) for determining parking requirements. Establishing one definition for “place of worship” for the entire municipality under the new zoning by-law is very important. It is critical that the definition is specific enough to capture recognized religious institutions and not those that “claim” to be a place of worship. Further, the definition should factor in and be consistent with the definition of ‘place of worship’ established under Markham’s Official Plan. Uses that are considered ‘accessory’ to a place of worship should follow under the definition of ‘accessory use’ established in the new zoning by-law. If they do not follow under the definition of ‘accessory’, because they are relatively large in size and function, or are not considered normally incidental to a place of worship use, then that use should be identified for what it is and possibly recognized under the new by-law as an additional use that can be considered with the place of worship use on a particular site or area.

2.2.2 Zones that Permit Places of Worship

According to the *Places of Worship Study* of 2002, many of the older zoning by-laws in Markham prior to 1976 allowed places of worship as-of-right in the urban residential areas. Beginning in 1976 there were a number of amendments which deleted places of worship as a permitted use in most residential zones.¹⁴ Based on our review of the existing zoning by-laws, places of worship are permitted uses in certain zones in certain parent by-laws as illustrated in Table 1.

¹⁴ *Places of Worship Study, Background Issues & Options Report* by Macaulay Shiomi Howson Ltd. (June 2002), Section 3.6, iii), page 47

TABLE 1: Existing Zones in Markham that Permit a Place of Worship Use

ZONE	PARENT BY-LAWS & AMENDING BY-LAWS THAT PERMIT THE PLACE OF WORSHIP USE
O2 (Institutional)	<p>In this zone, religious institutions and places of worship are permitted uses in:</p> <ul style="list-style-type: none"> • By-law 1767 as amended by (126-77) (433-86) (72-88) (73-88) (2005-47); • By-law 2150; • By-law 2237 as amended by (164-81) (272-82); • By-law 2489 as amended by (267-76); • By-law 2571 as amended by (334-88); • By-law 2612; • By-law 11-72; • By-law 122-72; • By-law 83-73; • By-law 151-75; • By-law 127-76; • By-law 250-77; • By-law 145-78; • By-law 162-78; • By-law 163-78; • By-law 184-78; • By-law 72-79; • By-law 91-79; • By-law 118-79; • By-law 134-79; • By-law 153-80; • By-law 165-80 as amended by (100-85); • By-law 72-81; • By-law 90-81; • By-law 193-81; • By-law 221-81; • By-law 304-87 as amended by (163-96); and • By-law 108-81 as amended by (128-88).
I (Institutional)	<p>In this zone, churches, religious institutions or places of worship are permitted uses in:</p> <ul style="list-style-type: none"> • By-law 1229 as amended by (278-76).

Task 14: Places of Worship

ZONE	PARENT BY-LAWS & AMENDING BY-LAWS THAT PERMIT THE PLACE OF WORSHIP USE
BC (Business Corridor)	<p>In this zone, place of worship is a permitted use in: By-law 1229 as amended by (216-1999);</p> <ul style="list-style-type: none"> • By-law 77-73 as amended by (81-95); • By-law 119-73 as amended by (161-96); • By-law 165-80 as amended by (54-95); • By-law 108-81 as amended by (52-96); • By-law 28-82 as amended by (106-95); and • By-law 177-96.
HC1 (Highway Commercial General)	<p>In this zone, churches and religious institutions are permitted uses, subject to yard and parking requirements, in:</p> <ul style="list-style-type: none"> • By-law 2150; • By-law 2237; and • By-law 2551.
CC (Community Commercial)	<p>In this zone, place of worship is a permitted use in By-law 1767 as amended by (73-88) and (205-90).</p>
CCA (Commercial Corridor Area)	<p>In this zone, place of worship is a permitted use in: By-law 108-81 as amended by (228-89); and By-law 28-82 as amended by (236-96).</p>
SC1 (Special Commercial 1)	<p>In this zone, churches or places of worship are considered “special uses permitted” in:</p> <ul style="list-style-type: none"> • By-law 47-85.
INST. (Institutional)	<p>In this zone, place of worship is a permitted use in: By-law 2551; and By-law 304-87.</p>
MC-D2 and MC-D4 (Markham Centre Downtown Two Zone and Markham Centre Downtown Four Zone)	<p>In these zones, place of worship is a permitted use in:</p> <ul style="list-style-type: none"> • By-law 2004-196.
CA1 (Community Amenity area 1)	<p>In this zone, place of worship is a permitted use so long as the only use in the building is a place of worship, or day nurseries and places of worship may be in the same building in:</p> <ul style="list-style-type: none"> • By-law 1767 as amended by (2003-255); • By-law 2237 as amended by (2008-272) (2009-118); and • By-law 177-96.

ZONE	PARENT BY-LAWS & AMENDING BY-LAWS THAT PERMIT THE PLACE OF WORSHIP USE
CA2 (Community Amenity area 2)	<p>In this zone, place of worship is a permitted use so long as the only use in the building is a place of worship, or day nurseries and places of worship may be in the same building in:</p> <ul style="list-style-type: none"> • By-law 1767 as amended by (2003-255); and • By-law 177-96.
CA4 (Community Amenity area 4)	<p>In this zone, place of worship is a permitted use and may be in the same building as day nurseries in:</p> <ul style="list-style-type: none"> • By-law 177-96.
MJC (Major Commercial)	<p>In this zone, place of worship is a permitted use and may be in the same building as day nurseries in:</p> <ul style="list-style-type: none"> • By-law 1229 as amended by (2003-84); • By-law 90-81 as amended by (2002-88); and • By-law 177-96.

2.2.3 Zoning By-law Amendment 2003-301 (Places of Worship)

Zoning By-law 2003-301 was adopted by the City of Markham Council on September 30, 2003. Although the by-law states that it amends all 46 parent zoning by-laws, it actually amends the *Parking Standard By-law* (By-law 29-97) as it amends all 46 parent zoning by-laws. By-law 2003-301 deals specifically with parking related matters for places of worship and associated newly defined terms and is a result, in part, of recommendations derived from a study that was undertaken in 2002 on places of worship (see Section 3.1 of this report). The by-law amended the following provisions in By-law 28-97:

1. Deleting the parking standards for “place of worship” in Section 3.0 of By-law 28-97 and replacing them with the following new standards:

“The number of *parking spaces* required for a *place of worship* and other uses on the same lot as a *place of worship* shall be calculated by adding together the parking required by each of paragraphs (a) and (b) below.

 - (a) Parking for the *place of worship*, including any accessory use areas except accessory residential uses, shall be the greater of:
 - (i) 1 space per 4 persons of the *worship area capacity*; or
 - (ii) 1 space per 9 square metres of the net floor area of the *Worship Area(s)* and any accessory use areas, excluding any residential uses.
 - (b) Parking for all other uses shall be provided in accordance with the provisions of Section 3.0 PARKING STANDARDS, TABLE A – RESIDENTIAL USES and TABLE B – NON-RESIDENTIAL USES of By-law 28-97, as amended.

Where a portion of a *building(s)* is shared/used by two or more uses, the greatest num-

ber of parking spaces required by (a) or (b) above, for that area, shall be used to calculate the total number of required *parking spaces* for the *lot*.”¹⁵

2. Noting that the provisions of Sections 4.0 (shared parking) and 8.3 (Existing Site Specific By-law Continue to Apply) of By-law 28-97 no longer applied to places of worship, and adding to Section 2.0 (definitions) of By-law 28-97 the following:

“WORSHIP AREA

means the *net floor areas*, whether above or below established grade, within the walls of sanctuary(s), hall(s), or meeting room(s) that a religious group uses for the practice of its religious rites, including any balcony or other area that, by the removal or opening of any walls or partitions, can expand the area of the sanctuary, hall or meeting room(s), and any choir or musicians area. *Net floor areas* intended solely for the use of the worship group leader, such as altar or pulpit areas are not included in the worship area.

WORSHIP AREA CAPACITY

means the number of persons for whom the *worship area(s)* is designed, and is determined by adding the total of (i) and (ii) below:

- (i) Where there are fixed seats in the worship area(s):

The number of fixed seats in the *worship area(s)*, (where fixed seating is provided in the form of open benches each 0.5 metres bench width shall be considered as one seat); and

- (ii) Where there are no fixed seats in the worship area(s):

The number of square metres of *worship area floor area(s)* multiplied by 0.75.

WORSHIP AREA FLOOR AREA

means the *net floor area* of all floors in a building used as *worship area(s)*.”¹⁶

It is important to note that the wording in provision (ii) under the definition of *Worship Area Capacity* was subsequently determined to be in error and was addressed in a further amending by-law to By-law 28-97 (see discussion on this issue in Section 3.3 of this report).

2.2.4 Site Specific By-laws Regarding Places of Worship

There have been a number of site specific zoning by-laws that have permitted new and expanded places of worship developments over the decades. The following represent a sampling of such site specifics that were discovered as part of the existing site specific by-law review under Task 4a.

15 By-law 2003-301, City of Markham, Section 1.1

16 By-law 2003-301, City of Markham, Section 1.2

Table 2: Site Specific Amendments involving Places of Worship (other than By-law 177-96)

Parent By-law	Amending By-law	Description of Amendments
1229	265-87	Site Specific to rezone from R1 to I (Institutional) and allowed a place of worship to Section 9.1 and amended Section 9.3(c)
1229	2003-95	Site Specific to 58-60 George Street to permit a place of worship and associated parking with nearby residential lots (actual by-law not attached-only notice description)
1767	182-89	Site Specific by rezoning lands from GR to Inst. (Institutional) and definitions "Building"; "Block"; "Floor Area, Gross"; "Landscaped Open Space"; "Landscaping"; "Parking Lot"; "Parking Space"; "Place of Worship".
1767	205-90	Site Specific that amends By-law 73-88 and adds definitions to "Place of Worship" and "Planned Shopping Centre" and revised parking standards for the lands
1767	250-94	Adds definitions to By-law 1767: "Building"; "Floor Area, Gross"; "Parking Space"; "Place of Worship"; and rezoning a site to allow a (H)GR and O1 site for a Place of Worship
2053	219-94	Site Specific to 55 Doncaster Avenue to allow a Place of Worship up to 325 sq.m. in an M (Industrial) zone for a 3 year period. Temporary Use By-law.
2150	2001-115	Site Specific to rezone lands from CC to (H)CC and add definition of "Place of Worship"
2150	2001-206	Site Specific to 7775 Yonge Street to remove the (H) from the CC zoned lands and allow a Place of Worship up to 511 sq.m.
2237	316-81	Site Specific that amends Section 2 of By-law 164-81 to allow only a church and associated uses. Other amendments also to By-law 164-81, including definition for "landscaping"
90-81	113-95	Site specific applies the definition of "Place of Worship" along with standards. Introduces permitted uses and standards.
119-73	238-96	"Site Specific to introduce definitions "assembly hall", "floor area, net", "place of worship", "restaurant", "restaurant, fast food", "restaurant, take-out"; amends parking standards for various uses; introduces site specific provisions for Part 1 Part 2
88-76	2009-20	Site Specific to permit a Place of Worship. Site specific definition for "Place of Worship" and establishes GFA standards
72-79	2003-195	Site specific to re-zone certain lands shown on Schedule A as Residential Medium Density (RMD2). Introduces definitions for the purposes of the by-law for "Assembly Hall", "Floor Area, Net", and "Place of Worship". Gives permitted uses and standards for t
72-79	47-82	Amends Section 5.10c) ii) dealing with Church parking, Section 7.1 dealing with dealing with permitted associated uses and standards with those uses.
118-79	225-91	Site specific to re-zone certain lands from CC to O2, and from O2 to CC. Establishes that the only use permitted uses are only place of worship and accessory uses including day care.

Task 14: Places of Worship

Parent By-law	Amending By-law	Description of Amendments
153-80; 2325-68	213-82	Expands the lands of the parent by-law 153-80 and designating them R6, R7, R8, R9, RSD3, RHD1, and O2. Site specific to allow a Place of Worship and accessory uses within the R8 zone. Removes the subject lands from parent by-law 2325-68.
153-80	43-84	Expands the lands of the parent by-law 153-80 and designating them R6, R7, R8, RSD3, (H)RMD1, O1 and O2. Site specific to allow a Place of Worship and accessory uses within the R8 zone. Introduces site specific uses and standards for the RMD1 zone.
153-80	371-87	Site specific to allow a lot area and parking exceptions for a place of worship in an R8 zone.
165-80	160-88	Expands the lands of the parent by-law 165-80 and designates them O2. Introduces site specific definitions for “Place of Worship” and permitted uses for the O2 zone.
165-80	78-94	Adds a definition for “Place of Worship” to Section 2 - Definitions. Adds site specific exceptions to Section 7 - EXCEPTIONS dealing with parking and standards
108-81	168-96	Site specific definitions for “Assembly Hall”, “Floor Area, Net” and “Place of Worship”. Site specific provisions for permitted uses and standards for a Place of Worship
108-81	2002-141	Adds definition to Section 2 - DEFINITIONS for “Place of Worship”. Adds site specific exceptions to Section 8 - EXCEPTIONS dealing with permitted uses and standards. OMB Approved.
193-81	2001-302	Site specific to not prevent a church (place of worship) despite the provisions of by-law 193-81. Gives site specific standards. OMB Approved.
28-82	162-96	Adds definitions to Section 2 - DEFINITIONS for “Assembly Hall”, “Banquet Hall”, “Floor Area, Net”, “Place of Worship” and “Private Community Centre”. Add site specific exception to Section 7 - EXCEPTIONS dealing with permitted uses and standards.
304-87	Exception 13.1	A Place of Worship is permitted on Part of Lot 23, Concession 3 as shown on Schedule 13.1
304-87	Exception 13.2	A Place of Worship is permitted on Part of Lot 16, Concession 6 as shown on Schedule 13.2
304-87	Exception 13.3	A Place of Worship is permitted on Part of Lot 16, Concession 7 as shown on Schedule 13.3
304-87	Exception 13.4	A Place of Worship is permitted on Part of Lot 16, Concession 7 as shown on Schedule 13.4
304-87	Exception 13.5	A Place of Worship is permitted on Part of Lot 21, Concession 7 as shown on Schedule 13.5
304-87	Exception 13.6	A Place of Worship is permitted on Part of Lot 6, Concession 7 as shown on Schedule 13.6
304-87	Exception 13.13	A Place of Worship and a cemetery are permitted on Part of Lot 29, Concession 5 as shown on Schedule 13.13

Parent By-law	Amending By-law	Description of Amendments
304-87	Exception 13.15	A Place of Worship and a cemetery are permitted on Part of Lot 26, Concession 6 as shown on Schedule 13.15
304-87	Exception 13.16	A Place of Worship and a cemetery are permitted on Part of Lot 24, Concession 7 as shown on Schedule 13.16
304-87	Exception 13.17	A Place of Worship and a cemetery are permitted on Part of Lot 4, Concession 9 as shown on Schedule 13.17
304-87	Exception 13.18	A Place of Worship and a cemetery are permitted on Part of Lot 1, Concession 10 as shown on Schedule 13.18
304-87	Exception 13.19	A Place of Worship and a cemetery are permitted on Part of Lot 1, Concession 11 as shown on Schedule 13.19
304-87	6-97	Site specific to allow a Place of Worship with accessory uses (school, assembly hall, nursery school, day care). Applies standards.
304-87	113-97	Site specific to allow a Place of Worship. Applies standards.
304-87	2005-122	Amends a site specific exception in Section 13 - EXCEPTION dealing with permitted uses and standards for a place of worship.
304-87	2009-33	Amends exception 13.13 dealing with only uses permitted (place of worship and accessory) and standards.
304-87	190-95	Site specific to add exceptions to Section 13 - EXCEPTIONS. Exceptions 13.55 to 13.66 added. 13.55: additional permitted use to allow a place of worship and accessory structures - standards given. Site specific definition of "canopy" given. Subject lands

Table 3: Site Specific Amendments involving Places of Worship in By-law 177-96 Only

Section 7 Provision	Location Description	Amending By-law	Description of Amendments
7.277	PLACE OF WORSHIP - 133 OLD KENNEDY ROAD	2005-250	additional permitted uses, zone standards, special site provisions
7.342	PLACE OF WORSHIP SITE SOUTH WEST CORNER OF BUR OAK AND WHITE'S HILL AVENUE, BLOCK 114, PLAN 65M-3295	2013-108	only uses permitted
7.470	PLACE OF WORSHIP	2011-245	permitted uses (places of worship), additional uses only permitted accessory to a place of worship, special site provisions
7.223	LOTS 6, 7, AND 8, CONCESSION 9 BOX GROVE COMMUNITY (PLACE OF WORSHIP)	2004-146 and 2004-149	permitted uses, zone standards for a place of worship, special site provisions
7.489	ST. MARY AND ST. SAMUEL THE CONFESSOR COPTIC ORTHODOX CHURCH	2012-165	only uses permitted, zone standards

3.0 REVIEW OF MARKHAM'S PLACES OF WORSHIP STUDIES

In 2001, the Council of the then Town of Markham retained the firm of Macaulay Shiomi Howson Ltd. (MSH), in association with C.N. Watson and Associates Ltd. and iTrans Consulting Inc. to undertake a review of Markham's policies relating to places of worship. This resulted in the *Places of Worship Study Background Issues & Options Report* of June 2002, discussed in section 3.1 of this report. Twelve years later in April 2014, Macaulay Shiomi Howson Ltd. in association with HDR Corporation undertook an updated *Future Directions Report*, discussed in section 3.2 of this report. Also in April 2014, HDR Corporation undertook a *Parking Standards Review* for Places of Worship as part of the Future Directions Report, which is discussed in section 3.3 of this report.

3.1 Places of Worship Study Background Issues & Options Report (June 2002)

With the growth in population and the diversity of the population, the 2002 study recognized the trend in the growing need for places of worship and the trend in the diversity of religions in the municipality. The pattern was also set for "regional" draw congregations instead of local neighbourhood-based groups. The size of places of worship were becoming larger and more efficient in terms of their use. Planning issues that were identified in the study included was uptake in new places of worship in the urban portions of the municipality, involving a wider range of accessory uses and other activities that serve a wider community function, and the resulting potential conflict of land use and the impact of traffic and parking requirements. The policy implications and options resulting from the study were as follows:

1. Maintain the policy of directing new places of worship to the urban area of Markham and away from rural area. Within the urban area, new places of worship should be prohibited from the Business Park Area designation and should be directed to accessible locations on major roads and other service oriented uses.
2. Three policy options were suggested in directing future places of worship: 1) modify the existing policies by restricting new places of worship and major expansions of existing uses to locations on arterial roads or to sites on a major collector road in areas designated “Commercial” or “Industrial” (except for Business Park Area), or to sites in the “Residential” designation that are at an intersection with an arterial road, or at a location identified in the Official Plan or Secondary Plan, and refining the policies to reflect the change in the type of facilities from a local draw to a more regional draw; 2) create a special policy establishing development criteria specific to places of worship for evaluating new applications and major expansions that would necessitate a rezoning application; and 3) in addition, introduce a requirement for an Official Plan amendment for any new place of worship on a site that is over 2 hectares in area.
3. Maintain and update the municipality’s acquisition policy by: 1) maintaining the standard of 1 place of worship per 6,000 persons; 2) sites to be reserved for up to 5 years from registration; 3) sites maybe pre-zoned for place of worship, accessory uses and appropriate alternate uses through the use of a holding zone provision; and 4) no longer pricing or sites would be established by the municipality, nor would the municipality be responsible for holding the sites in escrow, but rather sites would be reserved through the subdivision or development agreement.
4. Regarding traffic and parking matters, the study recommended: 1) that traffic and parking studies be required for new places of worship needing 100 parking spaces or more; 2) that a parking study be required for places of worship requesting reductions in the number parking spaces required for a given site; 3) consideration for establishing guidelines for parking and traffic studies associated with places of worship; and 4) new places of worship should be located on major transportation corridors, such as arterial or major collector roads.
5. Regarding changes to the existing zoning by-laws, the study recommended that the Parking Standards By-law (By-law 28-97) be amended to incorporate a new parking standard for places of worship of *1 parking space per 4 seats or 1 parking space per 9 square metres of net floor area, whichever is greater*. The study also recommended that there be a consistent and updated definition for places of worship and appropriate development standards for all of the municipality’s zoning by-laws.

3.2 Places of Worship Study Future Directions Report (April 2014)

This study was a follow-up study from the 2002 report, also prepared by MSH, to determine if the policies and controls established by the municipality as a result of the 2002 report were still meeting the needs and requirements of the municipality when it comes to the issue of places of worship. It is noted in the report that changes were made to the Parking Standards By-law (By-law 29-87) regarding both parking standards and definition of places of worship through amending By-law 2003-301. Subsequent to the passing of By-law 2003-301, “an issue with respect to non-fixed seating area occupant capacity calculations was identified.”¹⁷ The 2002 study recommended occupant capacity for worship areas with non-fixed seating be calculated assuming 0.75 square metres are occupied by each individual. This issue was based on an error in By-law 2003-301 that multiplied by the net worship area instead of divided into the net worship area, resulting in a lower parking supply required by the by-law than what

17 Places of Worship Study, Future Directions Report by Macaulay Shiomi Howson Ltd. (April 2014), Executive Summary.

was intended from the study. This was subsequently amended in a housekeeping by-law amendment, which was appealed to the Ontario Municipal Board. The intent of this study was to undertake a 'scoped review' of the approach to places of worship, with a focus on the parking regulations. The report noted the following conclusions:

1. There have been no significant changes to the development trends for places of worship since the 2002 study was undertaken. Therefore the existing policies dealing with growing population and the diversity of the population as it pertains to places of worship is still valid. Places of worship that are larger still need to be controlled in terms of location as it pertains to traffic and parking impacts. Other uses that are accessory or in association with the place of worship can create issues and other impacts, and should be factored into examining more regulations. Proposals for new places of worship outside of residential areas, and in particular in employment areas, have created other concerns regarding land use conflict and impact.
2. Regarding the existing policy and regulatory framework, the report reaffirms that the directions noted in the 2002 report are still valid for the most part, including: 1) restricting development of places of worship in the Agricultural Area; 2) providing flexibility to allowing places of worship in the various designations found in the urban area of Markham, with restrictions in the employment area designation; 3) identifying and allowing more and larger places of worship to continue in the future while monitoring and controlling such uses based on their impacts with respect to traffic, parking, location and scale of development that are in line with the municipality's Official Plan policies; 4) continuing to identify solutions regarding parking, traffic, and size impact of new places of worship, such as considering shared parking with adjacent uses at appropriate locations, proximity to public transit and establishing Transportation Demand Management plans as part of the application review process.

3.3 Places of Worship Future Directions Report Parking Standards Review (April 2014)

In association with the 2014 MSH study, the firm of HDR Corporation undertook the *Places of Worship Future Directions Report Parking Standards Review* report in April 2014. The study involved parking surveys that indicated that "there may be differences between the plans submitted for building permit (which indicate the size and location of worship areas), and the resulting utilization of various spaces within the building once occupied."¹⁸ The report noted that it was HDR's opinion that the corrected non-fixed seating worship area capacity ratio of 0.75 square metres per person results in a more appropriate parking requirement than the "incorrect" calculation that was made under amending By-law 2003-301.

The report undertakes a parking survey of seven specific places of worship, involving a variety of religious types. The parking analysis does a comparison of municipal parking standards and looks at the non-fixed seating ratio, fixed bench seating ratio, vehicle occupancy ratio, and worship area parking ratio. The report concludes that it is important to accurately estimate the *net worship areas* (areas used for prayer) as this will determine the parking supply requirements and so future development applications need to provide more level of detail as it pertains to worship area capacity. Compared to the parking requirements of other nearby municipalities, the report concludes that the Markham standard as set out by By-law 2003-301 (as corrected) is the most comprehensive of the by-laws reviewed. The report did not identify any concerns regarding the fixed bench seating ratio, the vehicle occupancy ratio, or the worship area parking ratio. The only issue was the non-fixed seating occupant ratio, which the report

18 Places of Worship Future Directions Report Parking Standards Review by HDR Corporation (April 2014), Executive Summary, page ii

concludes can be addressed by correcting the error in Section 1.2 (ii) of By-law 2003-301 to state “The number of square metres of worship area floor area(s) multiplied **divided** by 0.75.”¹⁹

Draft

19 Places of Worship Future Directions Report Parking Standards Review by HDR Corporation (April 2014), Conclusions, page 20.

4.0 CASES STUDIES

This chapter of the report reviews five municipal zoning by-law case studies (Toronto, Ottawa, Hamilton, Mississauga and Oakville) to show how they regulate and control places of worship in their respective by-laws. The chapter examines relevant definitions, the list of zones that permit places of worship and any associated conditions, regulations that may apply to all places of worship regardless of what zones they are permitted in, and parking and loading requirements associated with places of worship. Important for Markham to consider is how other municipalities allow places of worship in particular zones based on size and/or locational criteria, such as major roads. Other municipalities vary in terms of what different types of zones allow for places of worship as of right, and parking rates for the use can vary sometimes in terms of location. Markham's existing zoning by-laws vary in terms of the types of zones that permit the use, and there is currently no size or scale consideration to control the land use in particular locations. As for parking rates, many distinguish parking for places of worship based on location within the municipality, distinguish between 'worship areas' and 'non-worship areas' in terms of applying rates, and in the case of Oakville, apply a very simple calculation based on person capacity and floor area for additional assembly area to determine parking requirements. Shared parking rates could also be considered if places of worship are mixed with other uses involving different parking rates.

4.1 City of Toronto Zoning By-law 569-2013

4.1.1 Definitions (Chapter 800)

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 purposes.”

4.1.2 Zones Permitting Places of Worship (Chapters 5 through 100)

Residential Zones

1. R (Residential all building types) subject to being on a lot with a minimum front age of 30 metres and in a building that was originally constructed as a place of worship.
2. RD (Residential Detached) and RS (Residential Semi-Detached) subject to being on a lot which has a front or side lot line on a major street, a minimum lot area of 2,000 square metres, and minimum lot frontage of 30 metres and be in a building with no more than 2,000 square metres of gross floor area.
3. RT (Residential Townhouse) and RM (Residential Multiple Dwelling) subject to being on a lot which has a front or side lot line on a major street, a minimum lot area of 2,000 square metres, and minimum lot frontage of 30 metres and be in a building with no more than 2,500 square metres of gross floor area.

Residential Apartment Zones

1. RA (Residential Apartment) is permitted on the same lot as an apartment building with 100 units or more so long as it is inside the apartment building, not above the first storey, does not exceed 30 square metres for the first 100 dwelling units and may increase by 10 square metres each additional 50 dwelling units to a maximum of 110 square metres. If not on the same lot as apartment building, it must be on a lot which has a front or side lot line on a major street, a minimum lot area of 2,000 square metres, and be in a building with no more than 3,000 square metres of gross floor area.
2. RAC (Residential Apartment Commercial) is permitted on the same lot as an apartment building with 100 units or more so long as it is inside the apartment building, not above the first storey, does not occupy more than 50% of the interior floor area of the first storey, and not exceed 600 square metres in area. If not on the same lot as apartment building, it must be on a lot which has a front or side lot line on a major street, a minimum lot area of 2,000 square metres, and be in a building with no more than 3,000 square metres of gross floor area.

Commercial and Mixed Use Zones

1. CL (Commercial Local), CR (Commercial Residential), CRE (Commercial Residential Employment) permitted.

Employment Zones

1. EL (Employment Light Industrial), E (Employment Industrial), EH (Employment Heavy Industrial) only if it is a lawfully existing place of worship it may expand or be replaced if it has a front or side lot line abutting a major street. All other places of worship are not permitted.
2. EO (Employment Industrial Office) is permitted if the interior floor area does not exceed 5,000 square metres and has a front or side lot line abutting a major street.

Institutional Zones

1. I (Institutional), IE (Institutional Education), IPW (Institutional Place of Worship) permitted.
2. IH (Institutional Hospital) is permitted if it is on the same lot as a hospital or a hospice care home and be in a building with no more than 5,000 square metres in gross floor area, unless it is inside a hospital.
3. IS (Institutional School) only if it is a lawfully existing place of worship it may expand or be replaced.

Open Space and Utility Zones

1. Not permitted in any zone.

4.1.3 Regulations specific to Places of Worship, regardless of zone (Chapter 150)

Other Uses

1. The by-law permits other uses to be in combination with places of worship:
2. a library or reading room it is only accessible from inside the building.
3. a retail store if the interior floor area does not exceed 25 square metres, sells only religious goods; and it is only accessible from inside the building.
4. a dwelling unit if there is only one unit, the interior floor area of the dwelling unit does not exceed 250 square metres, and the lot with the place of worship located in Residential, Residential Apartment, Commercial Residential, Commercial Residential Employment zone categories, or the IE (Institution Education) zone.

Building Height Exemptions for Architectural Elements

1. Minarets, steeples or similar architectural elements on a place of worship building may exceed the permitted maximum height of a building by 40%, if the horizontal area of the minaret, steeple or similar architectural element is no more than 30 square metres.

Landscaping

1. Lots with a place of worship must provide a minimum of 1.5 metre wide strip of soft landscaping along side and rear lot lines.
2. The area of the front yard must not be used for vehicle access and must be landscaped of which a minimum of 75% must be soft landscaping.
3. If the lot abuts a lot in a residential or residential apartment zone category, there must be a 3 metre wide strip of soft landscaping and a fence along that common property line.

4.1.4 Parking Regulations (Chapter 200)

Parking rates are based on “policy areas”, which are categories of areas close to higher order of public transit. There are four policy areas and “the rest of the City”. Parking spaces must be provided at the greater of:

If there is permanent or fixed seating in a place of worship

1. In policy area 1 – a minimum of 9 parking spaces for each 100 square metres of worship area and a maximum 18 parking spaces for each 100 square metres of worship area.
2. In policy area 2 - a minimum of 15 parking spaces for each 100 square metres of worship area and a maximum 23 parking spaces for each 100 square metres of worship area.

3. In policy areas 3 and 4 - a minimum of 18 parking spaces for each 100 square metres of worship area and a maximum 29 parking spaces for each 100 square metres of worship area.
4. In the rest of the City - a minimum of 23 parking spaces for each 100 square metres of worship area.

If there is no seating or variable seating in a place of worship

1. In policy area 1 – a minimum of 11 parking spaces for each 100 square metres of worship area and a maximum 22 parking spaces for each 100 square metres of worship area.
2. In policy area 2 - a minimum of 18 parking spaces for each 100 square metres of worship area and a maximum 27 parking spaces for each 100 square metres of worship area.
3. In policy areas 3 and 4 - a minimum of 22 parking spaces for each 100 square metres of worship area and a maximum 33 parking spaces for each 100 square metres of worship area.
4. In the rest of the City - a minimum of 27 parking spaces for each 100 square metres of worship area.

The required minimum parking rate for all other permitted uses on the lot.

It is noted that for the purpose of calculating parking space requirements for a place of worship, the “worship area” means 90% of the area of the place of worship used for the expression of worship through religious services, rites or ceremonies.²⁰

20 City of Toronto Zoning By-law 569-2013, Chapter 200, provision 200.5.10.1 (11)

4.2 City of Ottawa Zoning By-law 2008-250

4.2.1 Definitions (Part 1)

The Ottawa zoning by-law does not define place of worship, but uses this term in the by-law. The parking rates for places of worship are based on 'assembly area', which is defined as follows:

Assembly area

"means an accessory room or other place such as a ballroom, auditorium, party room, gaming room, or convention hall that is intended or used to accommodate people in a group; and assembly space and similar terms have a corresponding meaning."

4.2.2 Zones Permitting Places of Worship (Parts 7, 10, 13)

Institutional Zones

1. I1 (Minor Institutional Zone) permits places of worship.
2. I2 (Major Institutional Zone) permits places of worship and ancillary rooming units.
3. I2E Subzone (University of Ottawa King Edward Precinct Subzone) permits places of worship.

Mixed Use/ Commercial Zones

1. AM (Arterial Mainstreet Zone), AM5 Subzone, AM7 Subzone (Hazeldean Road Subzone) permits places of worship.
2. GM (General Mixed Use Zone), GM5 Subzone, GM18 Subzone, GM27 Subzone (Cathedral Hill) permits places of worship.
3. LC6 Subzone (Local Commercial 6 Subzone) permits places of worship.
4. MC (Mixed-Use Centre Zone) and MC15 Subzone permits places of worship.
5. MD (Mixed-Use Downtown Zone), MD1 Subzone, and MD4 Subzone permits places of worship.
6. TD (Transit Oriented Development Zone) permits places of worship.
7. TM (Traditional Mainstreet Zone) permits places of worship.

Rural Zones

1. RC12 Subzone (Rural Commercial Zone in the Villages of Cumberland, Metcalfe and Osgoode) permits places of worship.
2. RI (Rural Institutional Zone), and RI5 to R18 Subzones permits places of worship.
3. VM (Village Mixed-Use Zone) and VM2 Subzone permits places of worship.

4.2.3 Regulations specific to Places of Worship, regardless of zone (Part 3, Section 96)

A place of worship is permitted to have a maximum of three ancillary rooming units.

4.2.4 Parking Regulations (Part 4)

Parking rates are based on four “areas” identified under Schedule 1 of the zoning by-law, which generally pertains to three areas within the urban portion of Ottawa, and one area pertaining to the rural area of Ottawa.

Minimum Number of Parking Spaces Required for Place of Worship

1. In Area ‘A’ on Schedule 1 and MC Zone at Tunney’s Pasture (Central Area) – None.
2. In Area ‘B’ on Schedule 1 other than MC Zone at Tunney’s Pasture (Inner City Area) - 10 spaces per 100 square metres of gross floor area of assembly area.
3. In Area ‘C’ on Schedule 1 (Suburban Area) - 10 spaces per 100 square metres of gross floor area of assembly area.
4. In Area ‘D’ on Schedule 1 (Rural Area) - 10 spaces per 100 square metres of gross floor area of assembly area.

4.3 City of Hamilton Zoning By-law 05-200

4.3.1 Definitions (Section 3)

Place of Worship

“Shall mean a building used by any religious organization for public worship or other ecclesiastical functions and may include accessory or ancillary uses which shall include but not be limited to an assembly hall, auditorium, convent, monastery, rectory, cemetery, day nursery and educational or recreational uses.”

4.3.2 Zones Permitting Places of Worship (Section 6 and 8)

Downtown Zones

1. D1 (Downtown Central Business District Zone), D2 (Downtown Prime Retail Streets Zone), D3 (Downtown Mixed Use Zone), D4 (Downtown Local Commercial Zone), D5 (Downtown Residential Zone), and D6 (Downtown Multiple Residential Zone) permits places of worship.

Institutional Zones

1. I1 (Neighbourhood Institutional Zone), I2 (Community Institutional Zone), and I3 (Major Institutional Zone) permits places of worship.

4.3.3 Parking Regulations (Section 5)

Parking regulations are divided into two groups: 1) Downtown Zones and 2) All Zones, except Downtown Zones.

Downtown Zones Parking Regulations

1. For places of worship that are permitted in any of the Downtown Zones (D1 through D6) there is no parking requirement.

All Zones, except Downtown Zones Parking Regulations

1. For places of worship that are permitted in the Institutional Zones (I1 through I3) there must be a minimum of 1 parking space for every 10 square metres of gross floor area, inclusive of a basement or cellar, to accommodate such use.
2. For a place of worship within any zone located in all or part of a building existing on the effective date of the zoning by-law, no parking spaces are required, provided that the number of parking spaces which existed on the effective date of the zoning by-law shall continue and maintained except a place of worship shall not be required to provide additional parking beyond that required by Section 5 of the zoning by-law. Where an addition, alteration or expansion of an existing building is proposed, the parking requirements of the “all zones, except downtown zones parking requirements” shall only apply to the increased gross floor area of the building.

4.4 City of Mississauga Zoning By-law 0225-2007

4.4.1 Definitions (Part 1)

Place of Religious Assembly

“means a building, structure or part thereof, used as a place of public worship.”

The maximum gross floor area of a community/ multi-use hall associated with a place of religious assembly and parking rates are based on ‘worship area’, which is defined as follows:

Worship Area

“means the sum of the areas, whether above or below established grade, measured between the inside of walls of a sanctuary, hall or meeting room, that a religious group, organization or denomination utilizes for the observance of its religious services, including any balcony or area from which the religious services conducted in the sanctuary, hall or meeting room can be observed, or area that can be opened on a temporary basis to a sanctuary, hall or meeting room by the removal or opening of any walls or partitions, and any pulpit, altar area, choir or musicians area, but excluding any vestibule.”

4.4.2 Zones Permitting Places of Religious Assembly & Associated Regulations (Part 2, Provision 2.1.9.3, Line 1.0 and 2.0)

Residential Zones

1. R1 to R16 (Detached Dwelling Zones) permits a place of religious assembly.
2. RM1 and RM2 (Semi-Detached Dwelling Zones) permits a place of religious assembly.
3. RM3 (Semi-Detached Dwelling on a private road Zone) permits a place of religious assembly.
4. RM4 (Townhouse Zone) permits a place of religious assembly.
5. RM5 (Street Townhouse Zone) permits a place of religious assembly.
6. RM6 (Townhouse Dwelling on a private road Zone) permits a place of religious assembly.
7. RM7 and RM8 (Detached, Semi-Detached, Duplex, Triplex, and horizontal multiple dwellings with 4 to 6 dwelling units Zones) permits a place of religious assembly.
8. Every lot shall have frontage on a street identified on Schedules 2.1.9.3(1) or (2).
9. Minimum Lot Frontage is 20 metres.
10. Minimum Lot Area is 720 square metres.
11. Minimum Front Yard (setback) is 18 metres.
12. Minimum Side Yard (setback) is the lesser of the height of the building or 15% of the width of the lot.
13. Minimum Rear Yard is 7.5 metres.
14. Maximum Height is 10.7 metres.

Residential Apartment Zones

1. RA1 to RA5 (Apartment Dwellings Zones) permits a place of religious assembly.
2. Every lot shall have frontage on a street identified on Schedules 2.1.9.3(1) or (2).
3. Minimum Lot Frontage is 20 metres.
4. Minimum Lot Area is 720 square metres.
5. Minimum Front Yard (setback) is 18 metres.
6. Minimum Side Yard (setback) is the lesser of the height of the building or 15% of the width of the lot.
7. Minimum Rear Yard is 7.5 metres.
8. Maximum Height is 10.7 metres.

Commercial Zones

1. C1, C2, C3, and C4 (Commercial Zones) permits a place of religious assembly.
2. Places of religious assembly must comply with the regulations of the applicable commercial zone.

City Centre Zones

1. CC1, CC2, CC3, and CC4 (City Centre Zones) permits a place of religious assembly.
2. Places of religious assembly must comply with the regulations of the applicable city centre zone.
3. Tutoring and a commercial school shall be permitted accessory to a place of religious assembly.
4. Maximum of 20% of the total gross floor area – non-residential that may be used for accessory tutoring and commercial school uses.
5. A community/multi-use hall used for recreational, social, community and charitable activities shall be permitted within a place of religious assembly.
6. Maximum gross floor area of a community/multi-use hall shall be equal to or less than the gross floor area of the worship area.
7. Minimum setback of a parking area to a Residential Zone is 4.5 metres.

Employment Zones

1. E1, E2, and E3 (Employment Zones) permits a place of religious assembly.
2. Places of religious assembly must comply with the regulations of the applicable employment zone.

Open Space Zones

1. OS1 and OS2 (Open Space Zones) permits a place of religious assembly.
2. Places of religious assembly must comply with the regulations of the applicable open space zone.

Institutional Zone

1. I (Institutional Zone) permits a place of religious assembly.
2. Places of religious assembly must comply with the regulations of the institutional zone.

4.4.3 Regulations specific to Place of Religious Assembly, regardless of zone (Part 2, Provision 2.1.9.3)

1. Tutoring and a commercial school shall be permitted accessory to a place of religious assembly.
2. Maximum of 20% of the total gross floor area – non-residential that may be used for accessory tutoring and commercial school uses.
3. A community/multi-use hall used for recreational, social, community and charitable activities shall be permitted within a place of religious assembly.
4. Maximum gross floor area of a community/multi-use hall shall be equal to or less than the gross floor area of the worship area.
5. Minimum setback of a parking to an abutting lot in a Residential Zone is 4.5 metres.

4.4.4 Parking Regulations (Part 3)**For Places of Religious Assembly**

1. 1 parking space per 4.5 seats for permanent fixed seating²¹, plus 27.1 parking spaces for all non-fixed moveable seating per 100 square metres gross floor area non-residential all in the worship area, or
2. 27.1 parking spaces for all non-fixed moveable seating per 100 square metres gross floor area non-residential in the worship area, or
3. 10 parking spaces per 100 square metres gross floor area non-residential, whichever is greater.
4. Where the worship area of a place of religious assembly includes permanent fixed seating or non-fixed moveable seating for clergy, leaders, choirs, or musicians, such seating or area shall be included in the calculation of seating for the purpose of calculating required parking.
5. Where a community/ multi use hall is equal to or less than the gross floor area of the worship area, no additional parking shall be required for that use.

Parking for Additional Uses in a Public or Private School involving Place of Religious Assembly

1. Where any part of a public school or private school is used as a place of public worship or for the conduct of religious activities on a weekly or other frequent and regular basis in compliance with the provisions of the zoning by-law, and such public worship or religious activity is not part of the school curriculum or is attended by persons not enrolled or employed in the school, the portion of the public school or private school used for public worship or religious activity shall be deemed to be a place of religious assembly for the purpose of calculating required parking. When parking for multiple uses is calculated, the parking regulation will not be cumulative, but the higher parking regulation will apply.²²

²¹ Where permanent fixed seating is open-style bench or pew, each 0.5 metre of bench or pew space is equal to one seat for the purpose of calculating required parking.

²² City of Mississauga Zoning By-law 0225-2007, Part 3, Provision 3.1.1.11.1

4.5 Town of Oakville Zoning By-law 2014-014

4.5.1 Definitions (Part 3)

Place of Worship

“means a premises used for the practice of religion and faith-based spiritual purposes wherein people assemble for religious worship, faith-based teaching, fellowship and community social outreach.”

Place of Worship Area of Worship

“means the area(s) within a place of worship in which a service, ceremony or other practice is performed in which reverence is offered.”

4.5.2 Zones Permitting Places of Worship (Parts 8, 9, 10, and 11)

Mixed Use Zones

1. CBD (Central Business District Zone), MU1 (Main Street 1 Zone), MU2 (Main Street 2 Zone), MU3 (Urban Centre Zone), and MU4 (Urban Core Zone) permits places of worship.

Commercial Zones

1. C1 (Neighbourhood Commercial Zone), C2 (Community Commercial Zone), and C3 (Core Commercial Zone) permits places of worship if the lot area does not exceed 2.5 hectares and the maximum percentage of net floor area permitted to be occupied by a place of worship is 50% of the total net floor area on the lot.

Employment Zones

1. E4 (Business Commercial Zone) permits places of worship if the lot area does not exceed 2.5 hectares and the maximum percentage of net floor area permitted to be occupied by a place of worship is 50% of the total net floor area on the lot.

Institutional and Community Use Zones

1. I (Institutional Zone) permits places of worship and in addition, a dwelling for the faith group leader with a maximum of five lodging units permitted within the dwelling.
2. CU (Community Use Zone) permits places of worship if the lot area does not exceed 2.5 hectares and in addition, a dwelling for the faith group leader with a maximum of five lodging units permitted within the dwelling.

4.5.3 Parking Regulations (Part 5)

Minimum Number of Parking Spaces for a Place of Worship

1. 1 parking space per 5 persons capacity for the place of worship area of worship; plus
2. 1 parking space per 22 square metres net floor area for any additional accessory assembly area.

5.0 MATTERS IDENTIFIED AND POTENTIAL OPTIONS

Based on the review and assessment of the City of Markham's Official Plan, the existing 46 parent zoning by-laws, the various places of worship studies undertaken in Markham over the past thirteen years, and case studies in other Ontario municipalities dealing with places of worship in their respective zoning by-laws, this report has identified a number of matters for consideration surrounding places of worship. This section of the report also suggested potential options for addressing issues that have been identified.

Matters Identified	Potential Options
<p>1. Places of worship have evolved in Markham based on changing and growing populations. These changes have resulted in a need for more places of worship in the future as well as more diversity in the types of places of worship based on the variety of religions that exist in society.</p>	<p>1. Markham's Official Plan has established policy for places of worship in terms of criteria for new places of worship, as well as identifying criteria for places of worship in various districts. The new zoning by-law needs to incorporate appropriate zones and standards to implement this policy where it is applicable.</p>
<p>2. Places of worship that exist in local neighbourhoods, usually in smaller scale and size, play an important role in the community and should be protected to continue to exist in these areas.</p>	<p>2. The new zoning by-law needs to identify and distinguish places of worship based on their scale and size and to develop standards and provisions that help support smaller scale institutions to continue to exist where they are deemed appropriate.</p>

Task 14: Places of Worship

Matters Identified	Potential Options
<p>3. The existing 46 parent zoning by-laws in Markham and the city-wide parking by-law define the land use terms “church” and “place of worship” are defined ten different ways.</p>	<p>3. The new zoning by-law needs to establish the universally recognized term “place of worship” and provide one definition for this land use throughout the by-law and the definition should be consistent with the definition established in Markham’s Official Plan and be applied to both land use and parking regulations.</p>
<p>4. Newer places of worship are typically large in scale, create regional draws, and may result in traffic and parking related impacts on adjacent areas.</p>	<p>4. The existing 46 zoning by-laws do not currently fulfil the controls for places of worship reflected in the Official Plan (Policy 8.13.7.1). In particular, the new zoning by-law needs to establish maximum site areas, maximum premise sizes, and location regulations for new places of worship for the zones in the new zoning by-law that relate to Residential, Mixed Use, Heritage Conservation District, Commercial, Service Employment, and Hamlet designations.</p>
<p>5. The City of Markham, through the Official Plan, has maintained its place of worship site reservation policy, which recognizes in new areas to be developed the importance in setting aside locations for new places of worship as the population increases.</p>	<p>5. The new zoning by-law should establish a set of standards that could be applied to a site that is subject to a rezoning application for a place of worship that is identified as a site (or area) under the site reservation policy in the Official Plan.</p>
<p>6. The City of Markham Official Plan restricts places of worship from locating in the rural area and employment areas, with specific policy for considering them as a discretionary use in the Service Employment designation.</p>	<p>6. The new zoning by-law must establish zones in the rural and employment designations of the Official Plan that would not allow places of worship as a permitted use. There may need to be some recognition in the new zoning associated with the Service Employment designation that places of worship may be considered a permitted use subject to a rezoning application (i.e., a discretionary use criteria).</p>

Matters Identified	Potential Options
<p>7. There is a recognition that new places of worship should be directed toward urban rather than rural areas, and within the urban areas they should be encouraged in zones that can accommodate them and which will not create land use conflict, such as the case of employment areas.</p>	<p>7. In addition to the zones and standards set out above in item 1, the new zoning by-law should establish site requirements for places of worship dealing with such matters as height, setbacks, density, and landscaping in those zones where places of worship are permitted.</p>
<p>8. There are issues surrounding ‘architectural elements’ associated with places of worship, in particular, how they address the matter of height.</p>	<p>8. Architectural elements associated with places of worship should be addressed in the new zoning by-law. One approach could be to allow such features to go beyond the permitted height limit by a certain amount. Another approach could be to exempt them from height in certain zones where height is not a planning concern. A third approach could be to treat these features like any other building element and have them be maintained within a given height limit.</p>
<p>9. There are many site specific zoning by-laws that involve places of worship under the current 46 zoning by-laws.</p>	<p>9. The new zoning by-law needs to recognize the existing site specific zoning by-laws that legally permit places of worship, especially those that are noted in the Official Plan under Chapter 9, as well as those identified in Section 2.2.4 of this report. Places of worship that no longer exist, or do not legally exist on certain sites that involve site specific by-laws may be candidate site by-laws to NOT be carried forward into the new zoning by-laws. Further, there may be instances that certain places of worship be considered legal non-conforming under the new zoning by-law.</p>
<p>10. Some other municipal zoning by-laws have established ‘place of worship’ only zones, in addition to allowing them as a use in certain zones.</p>	<p>10. The new zoning by-law may want to simply identify which zones a place of worship is permitted and establish conditions or criteria for a place of worship to be permitted in a given zone. Alternatively, the new zoning by-law could also establish a ‘place of worship zone’ for those sites that have been identified for being appropriate for only that use.</p>

Task 14: Places of Worship

Matters Identified	Potential Options
<p>11. None of the existing 46 parent zoning by-laws set out locational criteria for places of worship.</p>	<p>11. The new zoning by-law, with reference to the Official Plan criteria, should establish locational provisions/ criteria in each of the zones that are being considered to allow places of worship as a permitted use.</p>
<p>12. None of the existing 46 parent zoning by-laws permit a place of worship in any residential zone.</p>	<p>12. The new zoning by-law should consider establishing permissions for places of worship to be allowed in residentially zoned areas that are based on conditions dealing with site area, building size, and locational criteria that are consistent with the policy in the Official Plan.</p>
<p>13. There are concerns around traffic and parking for new places of worship or for existing places of worship that want to expand over a particular size or involve accessory activities that warrant more parking requirements.</p>	<p>13. The new zoning by-law needs to be clear on what zones permit what scale of place of worship use, and the parking rate should be tied to the scale of the use. Further, the new zoning by-law needs to be clear what uses are deemed accessory to places of worship and fulfil the definition of ‘accessory’ under the new by-law, and treat other uses a separate uses which may create additional parking requirements.</p>
<p>14. Some other municipal zoning by-laws include standards on how places of worship are controlled relative to adjacent properties involving other more sensitive land uses.</p>	<p>14. The new zoning by-law should consider appropriate setbacks and buffering from sensitive land uses in those zones that involve sensitive land uses. In particular, location and design of driveways and parking areas are of most concern.</p>
<p>15. Some other municipal zoning by-laws provide for careful calculation of parking based on the definition of ‘worship area’, involving both fixed and unfixed seating.</p>	<p>15. The new zoning by-law needs to consider how parking rates can be applied to places of worship that factor in the variety of spaces that different places of worship incorporate (worship and non-worship areas), the scale and type of other uses or accessory uses that locate on the site, and establish regulations that can be more easily applied than some of the existing standards. Places of worship that are in combination with other uses need to examine the appropriateness (or not) of shared parking for the combined uses at appropriate locations.</p>

Matters Identified	Potential Options
<p>16. The Markham Official Plan includes policies at particular locations or areas that restrict places of worship.</p>	<p>16. The new zoning by-law needs to consider if there needs to be any distinction between areas that 'do not permit' places of worship versus areas that 'restrict' places of worship as identified under Chapter 9 of the Markham Official Plan.</p>

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