

COMMITTEE OF THE WHOLE (WORKING SESSION) – APRIL 12, 2010

REVIEW OF OFFICIAL PLAN POLICIES AND ZONING PROVISIONS RELATED TO PLACES OF WORSHIP

FILE: 15.34.1

WARDS 1 - 5

Recommendation

The Commissioner of Planning recommends, in consultation with the Director of Building Standards Department, Director of Legal Services and Director of Enforcement Services:

1. That Staff be directed to undertake the preparation of Official Plan Amendments to OPA No. 600, the Thornhill community Plan (OPA No. 210), the Woodbridge Community Plan (OPA No. 240), Maple Community Plan (OPA No. 350) and the Kleinburg/Nashville Community Plan (OPA No.350) in order to create a City-wide consistent policy for “Places of Worship” based upon this report and Council’s consideration.
2. That Staff be directed to undertake the preparation of amendments to Zoning By-law 1-88 respecting zoning standards for “Place of Worship” based upon this report and Council’s consideration.

Contribution to Sustainability

Places of worship provide a cornerstone to communities and are locales that fulfill a multiplicity of functions all day and all year. They can be hubs in the community, providing support services for people’s everyday lives. Since they are often an integral component of complete communities, it is important that they are accessible by transit, and connected to biking and walking facilities and are in proximity to residential communities.

Economic Impact

There are no requirements for new funding associated with this report, however should additional technical analysis be required, funds may be required to retain the appropriate expertise.

Communications Plan

Public notice will be disseminated prior to the statutory Public Meeting and Public Hearing through print media and the City’s website.

Purpose

The purpose of this report is to review current Official Plan policies and zoning standards concerning places of worship and religious assembly with a view to examining whether the current Official Plan policies and zoning standards are appropriate and to advise Council on appropriate revisions to these documents as may be necessary.

Background - Analysis and Options

The City of Vaughan, like many other growing and evolving municipalities throughout the Province of Ontario has changing needs for places of worship. As society and the City of Vaughan, continue to evolve and become more religiously diverse, the practice of locating and building a Place of Worship needs to be reviewed.

Land use planning policies and regulations can help integrate places of worship into the community through the application of locational policies, design standards and regulations governing the yard setbacks, parking, building height, etc. While providing opportunities for places of worship, the City can also indicate locations where they are not appropriate, and so help to reduce land use related conflicts.

The planning and regulation of places of worship and religious assembly was reviewed by the City over a decade ago. On September 8, 1997, the Committee of the Whole adopted, in part, the following Motion:

“That Staff bring forward a zoning category for institutional uses to be included in Zoning By-law 1-88 for discussion within 30 days.”

This Motion was passed by Committee during the consideration of a development application for a place of worship in a residential area. What followed was a process that ended after much research and public consultation on February 14, 2003 with no changes to the currently in-force planning standards. Details of the process and the Planning Report that was brought to Council are found in Attachments 2-5 of this report.

More recently, April 14, 2009, Vaughan Council adopted, without amendment, Item 50, Report 18, of the Committee Of the Whole. The Committee's recommendation was as follows:

“The Committee of the Whole recommends that the following be approved:

WHEAREAS, the City of Vaughan Official Plan and Zoning By-law are permissive with regard to the location of worship and religious assembly, in that the policies and the zoning permissions allow such uses in many residential zones and districts;

AND WHEREAS, the location of such uses in established residential neighbourhoods result in the conversion of existing single-family houses causing negative impacts within the neighbourhood such as but not limited to issues of traffic, parking – both on site and off site, reduction in landscaped areas, noise and hours of operation;

THEREFORE BE IT RESOLVED, that the Commissioner of Planning be directed to prepare a report, the purpose of which is to review current Official Plan policies and zoning permissions concerning places of worship and religious assembly with a view to examining whether the current Official Plan policies and zoning permissions are appropriate and to advise Council on appropriate revisions to these documents as may be necessary; and

FURTHER, that the Commissioner of Planning be requested to report to the Committee of the Whole no later than September 30, 2009.”

DISCUSSION

Key Issues Identified - Vaughan

There is a need for a consistent Official Plan Policy for places of worship.

While for the most part, the policies in OPA 600 reflect the current Regional policy direction, the policies are not consistent within each Community Plan. The benefits of a consistent approach would be that proponents, the community, and the City would have a clear set of policies to interpret and that could help to avoid land use conflicts.

There are a number of issues that should be considered when formulating Official Plan policies and zoning by-law regulations for places of worship. These include:

- 1) Small/incubator congregations may have limited ability to find space for religious practices (usually due to limited funds or other means).
- 2) Conversion of residential properties for the purposes of religious practice and instruction, without consideration of regulation or process (i.e. site plan or codes)
- 3) Rural areas may be attractive to new congregations for a variety of reasons. The Regional Official Plan does not permit Places of Worship in Agricultural Lands (Section 6.4) but does permit them in "Rural Settlement Areas" with restrictive criteria (Section 6.4.5: a-d). Under what circumstances, if any, is it appropriate to have places of worship in Rural Areas?
- 4) Places of worship fulfill a range of different roles in the Community, such as providing space for not-for-profit youth and seniors' programs, and having a variety of days and times of services and rites. What standards should be established that are flexible enough to accommodate a variety of applications?
- 5) Places of worship are not just the "built structure" but also an assembly of uses/needs in a space. These can include religious instruction, daycare, and athletic, cultural, and community programs. How can standards be created that are flexible enough to accommodate variations in practice while ensuring that the impacts of such a use are acceptable?
- 6) Plans may need to accommodate changes in functions or demographics over time.

While the current policies in the community plans may be somewhat inconsistent, there are a number of themes that have evolved in these plans that could form the basis of a new policy for Vaughan. For example, the current "Churches and Religious Institutions" policies could be deleted and general policy wording incorporated into the new city-wide Official Plan.

Summary of Other Municipal Policies and Standards

In the preparation of this report, staff researched the surrounding municipalities' regulations and trends on Places of Worship. Toronto, Markham, Brampton, Richmond Hill, Mississauga, Caledon, King City, and Aurora were examined. Most of these jurisdictions have moved towards updating their Official Plans or Strategic Plans to recognize changes in what "places of worship" are, how they function, what role they play in communities and how land-use planning conflicts can be mitigated.

Common Themes Derived from Area Municipalities

While there are some exceptions to most of these themes, there are a few recent trends in how municipalities are moving towards regulating "places of worship" within their boundaries. These are:

- 1) Protecting Employment Lands. While the tools vary, most jurisdictions place some or many restrictions on the conversion of existing uses or new permissions within Employment Lands for "Places of Worship".
- 2) Using "Places of Worship" or "Institutional" zoning. Some municipalities require Official Plan Amendments and Zoning By-laws to institute these uses.
- 3) Size. A number of jurisdictions have defined sizes of "Places of Worship" in terms of both congregation and site-size. Depending on the size, different standards will

apply, with larger sizes triggering OPAs (Markham), and smaller sizes having more stringent parking requirements (Toronto).

- 4) Consistent across all municipalities is the regulation that "Places of Worship" shall be located on Arterial/Major/Collector roads, preferably at intersections with other Arterial/Major/Collector roads. When permitted mid-block, the use must be compatible with other uses on the block in terms of use, size, density and form.
- 5) Consistent across all municipalities is the directive for new place of worship developments to be accessible by transit (on day of worship), as well as to bicycle and pedestrian infrastructure.
- 6) Some municipalities with available greenfield development areas have instituted development policy criteria for the reservation of sites for future "Places of Worship". For example, policies state a ratio of 1 site for every 10,000 persons (Brampton) or 6,000 persons (Markham) of new population. These sites are reserved for 3-5 years after the approval of a plan of subdivision with a holding provision. The market value of these lands needs to be protected since the land will be worth more to developers as residential and may cause undue hardship to some congregations to have to compete with residential land pricing. To this end, Markham has used the York District School Board policies and pricing for these reserved land plots.

CURRENT VAUGHAN DEVELOPMENT CONTROLS

The following sections summarize the Official Plan policies and Zoning Standards currently applicable to Places of Worship in the City of Vaughan.

The Region of York Official Plan

The Region of York adopted a new Official Plan on December 16, 2009. This plan can be read to affect places of worship through the policies directing heritage resources, human services and institutional uses.

In particular, Section 3.3 requires that services that provide for "spiritual needs" are "accessible and responsive". It encourages that the development of human services, institutional and cultural uses be directed to Regional Centres and Corridors, and further, that these areas are to be focal points for communities. A range of uses to ensure efficient use of infrastructure are to be considered. As well, Section 7.2.12 requires that the built form will reflect a pedestrian scale and be accessible to those with different needs.

Within rural areas, there can be applications for redesignation of lands to non-agricultural uses, (Section 6.4.5) however, an amendment to the Regional Plan, the local Plan and the by-law will be required and will need to demonstrate the appropriateness of the application. Development is to be directed to Urban Areas, Towns, Villages and Hamlets. The majority of lands designated "Rural Area" or "Agricultural Area" are currently addressed in OPA No. 600, but the Community Plans do not reflect the regional policies. A comprehensive list of all Regional policies pertaining to places of worship can be found in Appendix A.

City of Vaughan Official Plan Documents

OPA 600 (new urban villages and rural areas)

In Part A of the plan, which outlines general policies for community development and design, greenways are identified as places for defining communities and linking institutions such as places of worship.

In Part B, Community Planning Policies, this is reiterated, but also small-scale places of worship are a permitted use in Low Density Residential Areas and places of worship are also permitted in Medium and High Density Residential Areas.

OPA 600, Section 4.2.4.3 states:

“i. Large-scale Places of Worship may be located on arterial roads in residential areas without specific designation or amendment to this Plan. Smaller-scale Places of worship may be located on arterial or primary roads without amendment to this Plan. In the Rural Area Places of Worship are subject to an official plan amendment and in all cases places of worship are not permitted in the Agricultural Area.”

OPA 450 (Employment Areas)

Places of Worship are not permitted in Employment Areas.

Community Plans (existing urban areas)

The Kleinburg, Maple, Thornhill, and Woodbridge Community Plans are somewhat inconsistent in the variety of policies dealing with Places of Worship, as noted below:

Definitions:

- all Community Plans refer to Places of Worship as “Institutional” uses.
- the Maple, Thornhill and Woodbridge Community Plans have policies for “Churches and Religious Institutions”.

Woodbridge Community Plan OPA 240

While the goals state that adequate space needs to be allocated to future institutional needs of the community, if a site identified for a “church” is not acquired for church use within a “reasonable time”, the adjacent land use will be permitted. New sites are allowed on arterial/collector roads without amendment to the plan.

In all residential areas, institutional and public open space uses shall be permitted in accordance with the policies of the Plan, provided that these are suitably designed and landscaped in a manner consistent with that of the surrounding neighbourhood. In residential areas the new development density shall be compatible with the density on adjacent lands.

Thornhill Community Plan OPA 210

Section 1.5.2 c) speaks to the goals of Community Sub-Centres, that, “These centres contain neighbourhood shopping centres and church sites; they may also contain secondary schools. The community sub-centers are located so as to serve groups of neighbourhoods. Easy access is afforded by both the transportation and pedestrian systems.”

Where a site identified for a “church” is not acquired for a church use within a “reasonable time”, the adjacent land use will be permitted although new sites will have a minimum area of .4 hectares. There is support for Places of Worship developed in association with neighbourhood commercial and core commercial areas. New uses shall be compatible with existing adjacent uses. Larger institutions shall front on arterial roads; in general, “minor” institutions will front on either arterial or collector roads.

Maple Community Plan OPA 350

In Low Density Residential Areas building forms other than housing are permitted as long as they do not exceed the permitted density. Permitted uses in Medium Density Areas include Institutional uses. In general policy, senior citizen housing should be located conveniently to commercial uses, churches and libraries.

New sites are allowed on arterial/collector roads without amendment to the plan, and the plan supports Places of Worship in Commercial Areas so that parking can be shared.

Kleinberg Community Plan OPA 601 (as amended by OPA 633)

Places of Worship are permitted as an Institutional use in "Mainstreet Commercial" and "Village Residential" designations.

City of Vaughan Current Zoning (By-law 1-88)

Locational Criteria

By-law 1-88 currently permits a church to locate in Residential, Commercial and Agricultural Zones in the City.

ZONE SPECIFICATIONS FOR PLACES OF WORSHIP BY-LAW 1-88, CITY OF VAUGHAN	
Section of By-Law	Specifications
Section 4.1.7 -- Residential Zones	Church permitted in General Uses
Section 5.1.4 -- Commercial Zones	Church or Synagogue permitted in General Uses
Section 6.0 -- Employment Area Zones	Prohibited
Section 6.7 -- Industrial Zones	Prohibited
Section 7.0 -- Open Space Zones	Prohibited
Section 8.0 -- Agricultural Zones	Church permitted in General Uses

General Development Standards

Definition:

"CHURCH - Means a building dedicated to religious worship and includes a church or synagogue hall; a church or synagogue auditorium; a religious worship school; a convent and/or monastery."

Permitted Zones:

- a church is a permitted use in Residential, Commercial and Agricultural Zones, but not in Employment Areas and Industrial Zones.

Site Standards: (minimum frontage, setbacks)

- while development standards vary across the City, there are essentially two distinct sets of zoning standards for all institutional uses:
 - 1) the City-wide By-law 1-88 standards, which are primarily the same as the original standards adopted in 1961.
 - 2) exceptions to the By-law 1-88 standards that apply in many of the City's communities. There are several site-specific zoning bylaws which vary from the general standard of By-law 1-88. They are contained in a table in the By-law 1-88 Appendix. (Exceptions Table to By-law 1-88)

Parking Requirements:

Section 3.8 a) - 11 parking spaces for every 100 square metres of gross floor area.

Minimum Landscaped Area:

Section 3.13 - Unless otherwise provided in this By-law, a minimum of ten percent (10%) of the area of every lot on which a building or structure is erected shall be used for no other purpose than landscaping.

Where an Institutional use abuts the boundary of lands zoned Open Space or Residential, a strip of land not less than 2.4 metres in width, contained wholly on the lot on which the Institutional Use is located and abutting the boundary of the Open Space or Residential Zone, shall be used for no other purpose than landscaping. Such landscaped area shall not be included in the computing of the minimum landscaping requirements as set out above.

In addition, a strip of land not less than 6.0 metres in width shall be provided along a lot line which abuts a street line, and shall be used for no other purpose than landscaping. This shall not prevent the provision of access driveways across the said strip.

Site Plan Control:

- Is required and subject to Council approval.

PROPOSED APPROACH

Places of worship fulfill a variety of needs within communities and help to meet the objectives of building safe, healthy and complete communities. They often provide for multiple functions all week long and/or all day long. They also often provide space for non-profit essential activities, hubs of information and gathering places. This helps to create community cohesion and to assist people in their everyday lives. However, some of the functions that are performed may not be appropriate in all locations at all times. For example, in some jurisdictions places of worship have been used for local food banks and "in from the cold" programs.

New Official Plan policies should be written keeping in mind the larger goals of planning for places of worship in the future. Land use location is important to support neighbourhoods. Places of worship need to be close/adjacent to, but not necessarily within residential neighbourhoods. Optimally, the location should be supported by transit in order to be accessible to all the members of a community and to reduce auto use and the potential for conflicts with pedestrians. To accommodate this, it is recommended that places of worship be permitted in residential, commercial, mixed-use commercial, and core commercial areas provided they are located on arterial roads.

Congregations may be either small and growing (as with new 'incubator' groups) be very large, or may be dwindling in size as demographics change. Different congregations will not need the same size, conditions or locations as others. Both small and large congregations sometimes locate in areas that can contribute to land use conflicts.

The City of Vaughan does not currently permit places of worship in Employment Areas in order to protect against erosion of the employment land supply. Locating places of worship in Employment Areas would not support the objectives of creating complete communities or sustainability since they would be primarily auto-oriented. Further, on certain days of religious observance there may be traffic conflicts with normal employment operations.

For some of the same reasons and to conform to the Regional Plan and the City's Official Plan, Places of Worship should continue to be prohibited from Agricultural Areas.

Locating places of worship in Rural Areas can also be a concern with respect to accessibility and they are not necessarily an appropriate land use in terms of building complete communities. Rural areas are not targeted for intensification and thus places of worship in these areas are unlikely to serve local populations. Therefore, prior to permitting a place of worship in a Rural Area certain tests should be met.

Proposed Policies for Inclusion in the Official Plan

To address these considerations, the following Official Plan policies are recommended:

1. *Replace the word church with the words place of worship;*
2. *Places of Worship shall be prohibited in Employment and Agricultural Areas;*
3. *In Residential and Commercial Areas places of worship shall be only located on arterial roads of 26 metres or greater right-of-way width, and preferably at an intersection. The building and use shall be compatible with adjacent uses in terms of, size, and form and subject to performance standards;*
4. *The impact on adjacent residential developments is to be minimized through the provision of adequate parking, landscaping, setback and buffering provisions in the Zoning By-law;*
5. *Traffic and parking studies may be required to be submitted to the satisfaction of the City which demonstrate that such use will not have an adverse impact on the existing or proposed traffic network;*
6. *Places of Worship shall be prohibited in Employment and Agricultural Areas;*
7. *Except for lands designated "Agricultural", Places of Worship may be permitted in Rural Areas subject to an amendment to the Official Plan where the following is demonstrated:*
 - a. *that the proposed use is appropriate in the Rural Area when considered in the context of the Provincial Plans, the Regional Official Plan and the Official Plan;*
 - b. *that the proposed use will not have an adverse impact on the ability of local agricultural activities to undertake normal farm practices;*
 - c. *that the proposed water and wastewater servicing is appropriate for the type of use;*

- d. *that there are no negative impacts on the key natural heritage or hydrological features and functions, biodiversity or connectivity of the Regional Greenlands System; and,*
- e. *that the use cannot be accommodated within the existing urban boundary.*

Zoning By-Law Proposals

The City's zoning By-law No. 1-88 has not been amended to prohibit "Places of Worship" in an A Agricultural Zone in accordance with OPA No. 600 and the Regional Official Plan. To do so would involve deleting the word "church" from the list of Institutional Uses permitted from Section 8.2 of By-law 1-88.

However, there are currently other land uses in Section 8.2 of the By-law which are not permitted by the Region's Official Plan. The other land uses currently permitted in A Agricultural zones that are not consistent with the Regional policies will be addressed through the comprehensive Official Plan review and when the By-law is subsequently amended generally, or for those categories. At this time it is proposed that only "Place of Worship" should not be permitted in an A Agricultural Zone, and therefore deleted as a use, and only permitted in a Rural Area through an Official Plan Amendment.

The City can address the effects that places of worship can have on the surrounding environment through land use permissions, set-backs, parking, landscaping, urban design, visual impacts and traffic considerations. Through the updating of the "definitions" and application of revised standards, the less-desirable impacts of the use on a locale can be minimized, yet allow the congregation to choose the place that suits their needs. To fulfill some of these goals, By-Law Number 1-88 will need to be amended with updated definitions and standards that reflect the change in the policy framework.

It is important to address some of the less-desirable impacts of the buildings and uses with a series of performance standards.

Proposed New Definition

"PLACE OF WORSHIP shall mean lands or buildings, or portion of a building or place wherein people assemble for religious worship, religious services or religious rites purposes, and may include as accessory uses, except where specific accessory uses are prohibited, classrooms for religious instruction, assembly areas, kitchens, a day nursery, and other office and administrative facilities required for the operation of the place of worship. Accessory uses shall not comprise more than 50% of the Gross Floor Area of the "Place of Worship", and Gross Floor Area shall include below-grade finished space."

This new definition modifies the current definition in By-law 1-88 by:

- using a non-denominational term, rather than "church"; and,
- broadening the permitted uses by including additional accessory uses.

Arterial/Collector Roads

Places of worship are proposed to be permitted only on arterial roads that are to be defined as having a right-of-way width of 26 metres or greater. (Due to variations in the City's Community Plans some of these roads are defined as Arterial Roads, Minor Arterial Roads, or Collector Roads.)

In addition to implementing the City's Official Plan policies, the advantages of this approach are that:

- it directs uses to sites according to the expected land use impact on adjacent properties (e.g. larger-scale regional uses on regional roads);
- it sites facilities in appropriate locations in terms of access and visibility to the community;
- it provides greater predictability to landowners, proponents and communities; and,
- it provides for greater accessibility to the place of worship by public transit and to cyclists and pedestrians.

Site Standards

The following charts shows the current Institutional standards in the existing communities and By-law 1-88, and the recommended site standards for "Places of Worship":

Current General Site Standards

	Min. Lot Frontage (m)	Min. Front Yard (m)	Min. Rear Yard (m)	Min. Interior Yard (m)	Min. Exterior Yard (m)	Max Building Height (m)	Max.Lot Coverage (%)	Min Land-scaped Area (%)	Land-scaped Buffer strip to R, or OS Zone (m)	Land-Scaped Buffer strip to Streetline (m)
T-Schedule Exceptions to By-law 1-88	20	7.5	7.5*	6	7.5	11	30	10 ⁽¹⁾	2.4	6
1-88	20	15	15	15	15	11	20	10 ⁽¹⁾	2.4	6

* Note: Minimum rear yard in Maple and Kleinburg is 9 metres.

Note: (1) - Minimum 2.4 metres landscaped strip shall not be included in computing the minimum landscaped area.

The following new Site Standards are proposed:

Recommended Site Standards

	Min. Lot Frontage (m)	Min. Front Yard (m)	Min. Rear Yard (m)	Min. Interior Yard (m)	Min. Exterior Yard (m)	Max Building Height (m)	Max.Lot Coverage (%)	Min Land-scaped Area (%)	Land-scaped Buffer strip to R, or OS Zone(m)	Land-Scaped Buffer strip to Streetline (m)
Place of Worship	30 + (i)	7.5	15	15	15	11 ⁷	30	10 ⁽¹⁾	2.4	6

Note: (1) - Minimum 2.4 metres landscaped strip shall not be included in computing the minimum landscaped area.

Note: (7) - can exceed height by 0.6 metre for every 0.3 metre increase in side-yard.

Note: Where more restrictive criteria, policies or standards exist in a local area plan, the more restrictive criteria shall apply.

(i) lot frontage shall only apply to a street with a minimum right-of-way of 26 metres or greater.

The following changes are proposed to By-law 1-88:

- the minimum lot frontage has been increased from 20 metres to a minimum frontage of at least 30 metres, to be consistent with the scale of the 15 metres side yard;
- the lot frontage shall abut a street with a minimum right-of-way of 26 metres or greater;
- the front yard has been reduced from 15 metres to 7.5 metres to reflect the setback requirements of other neighbouring uses found in these locations;
- the maximum building height limit has been adjusted to reflect the same standards in Community, Highway, Service, and Office Commercial (C4 - C8) Zones. This permits the maximum 11 metres to be exceeded by 0.6 metre for every 0.3 metre increase in side yard. The result is to provide increased design flexibility, while maintaining compatibility with the scale of other uses permitted on major roads;
- the maximum lot coverage has been increased from 20% coverage to 30% coverage;
- where there is a secondary, community or heritage plan in force the more restrictive standard shall prevail.

Parking Standards

The City is currently completing a City-wide comprehensive parking standards review. The proposed draft standards for the "Place of Worship" are "the *higher* of:

- 1 space per 5 persons capacity of the worship area
- 7 spaces per 100m² GFA for the facility (where Gross Floor Area shall include below-grade finished space for the purposes of this calculation)

Where the person capacity of the worship area is determined as the following:

- One fixed seat per person, plus
- 0.5 metre bench space per person, plus
- 0.75 m² floor area per person in non-fixed seating areas"

"Therefore the total parking requirement would be:

- Parking requirements for worship uses and accessory space, plus
- Parking requirements for non-worship areas that have accessory uses based on the City's current standards for those individual uses."

Due to the City's objective to encourage other modes of transportation, a bicycle parking standard is also proposed to be included. While there is no set bicycle standard for "Place of Worship" in the new parking regulations, we propose that the standard for "Class 2" "Office" (0.1/100m², or 6 spaces) be applied for worship uses, while requirements for accessory space would be determined by the City's standards for those individual uses, i.e. schools (0.4/100m²).

Effects on Existing Places of Worship

Conversion of Residential Buildings for Worship and Religious Education and Enforcement

Conversion of residences into places of worship and religious schools can have an adverse impact on the surrounding neighbourhood. In certain circumstances, the increased use of these sites both for worship and education has generated complaints from neighbours. Some of these uses are in contravention of existing by-laws and have been the subject of by-law enforcement by the City. For example, there are a number of such conversions reported in the Thornhill area. Any new regulatory approach will need to be enforced from time to time.

Current enforcement issues associated with the conversion of non-place of worship uses to a place of worship use will continue. New provisions for places of worship are intended to provide a stronger basis for enforcement.

Legal Non-conformity

Existing legal places of worship vary greatly in age, lot size, and built form. Enacting a new zoning by-law standard may result in uses that do not comply with all the new standards. Existing legal places of worship may continue to operate as they are, but any change or expansion of use will trigger the need to apply the new approved standards. With the passing of new regulations some existing places of worship may become non-conforming.

Some existing places of worship may be exempt from the general provisions of the by-law because they are addressed through a site-specific exception. However, with the passing of new zoning standards, some of these legally existing places of worship that were adopted through exceptions, could also become non-conforming.

To ensure that no existing rights of use would be taken away from legally existing places of worship. The Zoning By-law implementing revised standards should contain a provision recognizing all legally existing places of worship (except A Agricultural Zone) as permitted uses, subject to those development standards that currently apply. The proposed removal of "Places of Worship" as permitted uses in an A Agricultural Zone would result in legally existing places of worship becoming legally non-conforming and, like other legally non-conforming properties, not be able to receive a building permit for any expansion or improvements without first obtaining Committee of Adjustment approvals.

Finally, not permitting "Places of Worship" on roads with less than a minimum 26 metre right-of-way may also have an impact on existing places of worship wishing to expand.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Plan & Manage Growth & Economic Vitality".

Regional Implications

A new policy regime for Places of Worship in the City of Vaughan will conform to the Regional Official Plan Policies with a greater level of detail.

Conclusion

The recommendations of this report are based upon the examination of other municipal practices and the options and tools that are available to Council. While the benefits of places of worship are recognized, they should not be allowed to introduce unacceptable impacts on adjacent land uses.

While the policies in OPA 600 reflect the current Regional policy direction, this consistency is not reflected in each Community Plan. There is an opportunity for the City to establish a consistent zoning standard that is also supported by a City-wide Official Plan policy direction. The benefits of such an approach would be that proponents, the community, and the City would have a less complicated set of policies to interpret, and developable sites for Places of Worship would be more predictable.

It is therefore recommended that staff be directed to undertake the preparation of Official Plan Amendments and scheduling the required Open House(s) and Notice(s) for the following plans:

- i) OPA 600
- ii) Woodbridge Community Plan, OPA 240
- iii) Thornhill Community Plan, OPA 210
- iv) Maple Community Plan, OPA 350
- v) Kleinburg Community Plan, OPA 601-633

It is recommended that the new policy language proposed in this report be included in the New Official Plan, and that a Zoning By-law Amendment be prepared based upon this report and Council's input to bring By-Law 1-88 into conformity with the Regional Official Plan and the proposed Official Plan Amendments.

Attachments

- 1. Appendix A: Summary of Vaughan and Other Municipal Policies and Standards Respecting Places of Worship
- 2. Item 43, Report No.50 of the Committee of the Whole, Council Extracts October, 14, 1997
- 3. Item 3, Report 3, of the Committee of the Whole (Public Hearing), Council Extract, January, 19, 1998
- 4. Item 1. Report 33, of the Committee of the Whole (Public Hearing), Council Extract, April 26, 1999
- 5. Memorandum of Commissioner of Planning February, 2003

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Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

DIANA BIRCHALL
Director of Policy Planning

/lm

Appendix A: Summary of Vaughan and Other Municipal Policies and Standards Respecting Places of Worship

Vaughan Specific Policy Context

Region of York Official Plan Policies

3.1

- (3) To require high-quality urban design and pedestrian-friendly communities that provide safety, comfort and mobility so that residents can walk to meet their daily needs.
- (5) That public health and other human services be incorporated into the design and evaluation of *new community areas* and Regional Centres and Corridors.
- (9) To encourage a strong sense of community and belonging through volunteerism.

3.3 That services that provide for “spiritual needs, are accessible and responsive”

- (3) To direct the location of major human service facilities to Regional Centres and Corridors.
- (4) To encouraging the co-location or campusing of human services with other uses such as recreational, public buildings and arts and cultures facilities.

4.2

- (3) To encourage the Provincial and Federal governments to provide incentives to attract major office, institutional, educational, cultural and entertainment facilities to Regional Centres and Corridors.
- (5) That government, educational, Institutional, major office, cultural and entertainment uses be located and designed to support the Regional Centres and Corridors structure of this Plan.

4.3

- (6b) uses not permitted on employment lands include residential , major retail and non-ancillary uses.

5.4

- (8c) site design that orients main building entrance(s) towards the street(s), and that does not permit the placement of surface parking spaces between the main building entrance and the major street.

5.4

- (20e) accessible human services and related facilities, identified by and delivered through a community and human services plan to ensure integration with development.

5.5

- (1) That local centres and corridors serve as important neighbourhood focal points and mainstreets that provide a range of employment, shopping, recreation human services and housing opportunities with appropriate forms and scale that complement the surrounding community.

Local Centres:

- (3b) that a wide range of residential, commercial, and institutional uses, including retail, offices, mixed use and human services is provided.
- (4b) (development, secondary plans, other studies address the following criteria:) to establish a range of residential and commercial land uses, including retail, office, mixed-use, human services and other amenities;

- 5.6 (5) That new community areas shall be designed to contain community core areas, which will be the focus of local retail, personal services, human services, community services and provide connections to rapid transit. The community cores shall be within a reasonable walking distance from the majority of the population.
- (8) That new community areas shall be planned to consider human services needs, including educational, social, health, arts, culture and recreational facilities.
- 6.2 (2c.) Countryside Areas contain rural land uses, which may include agriculture, land extensive major recreational uses, open space major institutional, Hamlets, mineral aggregate operations, recreational and open space. Small-scale industrial, commercial, institutional and recreational uses shall be directed to Hamlets, Towns and Villages and the Urban Area.
- (2d) The Urban Area and Towns and Villages are intended to be the focus of growth. These areas permit a full range of residential, commercial, industrial and institutional uses.
- 6.4 (3) That existing and new agricultural uses, agricultural-related uses, normal farm practices, forestry, conservation, land extensive recreational uses, and resource-based commercial and industrial uses are permitted in the Rural Area, consistent with the policies of the Provincial Plans and local municipal official plans and zoning by-laws.
- (5) That within the Rural Area, applications for redesignation of lands for non-agricultural uses are only permitted if they comply with the Oak Ridges Moraine Conservation Plan, Greenbelt Plan and local municipal official plans.
- Such applications may require an amendment to this Plan and the local official plan and zoning by-law, demonstrating:
- a. that the proposed use is appropriate in the Rural Area when considered in the context of the Provincial Plans and local official plans;
 - b. that the proposed use will not adversely impact the ability of adjacent agricultural activities to undertake normal farm practices;
 - c. that the proposed water and wastewater servicing is appropriate for the type of use; and,
 - d. that there are no negative impacts on key natural heritage or hydrological features and functions, biodiversity or connectivity of the Regional Greenlands System.
- 6.4 (6) That non-resource-based industrial and commercial uses and institutional uses shall be directed to the Urban Areas, Towns and Villages and Hamlets.
- (8) That notwithstanding policy 6.4.5, new cemeteries and accessory uses such as mausolea, columbaria, small scale chapels, expansion for cemeteries but not freestanding places of worship, may be permitted in the Rural Area of the Greenbelt Plan subject to amendment to this Plan and the local municipal official plan and zoning by-law, where the following provisions are met [...]
- 7.1 (9) To require that new institutional, commercial and industrial development applications include a transit demand strategy that consider preferential carpool parking, bicycle facilities, employee transit passes, and alternative work arrangements.
- 7.2 (12) To encourage property owners to provide facilities such as benches, shelters and secure bicycle storage at major destinations, including employment, educational, institutional and shopping locations.

OPA 600

Part A – Community Planning and Design

Section: 4.3 – Urban Village Land Use Analysis

“Greenways may provide the locations of other public and private institutional uses like firehalls, *places of worship*, and storm water management facilities. Greenways and linear parks will assist in defining communities and link the City's environmental and open space features, community institutional facilities and provide opportunities for the creation of pedestrian and bicycle systems”

Part B- Community Planning Policies

Section; 4.2.4.1 – Greenway Systems

- ii The Greenway and Linear Park System designed by this Plan are open space corridors intended to act as:
 - an assembly of public and institutional facilities and uses including but not limited to [...] *places of worship*, and designated commercial centres where, where appropriate.

Section: 4.2.1.1 – Low Density Residential Area

- ii. Within Low Density Residential areas, a mix of lot size and building types are encouraged [...] Uses permitted in this designation shall be the following: (one of which is)
 - *small scale places of worship*

Section 4.2.1.3 – Medium Density Residential-Commercial Areas

- iii. Within Medium Density Residential Commercial areas a mix of [...] The following uses shall be permitted: (one of which is)
 - *places of worship*

Section: 4.2.1.4 – High Density Residential/Commercial Areas

- ii. Within High Density Residential areas a mix of building type and lot size is encouraged. The following uses shall be permitted: (one of which is)
 - *places of worship*

Section: 4.2.4.3

“*Large-scale places of worship* may be located on arterial roads in residential areas without specific designation or amendment to this Plan. Smaller-scale places of worship may be located on arterial or primary roads without amendment to this Plan. In the Rural Area *places of worship* are subject to an official plan amendment and in all cases, places of worship are not permitted in the Agricultural Area.”

Part B- Rural Area – General Policies – Agricultural Area Policies

Section: 6.1.2 – Non Farm Land Uses

“A development proposal for a non-farm land use in the Agricultural Area will require an amendment to this Plan and shall be required to be justified by the proponent in accordance with the Food Land Guidelines.”

Part B – General Policies – Rural Use Area Policies

Section: 6.2.1 a.

“Permitted uses in the Rural Use Area include uses permitted in the Agricultural Area (Section 6.1.1), forestry, conservation and farm related uses. Limited rural industrial, commercial, recreational, cemetery and *institutional uses* shall only be permitted subject to an amendment to this Plan provided that the policies of this Plan applicable to said uses are addressed along with the following general criteria and the criteria and policies specific to each type of use as provided elsewhere in Section 6.2 and the policies of the York Region Official Plan:”

Woodbridge OPA 240

PART 2

A. GOALS

Section: 1.10 Institutional

- (a) To ensure that adequate space is identified and set aside for the institutional, educational, cultural, social and *religious facilities* which will be required in the community.

Section 3.1 Definitions

- (d) In all residential areas, *institutional* and public open space uses shall be permitted in accordance with the policies of the Plan, and provided that these are suitably designed and landscaped in a manner consistent with that of the surrounding neighbourhood.

Section 7.1 Definition and General Policies

- (b) Institutional Uses shall be public and separate elementary and secondary schools, private schools, *religious institutions*, day care, community centres, community centres, service clubs, branch collages, libraries, police stations, and firehalls.
- (b) *Institutional uses* not identified on Schedule “A” may be located in accordance with the policies contained in the following sections.
- (c) *New institutional* uses shall be compatible with existing adjacent uses; *larger institutional* uses shall front on arterial or collector roads and, in general minor institutional uses shall front on either arterial, or collector roads.”

Section: 7.3 Churches and Religious Institutions

- (a) In addition to *existing churches*, new sites for places of worship may be located only on arterial or collector roads throughout the Community without further amendment to this Plan”

- (b) Where a designated site is not acquired for a *church* within a reasonable time the land may be used for the adjacent residential land use without amendment to this Plan. The residential density shall be compatible with that on the adjacent lands.”

Thornhill OPA 210

Section: 1.5.2 (c) The Community Sub –centres

Four community sub-centres (or Neighbourhood Community Centres) are provided in the community. These centres contain neighbourhood shopping centres and *church sites*; they may also contain secondary schools. The community sub-centers are located so as to serve groups of neighbourhoods. Easy access is afforded by both the transportation and pedestrian systems.

Section 2.2.4 Institutions

(a) Definitions

Institutional Area permitted uses include elementary public and separate schools, secondary schools, *religious institutions*, day care centres, community centres, voluntary associations, branch colleges, libraries, police stations and fire halls.

Section: 2.2.4.2 Churches and Religious Institutions

- (a) In addition to the existing *churches*, new sites for *places of worship* have been designated at a focal point within the community. The locations shown on Schedule “A” are approximate.
- (b) Additional sites of a minimum of 0.4 ha may be located throughout the Community without amendment to this Plan. As a general rule such sites shall be located on arterial or collector roads, preferably on a corner site, and shall require site plan approval.
- (c) Wherever possible, *places of worship* shall be developed in association with the Neighbourhood Commercial Centres and the Town Centre in order that parking areas may be shared.
- (d) Where a designated site is not acquired for a *church* within a reasonable time, the land may be used for the adjacent land use without amendment to this plan.

Maple OPA 350

Section 1.1 Low Density residential Area

- (a) In Low Density Residential areas, the permitted uses include single detached and semi-detached housing units and other building forms which do not exceed the permitted density, *institutional uses* and open space.

Section: 1.2 Medium Density Residential Area

- (a) In Medium Density Residential Areas the permitted uses shall be on-street townhouses, en block townhouses, quadruplexes, and [...], *institutional uses* and public open space.

Section: 1.5 General Residential Policies

- (g) Housing suitable for senior citizens and similar uses such as nursing homes. [...]Senior citizen housing should preferably be located in a manner convenient to commercial uses, churches and library."

Section: 5.0 Institutional Areas

5.1 Definitions

Institutional Areas permitted uses are public and separate and elementary and secondary schools, private schools, *religious institutions*, daycare centres, community centres, voluntary associations, branch collages, libraries, police stations and firehalls.

5.3 Churches and Religious Institutions

- (a) In addition to the existing churches, new sites for *places of worship* may be located on arterial or collector roads in residential areas without further specific designation or amendment to this Plan, throughout the community.
- (b) Preferably, *places of worship* shall be developed in association with the neighbourhood commercial areas and the Maple Commercial Core Area, in order that parking areas may be shared.

Kleinberg 601 (as amended by 633)

Section; 4.4.2.3 (A) Permitted Uses, Mainstreet Commercial

- 2. Uses permitted in the Mainstreet Commercial designation, as set out in the implementing zoning by-law, excluding automobile oriented uses, may include:
 - xi) Public and *Institutional uses*.

Section 4.4.2.3 (B) Permitted Uses, Village Residential

The Village Residential areas currently consist of residential uses, public uses and *institutional uses*.

Residential uses including the following:

- iv) Public and *Institutional Uses*"

Exceptions Table For By-law 1-88 (in metres):

	Min. Frontage	Min. Front Yard	Min. Rear Yard	Min. Interior Yard	Min. Exterior Yard	Max Building Height	Max.Lot Coverage (%)
Thornhill	20	7.5	7.5	6	7.5	11	30
Maple	20	7.5	9	6	7.5	11	30
Woodbridge	20	7.5	7.5	6	7.5	11	30
Kleinburg	20	7.5	9	6	7.5	11	30
1-88	20	15	15	15	15	11	20

Common Themes Derived from Area Municipalities

While there are some exceptions to most of these themes, there are a few recent trends in how municipalities are moving towards regulating "places of worship" within their boundaries. These are:

- 1) Protecting Employment Lands. While the tools vary, most jurisdictions place some or many restrictions on the conversion of Employment Lands to "Places of Worship".
- 2) Using a "Places to Worship" zoning or an "Institutional Zoning". Some require Official Plan Amendments to institute these uses.
- 3) Size does matter. A number of jurisdictions that have dealt with this recently have defined sizes of "Places of Worship" in terms of both congregation and site-size. Dependant on the size, different application standards will apply, with larger sizes triggering OPA's (Markham), and smaller sizes having more stringent parking requirements (Toronto).
- 4) Consistent across all municipalities is the directive that "Places of Worship" shall be located on Arterial/Major/Collector roads, preferably at intersections with other Arterial/Major/Collector roads. When located mid-block, the use will be consistent with other uses on the block in terms of use, size, density and form.
- 5) Consistent across all municipalities is the directive for new places of worship developments to be transit accessible (on day of worship), with bicycle and pedestrian infrastructure.
- 6) Municipalities with greenfield development are instituting development policy criteria around the reservation of sites for future "Place of Worship" development. For example, policies state a ratio of 1 site for every 10, 000 (Brampton) or 6, 000 (Markham) of new population. These sites are reserved for 3-5 years after the submission of the plan of subdivision.

Brampton

Definition (Section appealed to OMB)

The City of Brampton defines place of worship and auxiliary uses as follows:

"PLACE OF WORSHIP or RELIGIOUS INSTITUTION shall mean a building or place, or portion of a building or place wherein people assemble for religious worship, religious services or religious rites purposes, and may include as accessory uses, except where specific accessory uses are prohibited, classrooms for religious instruction, other faith group assembly areas, kitchens, offices, a day care and one habitable living unit which may include up to 3 guest rooms."

" PLACE OF WORSHIP-MAIN WORSHIP AREA shall mean the portion of the Place of Worship in which main worship functions occur. The floor area of the Place of Worship – Main Worship area shall be 70 percent of the total floor area of the largest floor of the place of worship."

Sizes:

Small: <600m² GFA

- Frontage on arterial road, regular transit service,
- Pedestrian/cyclist accessible

- As of right in most designations- subject to performance standards

Medium: 600m²-1500m² – GFA (neighbourhood)

- Frontage on arterial road, regular transit service,
- Pedestrian/cyclist accessible
- As of right- subject to performance standards: Residential, retail, business corridor, Institutional, Central Area

Large/Regional: >1500m²- 5000m² GFA

- Frontage on arterial road, regular transit service,
- Pedestrian/cyclist accessible
- Permitted use but Subject to rezoning: Residential, retail, business corridor, Institutional, Central Area

Super Large/interregional

- Frontage on arterial road, regular transit service,
- Pedestrian/cyclist accessible
- Permitted use but Subject to rezoning: Residential, retail, business corridor, Institutional, Central Area

King City

Definitions (from Consolidated By-law)

“Place of Worship means a building used by 1 or more religious groups for religious services”

“Use, Institutional: means

- i) the use of land, buildings or structures for religious, charitable, educational, health or welfare purposes operated by a *religious*, educational or charitable institution supported in whole or in part by public funds but not including an Institutional Care Facility; and,
- ii) includes *place of worship*, schools, colleges, universities and day nurseries.

Markham

Definitions

Worship Area: means the aggregate of those areas whether above or below established grade measured between the walls of the sanctuary, hall or meeting room(s) which a religious group, organization or denomination utilizes for the observance of its religious services, including any balcony or area which can be opened on a temporary basis to such sanctuary, hall or meeting room(s) by removal or opening of any walls or partitions and any choir or musicians area, but excluding any areas intended solely for the use of the worship group leader, such as altar or pulpit areas.

Parking standards are outlined for each type of use within a place of worship. A parking study is recommended for places of worship generating more than 100 parking spaces.

Mississauga

Action Plan

Action 19: Partner with places of religious assembly to expand city programs and services.

We will partner with places of religious assembly as multi-use facilities.

The first point of contact with their community for many residents of Mississauga, particularly new immigrants, is through their faith. In some instances, related amenities serve parishioners, such as community or recreation halls, or complementary kitchen areas attached to *places of religious assembly*. An opportunity exists for such ancillary facilities to be a larger part of the community and provide an opportunity for city programming. We will make efforts to provide services and programs to new and recent immigrants through existing *places of religious assembly*, and to give such facilities an extended role in the community.

Definition

place of religious assembly means any building used primarily as a place of public worship and is also used for administrative offices in conjunction with the place of worship as well as a place of conduct of social, recreational and charitable activities. (from Sign Bylaw 54-02)

Performance Standards

On May, 2002, Council adopted the parking standard requirement of 10.8 spaces/100 m² GFA for those places of worship with a social or banquet hall equal to or larger than the worship area.

When a public or private school is deemed to be used for religious assembly (by an outside congregation), the parking standards for whichever use is higher will prevail.

Richmond Hill

Definitions

Place of Worship: means the use of land or buildings for primarily religious worship, including accessory uses such as a hall, auditorium, manse, rectory and office required for the operation of the place of worship, but shall not include a cemetery, mausoleum, columbarium or crematorium.

Performance Standards

Min lot area: none

Min lot frontage: 30m

Min parking required: 6.4 spaces/100m² of GFA or 1 space /2.4 seats of maximum seating capacity, whichever is the greater

Toronto

In Toronto, Places of Worship are broadly allowed in every land-use designation, with the provision that they be only on main arterial roads to reduce the conflicts with traffic and parking.

However, they are currently undertaking a comprehensive zoning by-law exercise which will create a new designation of "Institutional Place of Worship (IPW)" that will require a rezoning and has a specific set of parking standards tied to size and accessory and ancillary uses. In particular, the standard has a higher number of spaces for smaller places of worship.

CITY OF VAUGHAN

Item 43, Report No. 50 of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on October 14, 1997.



43

**REPORT ON INSTITUTIONAL USES
CITY OF VAUGHAN
FILE: 15.34.1**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning and Development, dated October 6, 1997:

Recommendation

1. A Public Hearing be held to consider Alternative 1 to standardize the zoning requirements for all places of worship throughout the City and to consider the necessary changes to By-law 1-88 in order to bring it into conformity with the policies of OPA No. 400.
2. That Council direct Staff to consider a comprehensive review of the zoning standards applicable to all institutional uses to be included in the Planning Department's 1998 work plan.

Location

Institutional uses are permitted throughout the City in a number of Official Plan and Zone categories.

Purpose

To address Council's request respecting the establishment of a specific zoning category for institutional uses within the City of Vaughan.

Background

On September 8, 1997, the Committee of the Whole adopted the following motion (in part):

"That Staff bring forward a zoning category for institutional uses to be included in Zoning By-law 1-88 for discussion within 30 days."

This motion was passed by Council during the consideration of a development application for a place of worship in a residential area. Accordingly, although this report will deal with institutional uses in a general sense, it will focus on the issues related to places of worship.

Institutional Uses

Typically, the institutional uses in the City of Vaughan are as follows:

- public, separate and private elementary and public schools
- places of worship/religious institutions
- day-care centres
- voluntary associations
- branch colleges
- libraries
- police stations
- fire halls
- community centres
- nursing homes and homes for the aged
- government and social service agencies
- group homes

The following is a brief summary of the various Official Plan policies and Zoning Standards applicable to institutional uses in the City of Vaughan.

1.0 Existing Development Control

1.1 Official Plan

The City of Vaughan has a number of Community Plans each with their own specific Official Plan policies. Each of the following Community Plans: OPA No. 400 (Urban Villages 1 & 2 and the Woodbridge Expansion Area), OPA No. 240 (Woodbridge), OPA No. 210 (Thornhill) and OPA No. 350 (Maple), identify specific institutional uses, locational criteria and other policies, including the requirements for visual screening, planting, fencing and other forms of buffering to be provided.

i) OPA No. 400 Planning Area

a) Urban Villages 1, 2 and the Woodbridge Expansion Area (WEA)

- Minor institutional uses which provide a locally or neighbourhood oriented function are permitted in all land use designations, with the exception of Agricultural Area, and provided they are compatible with neighbouring uses. Minor institutional uses are those which provide a locally or neighbourhood-oriented function.
- Institutional uses are permitted in the "Greenway Systems" designation.
- Specific policies are provided for schools, places of worship, day care and day nursery facilities, cemeteries, and other institutional uses. Schools are permitted in all land use designations in the urban area, with the exception of the Agricultural and Open Space Area designations.
- Large-scale places of worship may be located on arterial roads in residential areas without an official plan amendment. Small-scale places of worship can be located on arterial or primary roads in residential designations without an official plan amendment.
- Cemeteries that contribute to the City's objectives for a greenway system are permitted as an institutional use in accordance with specific policies and criteria outlined in the Plan.

b) Rural Area

Section 6.0 of OPA No. 400 sets out the policies respecting development in the Rural Area. This section permits the following uses in the Rural Area: those uses permitted in the Agricultural Area, forestry, conservation and farm related uses. Limited rural industrial, recreational, cemetery and institutional uses are only permitted subject to an amendment to the Official Plan. In Rural Areas places of worship are subject to an official plan amendment.

ii) Kleinburg-Nashville Community Plan (OPA No. 160)

The manner in which the Kleinburg-Nashville Community Plan (OPA No. 160) addresses the issue of institutional uses is unique in the City of Vaughan. The Plan permits institutional uses in any land use designation without an amendment to the Plan, provided the site is satisfactory to the City in consultation with the local residents.

iii) Woodbridge-Thornhill-Maple Community Plans

The remaining Community Plans have established policies and locational criteria for each of the various institutional uses. Each Community Plan has certain individual peculiarities pertaining to the various uses, however, a degree of commonality can be traced through the various plans. For instance each of the major Community Plans have "general policies" which apply to institutional uses.

All three of the Community Plans have a policy which is intended to minimize the impact of institutional uses in residential communities by requiring visual screening, planting, fencing and other similar forms of buffering to be provided where appropriate. The Woodbridge Community Plan (OPA

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No. 240) also requires that each institutional use be suitably designed and landscaped in a manner consistent with the surrounding neighbourhood. All three of the Community Plans limit the establishment of a place of worship to arterial or collector roads. The Thornhill Community Plan requires that places of worship be located on sites which are a minimum of 0.4 ha. in area or larger.

iv) Employment Areas (OPA No. 450)

Institutional uses are not permitted in the City's employment areas. An official plan amendment is required to permit an institutional use.

1.2 Current Zoning Standards

i) City of Vaughan

By-law 1-88 currently permits institutional uses to locate in Residential, Commercial, Agricultural and Open Space Zones as follows;

- Residential Zones - Subject to the provisions of Schedule "A" of By-law 1-88 and limited to the following institutional uses: church, community centre, public or private school and public library.
- Commercial Zones - Subject to the provisions of Schedule "A" of By-law 1-88 and limited to the following uses: church or synagogue, community centre, public school, private school, commercial school, public nursery, day nursery and post office.
- Open Space Zones - Subject to the provisions of Schedule "A" and limited to the following uses: cemetery, mausoleum, columbarium and crematorium established with the approval of the Ministry of Consumer and Commercial Relations under the Cemeteries Act. Institutional uses are not permitted in OS3 Open Space Zones, PB1 Parkway Belt Open Space Zones or in PB1S Parkway Belt Linear Facilities Zone.
- Agricultural Zones - Subject to the provisions of Schedule "A" and limited to the following uses: church, community centre, school, public library, public or private hospital, day nursery, and an institution owned and operated by a religious, educational or charitable institution supported in whole or in part by public funds.

Schedule "A" to By-law 1-88 established the following development standards for institutional uses:

Minimum Front Yard	15 metres
Minimum Interior Yard	15 metres
Minimum Exterior Yard	15 metres
Minimum Rear Yard	15 metres
Minimum Lot Coverage	20%
Minimum Lot Frontage	20 metres
Minimum Parking	Varies for different institutional uses.

Institutional uses are also subject to Section 3.1.3 of By-law 1-88 which establishes minimum landscaping requirements. This section requires that a minimum 2.4 metre wide buffer strip be provided where an institutional use abuts the boundary of lands zoned Open Space or Residential. The landscaped strip can be used only for landscaping. Furthermore, a minimum 6 metre wide landscaped strip is required along the street line.

It is noted that there are several areas in the City where site or area specific zoning by-laws amend the general standards of By-law 1-88 outlined above. For example, a majority of the Maple area, and many parts of Thornhill are subject to site specific standards for institutional uses. This will be discussed later in this report.

1.3 Site Plan Control

Under By-law 85-94 a site development application for an institutional use is reviewed under the "Process II - Complex Procedure" requiring Council approval. Any buildings erected for the use of any Public Utility Commission, Public Library Board, Transportation Commission, Board of Parks Management, Board of Commissioners of Police, Planning Board or other Board or Commission or Committee of a local authority are exempt from site plan control. Furthermore, public and separate school buildings proceed to Council for information purposes only.

1.4 Zoning - Other Municipalities

Zoning approaches to deal with places of worship vary from municipality to municipality. In Vaughan, the zoning by-law sets out one common set of standards for all institutional uses, including places of worship, in one zone category. Certain standards, such as the minimum parking requirement will vary for some institutional uses. The City of Brampton uses a similar zoning approach. Other municipalities, such as North York for example, have developed specific zoning standards for different institutional uses.

There are many approaches to zoning for institutional uses, the origins of which likely lie in specific circumstances or conditions that exist in the municipality. In this respect, it is suggested that the any zoning approach used to regulate the location and development of institutional uses in Vaughan be formulated in the context of the specific planning and land use issues faced in the City. The common theme being to ensure land use compatibility between institutional uses and other land uses, but in particular residential land uses.

2.0 Land Use Impacts Of Institutional Uses

i) Compatibility of Land Use

The land use impacts of institutional uses such as a place of worship will depend on three key factors:

- the size and scale of a place of worship, which can range from small storefront operations to large developments occupying several hectares of land;
- the service area of the facility (i.e. neighbourhood, municipal, regional); and,
- the number of uses being carried out on the site. (i.e. bingo, community events, head office operations, etc.)

These three factors will directly influence the severity of impacts such as traffic, parking, visual amenity, hours of operation. Generally, the larger the size, scale, and service area of a place of worship the more onerous the impacts become on adjacent land uses.

ii) Traffic and Off - Site Parking

The traffic and off-site parking requirements generated by places of worship in residential raise land use compatibility concerns including:

- adversely affecting pedestrian safety;
- increased levels of noise, fumes, dust and objectionable odors;
- blocked driveways or emergency access routes; and,
- occupying all available on-street parking.

iii) Intensification of Land Use

The intensification of uses in a places of worship can impact on adjacent properties. Intensification occurs when current operations are changed or additional uses or activities are carried out on the site, and tends to be related to the size and scale of the facility. Many places of worship operate several services from the same property beyond the traditional once-a-week service, including: banquet and bingo facilities; drop in centres; administrative offices; assembly halls; head quarters for the group; community meeting facilities, and outdoor activities during summer months.

This intensification of land use may result in:

- increased traffic and parking demand;
- a change in the usual expected hours of operation or pattern of usage; and,
- and generally a greater impact on adjacent uses.

iv) Visual Impacts

Places of worship located in a residential area can have a significant visual impact on abutting land uses. Appropriate measures to buffer and screen these uses can lessen the impacts of these facilities, including:

- zoning by-law standards for minimum required landscaped areas abutting other uses;
- landscaping techniques (i.e. berming and planting), implemented through the site plan control process;
- site plan control to review the appropriate location of parking or garbage storage areas relative to abutting lands.

v) Location of Institutional Uses

When all the issues discussed above are considered and evaluated an appropriate determination can be made with respect to the most appropriate standards to regulate the location of institutional uses. By-law standards can be used to facilitate compatibility between adjacent land uses. Consideration can also be given to permitting certain institutional uses within the City's employment areas which is not currently permitted.

3.0 Preliminary Review

i) Official Plan

Examination of the "Institutional" policies in the Vaughan Community Plans indicates that the existing official plan policies are adequate to deal with the issues related to land use compatibility discussed above. Most institutional uses are established or sites reserved at the initial development of the community and are placed in areas which provide for the convenience of the local residents and do not normally result in land use conflicts. The exception to this would appear to be places of worship which locate in many residential areas. Places of worship can in some instances result in land use disruptions because:

- the hours of operation may conflict with the leisure time of residents. This is becoming more of a concern as places of worship carry out functions (i.e meeting facilities, day care operations etc.) beyond the traditional once a week service.
- parking areas which are lit and not properly landscaped or screened can be a source of irritation for adjacent residential developments and often cannot practically meet parking demands on "peak" occasions;
- the sheer bulk and mass of a place of worship may have a physical impact on the surrounding community;

- traffic generation on local streets.

The current policies in the City's Official Plans are intended to reduce or eliminate potential land use conflicts. Many of the policies restrict places of worship to arterial or collector roads at the periphery of the residential community. Also, if places of worship are designed and developed properly, they can provide for a transition between the arterial/collector road and the residential neighbourhood. By requiring these uses to proceed through the site plan process, Staff can assure that potential land use conflicts can be mitigated or eliminated.

ii) Zoning By-law 1-88

Deficiencies are apparent in the existing regulations governing the development of institutional uses at the zoning by-law level. There is a lack of consistency between the Official Plan and the zoning by-law and the consistency of standards throughout the City. This is more evident for specific uses such as places of worship in residential areas and for all institutional uses in rural or agricultural areas. Consideration can therefore be given to many zoning issues as they relate to institutional uses, including:

- Performance Standards For Places of Worship As noted above, some areas of the City such as Maple and parts of Thornhill are subject to exceptions which provide reduced zoning standards for places of worship. For example, in most of Maple the following standards apply as compared to the general provisions in By-law 1-88:

	<u>Exception (945)</u>	<u>By-law 1-88</u>
Minimum Front Yard	7.5 m.	15 m.
Minimum Interior Yard	6 m.	15 m.
Minimum Exterior Yard	7.5 m.	15 m.
Minimum Rear Yard	9 m.	15 m.
Maximum Lot Coverage	30%	20 %
Minimum Lot Frontage	20 m.	20 m.

Therefore, the establishment of a common set of performance zoning standards such as yard, frontage, setbacks, etc., would provide greater and more consistent regulation.

- Definition of a "Place of Worship" - Presently there is no definition in By-law 1-88 for a place of worship. The definition used is for a church. A definition which better describes the nature of the use may be appropriate. The following is one example:

"Place of worship shall mean lands or buildings used for the worship by an association of persons that is:

- i) charitable under the laws of Ontario; and,
- ii) organized for the advancement of religion and for the conduct of religious worship, service or rites; and,
- iii) permanently established as to the continuity of its existence;

And may include accessory uses such as a residence for a caretaker or head of congregation, and an assembly hall."

- Location of Places of Worship - In accordance with most of the City's community plans, consideration can be given to zoning regulations which limit the location of places of worship to sites which have direct access to arterial or collector roads. Those places of worship that existed prior to this by-law amendment will be considered to be legally existing and shall enjoy full development rights as previously enjoyed.

- Conformity with OPA No. 400 - As noted above, Section 6.0 of OPA No. 400 permits a limited range of uses (those uses permitted in the Agricultural Area, forestry, conservation and farm related uses) in the Rural Area. Limited rural industrial, recreational, cemetery and institutional uses are only permitted subject to an amendment to the Official Plan. This policy is not reflected in By-law 1-88 with respect to institutional uses permitted in some of the "A - Agricultural Zones". In order to achieve consistency between OPA No. 400 and By-law 1-88 it is suggested that institutional uses, including places of worship, be eliminated from the Agricultural Zone category altogether.
- Minimum Lot Size Requirements - The Thornhill-Vaughan Community Plan (OPA No. 210) requires a minimum lot size of 0.4 ha. for churches and religious institutional uses. Consideration can be given to introducing a similar zoning by-law requirement for all places of worship.
- Minimum Separation Distances - Consideration can be given to introducing a minimum separation distance requirement between places of worship to guard against an over concentration of these uses in one area.
- Employment Areas - An assessment as to whether or not places of worship should be permitted in the city's employment areas, and under which development standards, can be carried out.

The above represents only some of the zoning issues that can be considered in order to more appropriately address the regulation and development of institutional uses.

4.0 Alternative Courses Of Action

Devising the appropriate mechanisms to deal with the regulation of places of worship is complex given the nature of the use and its variety of characteristics. The following represents suggested alternative courses of action which may be considered by Council with respect to dealing with places of worship.

i) Alternative 1- Standardize Zoning Provisions For Place of Worship

The first alternative requires that the general zoning category for Institutional Uses identified in By-law 1-88 be applied to all new places of worship throughout the City and that the By-law provisions be brought into conformity with OPA No. 400. This will ensure that all new places of worship established after the by-law is enacted by Council, will be subject to the same development standards, regardless of their location in the City.

ii) Alternative 2 - Review of Zoning Regulations for all Institutional Uses

Alternative 2 requires that a comprehensive review be undertaken of both the current zoning by-law standards which regulate the location and development of institutional uses and additional standards such as: maximum gross floor area; minimum lot frontage and size; minimum setbacks; parking requirements; assessment of ancillary uses; locational criteria (i.e. on arterial roads); maximum building height; minimum buffer/landscape strips; definitions, etc. Recommendations would be made with respect to revised zoning standards.

iv) Alternative 3 - Require A Site Specific Zoning Amendment

This alternative will require that By-law 1-88 be amended to remove the current as-of-right permissions for all, or some institutional uses. A zoning amendment application would be required to permit certain institutional uses as determined necessary. For example, small scale institutional uses or public and separate schools may be exempted from the process. The zoning by-law amendment process would allow Staff the opportunity to complete a detailed review of the land use impacts of the proposed facility and require that certain studies (i.e. traffic impact study) as may be required, be prepared. Under this alternative, a public notice would be mailed to all adjacent land

owners. Council also has the opportunity to review the proposal at a public hearing when an institutional use is proposed. However, under this proposal, a set of guidelines or criteria would have to be developed to insure that development applications are evaluated on an equitable basis.

5.0 Next Step

Staff suggest that a public hearing be held to fully consider the issues discussed in this report and to provide a more detailed evaluation of Alternative 1 discussed above. As a longer term solution to some other zoning issues related to institutional uses, a comprehensive review of the zoning requirements should be undertaken as suggested in Alternative 2.

Conclusion

It is recognized that places of worship benefit the community. Facilities such as churches provide a wide range of services and facilities that enhance a community and consequently are a necessary element of it. These services can meet the needs of both the local community or be farther reaching. However, the benefits of these uses should not allow them to introduce unacceptable impacts (i.e. traffic generation, overflow parking) onto adjacent land uses. Therefore, the goal is to ensure that places of worship remain positive additions to our communities and that land use conflicts are minimized. Accordingly, it is recommended that a public hearing be held to give detailed consideration of the alternatives discussed above in the context of achieving the desired goal.

MP/CP

CITY OF VAUGHAN

Item 3, Report No. 3 of the Committee of the Whole, (Public Hearing) which was adopted without amendment by the Council of the City of Vaughan on January 19, 1998.

3

**ZONING BY-LAW AMENDMENT/P.98.3
CITY OF VAUGHAN
ZONING STANDARDS FOR PLACES OF WORSHIP
FILE: Z.97.101 (RELATED FILE: 15.34.1)**

The Committee of the Whole (Public Hearing) recommends:

- 1) That the Clause 1 contained in the following report of the Manager of Policy and Special Studies, dated January 12, 1998, be approved;
- 2) That this matter be referred back to Staff for a further report, taking into consideration the concerns of the community, and this report return to a future Public Hearing;
- 3) That the following deputations, and written submission, be received:
 - a) Mr. John Schmied, Concord West Ratepayers' Association, 99 Rockview Gardens, Concord, L4K 2J5;
 - b) Mr. Terry Goodwin, 122 Thornridge Drive, Thornhill, L4J 1E3;
 - c) Ms. Amy Darker, Teston United Church, 10820 Pine Valley Drive, Woodbridge, L4L 1A6;
 - d) Mr. Dan Anthony, Calvary Baptist Church, 26 Bruce Street, Woodbridge, L4L 1J4, and written submission;
 - e) Mr. Harold Bliss, 111 Patrice Crescent, Thornhill, L4J 4Z5;
 - f) Rabbi Solomon Domb, 275 Arnold Avenue, Thornhill, L4J 1C3;
 - g) Mr. David M. Sherman, 53 Bevshire Circle, Thornhill, L4J 5B4;
 - h) Mr. David Chapley, Chabad Lubavitch of Southern Ontario, 49 Tansley Road, Thornhill, L4J 3H5;
 - i) Mr. John Kartechner, 67 Kelly Place, Maple, L6A 1M1; and,
 - j) Mr. Moste Lipszyc, 576 Spring Gate Blvd., Thornhill, L4J 5B8.

Recommendation

The Manager of Policy and Special Studies in consultation with the Commissioner of Planning and Development, recommends:

- "1. THAT the public hearing for file (Z.97.101) (City of Vaughan) BE RECEIVED;
2. THAT zoning By-Law 1-88 be amended, as it relates to places of worship, as follows:
 - i) prohibit places of worship in an "A - Agricultural" Zone;
 - ii) introduce a new definition for places of worship;
 - iii) introduce a new standard requiring a minimum 0.4 ha. lot size for places of worship;
 - iv) standardize performance standards applying to places of worship throughout the City, as discussed in this report."

SUMMARY REPORTLocation

All new places of worship throughout the City of Vaughan.

Purpose

To address Council's request respecting the establishment of specific zoning standards for places of worship in the City of Vaughan.

CONCLUSION

Places of worship are a comfort and benefit to the community. They provide a wide range of services and facilities that enhance a community and consequently are a necessary element of it. Places of worship can meet local needs and can be farther reaching. However, recognition of these benefits should not be allowed to introduce unacceptable impacts onto adjacent land uses. The goal should be to ensure that places of worship remain positive additions to the community and that land use conflicts are minimized. To achieve the desired goal, staff have proposed changes to the zoning by-law including: a new definition for "place of worship"; conformity with OPA No. 400 respecting the location of places of worship in agricultural areas; a minimum lot size standard; and common performance standards throughout the City for new places of worship.

3. ZONING BY-LAW AMENDMENT/P.98.3
CITY OF VAUGHAN
ZONING STANDARDS FOR PLACES OF WORSHIP
FILE: Z.97.101 (RELATED FILE: 15.34.1)

TECHNICAL REPORT

LOCATION

All new places of worship throughout the City of Vaughan.

PURPOSE

To address Council's request respecting the establishment of a specific zoning standards for places of worship in the City of Vaughan.

BACKGROUND

On September 8, 1997, the Committee of the Whole adopted the following motion (in part):

"That Staff bring forward a zoning category for institutional uses to be included within the Zoning By-law for discussion within 30 days."

This motion was passed by Council after the consideration of a development application for a place of worship in a residential area.

On October 6, 1997, the Committee of the Whole considered a report from the Commissioner of Planning and Development and adopted the following motion:

1. A public hearing be held to consider Alternative 1 to standardize the zoning requirements for all places of worship throughout the City and to consider the necessary changes to By-law 1-88 in order to bring it into conformity with the policies of OPA No. 400.
2. That Council direct Staff to consider a comprehensive review of the zoning standards applicable to all institutional uses to be included in the Planning Department's 1998 work plan."

On October 14, 1997, Vaughan Council adopted the foregoing motion.

Item 3, Report No. 3 - Page 3NOTICE OF PUBLIC HEARING

A notice of this public hearing was published in the December 18, 1997 Greater Toronto edition of the Toronto Star. A copy of the notice was also mailed to all registered and non-registered ratepayer associations in the City of Vaughan.

ANALYSIS1.0 EXISTING DEVELOPMENT CONTROL

The following is a brief summary of the various Official Plan policies and Zoning Standards applicable to places of worship in the City of Vaughan.

1.1 Region of York Official Plan

Places of worship are not permitted in the "Agricultural Policy Area" designation of the Region of York Official Plan. The Plan directs commercial, industrial and institutional uses to hamlets, villages, towns and urban areas, and the plan states that the Agricultural Policy Area shall be designated in area municipal official plans and zoning by-laws.

Development for a non-farm use in an Agricultural Policy Area requires an amendment to the Regional Official Plan and will be evaluated in accordance with the Foodland Guidelines as outlined in the Plan.

The Region of York Official Plan also includes a "Rural Policy Area" designation which permits limited rural industrial, commercial and institutional uses subject to an amendment to the area municipal official plan and several criteria outlined in the Plan.

1.2 City of Vaughan Official Plan

The City of Vaughan has a number of Community Plans each with their own specific Official Plan policies respecting places of worship which are briefly highlighted as follows:

- i) OPA No. 400 Planning Area
- a) Urban Villages 1, 2 and the Woodbridge Expansion Area (WEA)

OPA No. 400 (Section 6.1) does not permit non-farm uses including places of worship, on lands designated as an "Agriculture Area." The development of non-farm land uses in an Agriculture Area require an amendment to the Official Plan, and will be evaluated against the Food Land Guidelines as outlined in the Plan. This is consistent with the Region of York Official Plan.

On lands designated Rural Use Area by OPA No. 400, limited institutional uses are permitted only subject to an official plan amendment. The amendment must be reviewed against evaluation criteria outlined in the Plan. This approach is consistent with the Region of York Official Plan.

OPA No. 400 also includes the following specific policy with respect to places of worship:

"Large-scale places of worship may be located on arterial roads in residential areas without specific designation or amendment to this plan. Smaller-scale places of worship may be located on arterial or primary roads without amendment to this plan. In the Rural Area places of worship are subject to an official plan amendment and in all cases places of worship are not permitted in the Agricultural Area."

- ii) Kleinburg-Nashville Community Plan (OPA No. 160)

The Kleinburg-Nashville Community Plan (OPA No. 160) permits institutional uses, including places

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of worship, in any land use designation without an amendment to the Plan, provided the site is satisfactory to the City in consultation with the local residents.

iii) Maple Community Plan (OPA No. 350)

The Maple Community Plan permits new sites for places of worship to be located on arterial or collector roads in residential areas without further specific designation or amendment to the Plan, throughout the community. The Plan also encourages places of worship to be developed in association with neighbourhood commercial areas and the Maple Core Area in order that parking may be shared.

iv) Thornhill Vaughan Community Plan (OPA No. 210)

The Thornhill-Vaughan Community Plan directs the development of new places of worship to arterial and collector roads, preferably on a corner site, and in association with neighbourhood commercial centres or the Town Centre in order that parking may be shared. The Plan includes a policy requiring a minimum site area of 0.4 hectares.

v) Woodbridge Community Plan (OPA No. 240)

The Woodbridge Community Plan includes a general policy for institutional uses requiring that they be compatible with existing adjacent uses. The specific policies for new sites for places of worship restrict their location to arterial and collector roads throughout the community without an amendment to the Plan.

vi) Employment Areas (OPA No. 450)

Institutional uses are not permitted in the City's employment areas. An official plan amendment is required to permit a place of worship.

1.2.1 Evaluation of Official Plan Policies

Staff are satisfied that the official plan policies governing places of worship are adequate to deal with the land use issues related to the development of these uses. Large scale places of worship are established and sites reserved at the initial development of the community and are located in areas which provide for the convenience of the local residents and do not normally result in land use conflicts.

Smaller scale places of worship are not usually identified at the early stages of a community's development however, are subject to Official Plan policies intended to reduce or eliminate potential land use conflicts. These include policies which restrict places of worship to arterial and collector roads at the periphery of the residential community and minimum lot sizes (Thornhill for example).

1.2 Current Zoning Standards - By-law 1-88

i) Definition

By-law 1-88 does not include a definition for the term "place of worship". Instead, it provides the following definition for a "church":

Church - Means a building dedicated to religious worship and includes a church or synagogue hall; a church or synagogue auditorium; a religious worship school; a convent and/or monastery."

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ii) Locational Criteria

By-law 1-88 currently permits a church to locate in Residential, Commercial and Agricultural Zones in the City.

iii) General Development Standards

Schedule "A" to By-law 1-88 established the following development standards for a church:

Minimum Front Yard	15 metres
Minimum Interior Yard	15 metres
Minimum Exterior Yard	15 metres
Minimum Rear Yard	15 metres
Minimum Lot Coverage	20%
Minimum Lot Frontage	20 metres
Minimum Parking	Varies for different institutional uses.
Minimum Landscaping	2.4 metre wide buffer strip be provided where an institutional use abuts the boundary of lands zoned Open Space or Residential. The landscaped strip can be used only for landscaping. A minimum 6 metre wide landscaped strip is required along the street line.

iv) Area/Site Specific Development Standards

There are several areas in the City where site or area specific zoning by-laws amend the general standards of By-law 1-88 outlined above. For example, Exception No. 495 in the Maple area, provides specific standards for institutional uses, including churches. A sample comparison is as follows:

	<u>Exception (495)</u>	<u>By-law 1-88</u>
Minimum Front Yard	7.5 m.	15 m.
Minimum Interior Yard	6 m.	15 m.
Minimum Exterior Yard	7.5 m.	15 m.
Minimum Rear Yard	9 m.	15 m.
Maximum Lot Coverage	30%	20 %
Minimum Lot Frontage	20 m.	20 m.

1.2.1 Evaluation of Existing Zoning Standards

Deficiencies are apparent in the existing zoning standards governing the development of places of worship at two levels:

- the lack of consistency between the Official Plan and the zoning by-law in certain instances (i.e. OPA No. 400)
- the lack of consistency between zoning standards for churches at the zoning by-law level. (i.e. different standards in Maple and Thornhill)

The establishment of a common set of performance standards such as yard, frontage, setback etc., would provide consistent regulation.

1.3 Site Plan Control

Under By-law 85-94 a site development application for a place of worship is reviewed under the "Process II - Complex Procedure" requiring Council approval. By requiring places of worship to proceed through the site plan process, potential land use conflicts can be identified and eliminated or mitigated to the greatest extent possible. The "Process II - Complex Procedure" should be retained for places of worship.

Item 3, Report No. 3 - Page 62.0 Performance Standards For Places of Worship

As noted above, there are deficiencies in the current zoning standards governing the development of places of worship. The following section will review potential changes to the zoning by-law required to address these deficiencies.

2.1 Conformity With the Region of York Official Plan and Official Plan Amendment Number 400

As noted above, the Region of York Official Plan does not permit non-farm related uses, including places of worship, on lands designated Agriculture Policy Area. Furthermore, limited institutional uses are permitted on lands designated Rural Policy Area only subject to an amendment to the local municipal official plan.

OPA No. 400 requires that in "Rural Areas", places of worship are subject to an official plan amendment. In all cases place of worship are not permitted in the "Agricultural Area" designation. The majority of lands designated "Rural Area" or "Agricultural Area" by OPA No. 400 are zoned "A Agricultural Zone" by By-law 1-88. By-law 1-88 permits churches in an Agricultural Zone which is inconsistent with both the Regional and City Official Plans. In order to address the inconsistency between the Official Plan and the zoning by-law, it is suggested that churches (places of worship) be removed as a permitted use in the "A Agricultural Zone".

2.2 Definition of Place of Worship

Presently there is no definition for a "place of worship" in By-law 1-88. The definition used is for a "church" as follows:

"CHURCH - Means a building dedicated to religious worship and includes a church or synagogue hall; a church or synagogue auditorium; a religious worship school; a convent and or monastery."

An updated definition which better describes the nature of the use is appropriate. The following is suggested as a basis for a revised definition:

"PLACE OF WORSHIP - Means lands or buildings used for religious worship by an association of persons and may include accessory uses such as a hall or auditorium, rectory, manse, vicarage, deanery, clergy house, monastery, convent, a religious worship school, and other office and administrative facilities required for the operation of the place of worship. A place of worship shall include a "church" as defined by By-law 1-88 prior to the enactment of By-law (by law number) on (date of enactment)."

This definition may be modified upon further review.

2.3 Location of Places of Worship

Most of the community plans contain policies which limit the location of places of worship to arterial and collector roads. Implementing this policy in a zoning by-law can be cumbersome because a schedule identifying all arterial and collector roads must be prepared. As new areas of the City develop, the schedule would need constant updating.

As an alternative, the location of a place of worship can be directed to lots of a certain minimum size. This approach is used in the Thornhill-Vaughan Community Plan (OPA No. 210) where a minimum lot size of 0.4 hectares (1 acre) is required for a place of worship. Using the Thornhill-Vaughan Community Plan as a policy basis, this standard can be incorporated into the zoning by-law. This standard will have the effect of regulating places of worship to the periphery of residential areas or into commercial areas on collector or arterial roads where larger lot sizes are typically located. This approach is also easily administered.

Item 3, Report No. 3 - Page 72.4 Standardization of Performance Standards

As noted above, there are areas in the City (i.e. Maple and Thornhill) where places of worship are subject to different development standards. The establishment of one common set of standards for the development of places of worship throughout the City, will provide a single clear and consistent regulation. It is suggested that the institutional standards outlined in By-law 1-88 apply to all new places of worship. These standards are as follows:

Minimum Lot Frontage	20 metres
Minimum Front, Rear, Interior and Exterior Yards	15 metres
Maximum Lot Coverage	20%
Maximum Building Height	11 metres

Places of worship that are currently in existence should not be made legal non-conforming uses as a result of revised standards. Therefore, it is proposed that the zoning by-law implementing the revised standards contain a provision recognizing all existing places of worship to be permitted uses, subject to those development standards which currently apply. Consequently, no development rights would be taken away from existing places of worship, and new places of worship would be subject to the revised zoning standards.

CONCLUSION

Places of worship are a comfort and benefit to the community. They provide a wide range of services and facilities that enhance a community and consequently are a necessary element of it. Places of worship can meet local needs and can be farther reaching. However, recognition of these benefits should not be allowed to introduce unacceptable impacts onto adjacent land uses. The goal should be to ensure that places of worship remain positive additions to the community and that land use conflicts are minimized. To achieve the desired goal, staff have proposed changes to the zoning by-law including: a new definition for "place of worship"; conformity with OPA No. 400 respecting the location of places of worship in agricultural areas; a minimum lot size standard; and common performance standards throughout the City for new places of worship.

On this basis, it is recommended that:

- "1. THAT the public hearing for file (Z.97.101) (City of Vaughan) BE RECEIVED;
2. THAT Zoning By-law 1-88 be amended, as it relates to places of worship, as follows:
 - i) prohibit places of worship in an "A - Agricultural" Zone in accordance with OPA No. 400;
 - ii) introduce a new definition for places of worship;
 - iii) introduce a new standard requiring a minimum 0.4 ha. lot size for places of worship;
 - iv) standardize performance standards applying to places of worship throughout the City, as discussed in this report."

Report prepared by: Mauro Peverini, Planner, Ext. 8704

JHS/MP/CP

CITY OF VAUGHAN

Item 1, Report No. 33, of the Committee of the Whole (Public Hearing), which was adopted without amendment by the Council of the City of Vaughan on April 26, 1999.



1
ZONING BY-LAW AMENDMENT/P.99.33
CITY OF VAUGHAN
ZONING STANDARDS FOR PLACES OF WORSHIP
FILE: Z.97.101 (RELATED FILE: 15.34.1)

The Committee of the Whole (Public Hearing) recommends:

- 1) That the following report of the Commissioner of Development Services, dated April 19, 1999, be received and be made available for the community for review;
- 2) That local community meetings take place in each community in the near future;
- 3) That the report be returned to a future Committee of the Whole evening meeting with any appropriate revisions resulting from this public hearing and subsequent input;
- 4) That the following deputations be received:
 - a) Mr. Michael Telawski, Weston Consulting, 3300 Highway 7 West, Suite 320, Vaughan L4K 4M3, on behalf of Mr. Joe Berman;
 - b) Mr. Norm Grafstein, 55 Bevshire Circle, Thornhill L4J 5C5, representing Canadian Friends of Aish Hatorah;
 - c) Dr. David Sherbino, Woodbridge Presbyterian Church, 7971 Kipling Avenue, Woodbridge L4L 1Z8;
 - d) Mr. Robert Massoud, 223 Weldrick Road West, Richmond Hill L4C 5J2, representing The Christian Community and written submissions;
 - e) Mr. Ernst von Bezold, 1020 Rutherford Road, Maple L6A 1S2;
 - f) Mr. Terry Goodwin, 122 Thornridge Drive, Thornhill L4J 1E3;
 - g) Mr. Jack Haft, 183 Charles Street, Thornhill L4J 3A2, representing Temple Kol Ami;
 - h) Ms. Znaida Gabriel, Central City Realty, Inc., 135 Kennard Avenue, Toronto M3H 4M6, representing The Christian Community;
 - i) Mr. John Kartechner, 67 Kelly Place, Vaughan L6A 1M1, representing the residents of Kelly Place;
 - j) Rabbi S. Domb, 275 Arnold Avenue, Vaughan L4J 1 C3, representing B'Nai Shalom;
 - k) Mr. David Chapley, 800 Steeles Avenue West, Suite B10-191, Thornhill L4J 7L2, representing the Centre for the Hebrew Speaking Community;
 - l) Mr. Karim Tahir, 10610 Jane Street, Maple L6A 1S1, representing Ahmadiyya Muslim Community;
 - m) Mr. Harold Bliss, 111 Patrice Crescent, Thornhill L4J 4Z5; and
- 5) That the following written submissions be received:
 - a) Mr. I. David Finnegan, Director, Planning, Properties & Housing, Archdiocese of Toronto, Catholic Pastoral Centre, 1155 Yonge Street, Toronto M4T 1W2;
 - b) Mr. Robert Lehman, The Planning Partnership, 1255 Bay Street, Toronto M5R 2A9.

Recommendation

The Commissioner of Development Services recommends:

"That this technical report BE RECEIVED and be made available to the community for review, and be returned to an upcoming Committee of the Whole meeting, with any appropriate revisions resulting from this public hearing and subsequent input."

Origin

This technical report is further to a public hearing, and Council's direction to consult with the community, regarding zoning standards for Places of Worship.

Background

On October 14, 1997, Vaughan Council adopted the following motion:

"A public hearing be held to consider Alternative 1 to standardize the zoning requirements for all places of worship throughout the City and to consider the necessary changes to By-law 1-88 in order to bring it into conformity with the policies of OPA No. 400."

A Staff report to Committee of the Whole (Public Hearing) on January 12th, 1998 identified a number of concerns respecting the current Zoning By-law and proposed to:

- i) bring the City's zoning into conformity with the City's Official Plan and the York Region Official Plan, as required, by prohibiting places of worship in "A - Agricultural Zones";
- ii) introduce a new definition for places of worship;
- iii) introduce a new standard requiring a minimum 0.4 hectare lot size for places of worship;
- iv) standardize performance standards applying to places of worship throughout the City.

On January 19, 1998, Vaughan Council ratified the Committee of the Whole recommendation to receive the public hearing and:

"That this matter be referred back to Staff for a further report, taking into consideration the concerns of the community, and this report return to a future Public Hearing."

During the summer and fall of 1998, Staff conducted a consultation with members of the community. The consultation process concluded at the same time that concerns were expressed on the provision of institutional uses in Block 10 of Urban Village 2, OPA #400. On January 11, 1999, Council received an "Interim Policy for the Provision of Sites for Institutional Uses". On March 8, 1999 Council adopted a resolution that the policy issues raised in Block 10 "...be considered in conjunction with the forthcoming comprehensive review of OPA #400". With the City's policy confirmed at this time, zoning standards which implement those policies can now be recommended.

Notice of Public Hearing

A notice of this public hearing was published in the March 27, 1999 Greater Toronto edition of the Toronto Star. A copy of the notice was also mailed to all known existing Places of Worship in the City of Vaughan, all participants in the Community Consultation, and all registered and non-registered ratepayer associations in the City of Vaughan.

TECHNICAL REPORT

1.0 CURRENT DEVELOPMENT CONTROL

The following summarizes the Official Plan policies and Zoning Standards currently applicable to Places of Worship.

1.1 Region of York Official Plan

- Places of Worship are not permitted in the "Agricultural Policy Area".
- Places of Worship are only permitted in the "Rural Policy Area" through an amendment to the area municipal official plan and based on several restrictive criteria.

1.2 City of Vaughan Official Plan Documents

- OPA #400 (new urban villages and rural areas):

"Large-scale places of worship may be located on arterial roads in residential areas without specific designation or amendment to this Plan. Smaller-scale places of worship may be located on arterial or primary roads without amendment to this Plan. In the Rural Area places of worship are subject to an official plan amendment and in all cases, places of worship are not permitted in the Agricultural Area."

- OPA #450 (Employment Areas):

Places of Worship are not permitted in Employment Areas.

- Community Plans (existing urban areas):

The Kleinburg, Maple, Thornhill, and Woodbridge Community Plans are somewhat inconsistent in the variety of policies dealing with Places of Worship, as noted below:

Definitions:

- all Community Plans refer to Places of Worship as "Institutional" uses.
- the Maple, Thornhill and Woodbridge Community Plans have policies for "Churches and Religious Institutions".

Arterial/Collector locations:

- the Maple, Thornhill and Woodbridge Community Plans provide that new sites may be located on arterial or collector roads, without amendment to the Plan.

Underlying Land Use Designation:

- the Thornhill and Woodbridge Community Plans provide that where a site identified for a "church" is not acquired for church use within a "reasonable time", the adjacent land use will be permitted.

Commercial Locations:

- to encourage the use of shared parking, the Maple and Thornhill Community Plans support Places of Worship developed in association with neighbourhood commercial and core commercial areas.

Lot Size:

- the Thornhill Community Plan requires new sites to have a minimum 0.4 hectares.

1.3 Current Zoning (By-law 1-88)

Definition:

"CHURCH - Means a building dedicated to religious worship and includes a church or synagogue hall; a church or synagogue auditorium; a religious worship school; a convent and/or monastery."

Permitted Zones:

- a church is a permitted use in Residential, Commercial and Agricultural Zones, but not in Employment Area and Industrial Zones.

Site Standards: (minimum frontage, setbacks)

- while development standards vary across the City, there are essentially two distinct sets of zoning standards for all institutional uses:
 - 1) the City-wide By-law 1-88 standards, which are essentially the same as the original standards adopted in 1961.
 - 2) exceptions to the By-law 1-88 standards that apply in many of the City's communities.

Parking:

- 11 parking spaces for every 100 square metres of gross floor area.

Landscaping:

- a minimum 2.4 metre wide strip when beside an Open Space or Residential zone; a minimum 6 metre wide strip along the street line.

Site Plan Control:

- reviewed under "Process II - Complex Procedure", requiring Council approval.

2.0 COMMUNITY CONSULTATION

2.1 Consultation Process

The community consultation focused on contacting all deputants from the first Public Hearing. These deputants were asked to also suggest additional people to contact. Those unable to attend a meeting were given the opportunity to respond to a brief survey via phone, fax, or mail. Meetings were also held with groups seeking approvals for new Places of Worship. In all, 12 meetings were held and 39 people contacted.

2.2. Key Issues Identified:

- Worship in Residential Homes

Some members of the Jewish community expressed concern that a broadened definition of "Place of Worship" could adversely affect small groups called minions. The concern is that the definition could be interpreted in a manner to regulate and limit religious gatherings of people in their homes.

- Agricultural Lands

Removing Places of Worship as permitted uses in the Agricultural Zone is a concern to religious groups looking to build new facilities. Larger parcels of land at lower cost are typically more readily available in agricultural areas.

- Arterial Locations

Places of Worship are providing a greater range of services than in the past (e.g. daycare, seniors' activities, religious schools, sports, community events, festivals, etc.), and increasingly prefer to locate on main roads with good access and visibility.

- Site Standards

Types of Places of Worship vary considerably and zoning standards should be flexible enough to accommodate a wide range of lot and building sizes.

- Parking Standards

Some comments indicated that the City's current parking standard is excessive and should be based on the maximum demand generated by the seating capacity of the sanctuary; others pointed out the importance of parking to meet the need of a variety of activities, longer hours, and a larger service or catchment area.

3.0 RECOMMENDED ZONING STANDARDS

Based on the results of the community consultation, a number of improvements to the City's zoning standards are recommended.

3.1 New Definition

"PLACE OF WORSHIP - Means lands or buildings designed or intended to be used primarily for religious worship and may include accessory uses such as a hall or auditorium, rectory, manse, vicarage, deanery, clergy house, monastery, convent, a religious worship school, and other office and administrative facilities required for the operation of the place of worship."

This new definition modifies the current definition in By-law 1-88 by:

- using a non-denominational term, rather than "church"; and,
- broadening the permitted uses by including additional accessory uses.

This definition also modifies the definition proposed by Staff on January 19, 1998 by:

- adding the words "...designed or intended to be used primarily...", which indicates that the zoning by-law does not apply to buildings built and used for other non-religious purposes (for example, the zoning by-law would not apply to residential uses where small groups such as minions meet); and,
- removing "by an association of persons", as it is appropriate for the definition to focus on the land use, rather than the users.

3.2 LOCATION

1) Agricultural Zone:

To conform with the Regional Plan and City Official Plan, "Churches" must be deleted from the list of permitted uses in Agricultural Zones. Other institutional uses currently permitted in the Agricultural Area are to be addressed in the review of OPA #400.

2) Arterial/Primary Roads:

"Large-scale" Places of Worship are proposed to be permitted on arterial roads, which are to be defined as having a right-of-way width of 26 metres or greater. "Small-scale" Places of Worship are proposed to be permitted on arterial and primary roads which are to be defined as having a right-of-way width of 23 metres or greater.

In addition to implementing the City's official plan policies, the advantages of this approach are that:

- it directs uses to sites according to the expected land use impact on adjacent properties (e.g. larger-scale regional uses on regional roads);
- it sites facilities in appropriate locations in terms of access and visibility to the community; and,
- it provides greater predictability to landowners, proponents and local communities.

3.3 Site Standards

The following two charts show the current Institutional standards in the existing community plans and By-law 1-88, and the recommended site standards for "Small-scale" and "Large-scale" Places of Worship:

Current Site Standards:

	Min. Frontage (metres)	Min. Front Yard	Min. Rear Yard	Min. Interior Yard	Min. Exterior Yard	Max Building Height	Max Lot Coverage (%)
Exceptions to By-law 1-88	20	7.5	7.5'	6	7.5	11	30
1-88	20	15	15	15	15	11	20

*Note: Minimum rear yard in Maple and Kleinburg is 9 metres.

Recommended Site Standards:

"Small-scale"	20 to 64	7.5	7.5	6	7.5	11	30
"Large-scale"	65	7.5	16	15	15	11	20

"Small-scale":

The two charts show how the "Small-scale" standard is the same as the exceptions to By-law 1-88 found in the existing communities. The notes to these standards would also state that Small-scale Places of Worship have 20 m to 64 m frontage on roads with rights-of-way of 23 m or greater.

"Large-scale":

The notes to these standards would indicate that Large-scale Places of Worship have greater than 65 m frontage on roads with rights-of-way of 26 m or greater. The standard is the same as By-law 1-88, with the following exceptions:

- the minimum lot frontage has been increased to 65 m, consistent with the scale of the 15 m side yard (two 15 m side yards could not be achieved on a 20 metre lot). The 65 m frontage is similar to the scale of Highway Commercial, Service Commercial, and Office Commercial uses which abut major roads. It also is a better reflection of the scale of regional Place of Worship facilities.
- the front yard has been reduced from 15 m to 7.5 m to reflect the setback requirements of other neighbouring uses found in these locations, and to improve streetscape design on major roads. It also helps to encourage transit use by putting building entrances within shorter walking distance from transit stops.
- the height limit has been adjusted to reflect the same standards in Community, Highway, Service, and Office Commercial (C4 - C8) Zones. This permits the maximum 11 metres to be exceeded by 0.6 metres for every 0.3 metres increase in side yard. The result is to provide increased design flexibility, while maintaining compatibility with the scale of other uses permitted on major roads.

3.4 Parking

While the initial review of Place of Worship zoning standards did not include parking, it was raised during the community consultation as an important factor.

Staff's survey of other municipalities revealed that, while Vaughan's parking standard is toward the high end, it is not significantly higher than other municipalities. In light of the wide variety of building and lot sizes, and the potential variety of activities in a Place of Worship, it is difficult to design a single appropriate parking standard. In addition, once built, there is no assurance that a Place of Worship will always be used as such by the same institution, and higher parking demands for a new use may result. Staff recommend maintaining the current parking standard, with any proposed exceptions being considered on a case-by-case basis, subject to the results of a parking study.

4.0 EFFECT ON EXISTING PLACES OF WORSHIP

Staff will be recommending that the new standards apply only to applications for new applications for Places of Worship. Staff are also recommending that application DA.98.081(Mrs. Norma Barker, Dickinson & Hicks Architects Inc., Calvary Baptist Church) currently proceeding through the site plan process, be a site specific exemption from the provisions of an implementing by-law.

5.0 CONCLUSION

By-law 1-88 needs to conform with official plan policies, and to ensure that Places of Worship are provided with appropriate opportunities to become established in the City. The Staff recommendations achieve this through:

- an updated, non-denominational definition, which broadens the range of activities that can occur at a Place of Worship, including accessory uses such as an associated residence and administrative facilities.
- a definition that, clarifies that for example, a house shall not be considered a Place of Worship if the primary use is a residence.
- providing a consistent set of by-law standards for Places of Worship across the City, which are based on current City standards.
- directing Places of Worship to specific streets in keeping with their scale, to increase land use compatibility and predictability, and to accommodate the need for visibility, access, traffic, safety and the role Places of Worship can play in enhancing communities and streetscapes.
- "small-scale" and "large-scale" zoning standards which provide increased flexibility for a range of building and lot sizes, and increased compatibility with adjacent uses.

The following four amendments to By-law 1-88 would effect the above:

- i) replace the current definition of "Church" with the proposed new definition of "Place of Worship";
- ii) remove "church" from the uses permitted in the Agricultural Zone;
- iii) adopt "small-scale" and "large-scale" definitions and zoning standards for Places of Worship, which are based on the City's current set of zoning standards; and,
- iv) adopt locational criteria which direct Places of Worship to locate on primary and arterial roads.

Staff propose that the above proposals be made available for community review and input, and that a report outlining the input received and any resulting revisions be returned to a future Committee of the Whole meeting with final recommendations.

Report prepared by: Robert Gibson, Planner, ext. 8409
Paul Robinson, Senior Planner, ext. 8410
Wayne L. McEachern, Manager of Policy and Special Studies, ext. 8026

/CP

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

Date: February 14, 2003
To: Mayor and Members of Council
From: Michael DeAngelis
Commissioner of Planning
Re: Deferred List – City of Vaughan Zoning Standards for Places of Worship

This Item originated from Council direction adopted on October 14, 1997.

Meetings were held with members of the public during which specific interests of various religious groups were identified. An interim report was prepared and presented to Committee of the Whole (Public Hearing) on April 19, 1999 and Council on April 26, 1999 (Committee of the Whole Report No.33, Item 1). At that time, Council deferred action awaiting further staff assessment.

Since 1999, there have been few applications related to places of worship and amending the zoning by-law in this regard does not appear to be a priority at this time.

Should Council agree, I respectfully suggest that this study not proceed further and be removed from the "Deferred List". Should specific issues arise respecting a place or places of worship, at the direction of Council, this study can be re-instated as a planning study.

Respectfully submitted.

Michael DeAngelis
Commissioner of Planning
(8445)

Copy to: Joanne Arbour
Wayne L. McEachern

MEMORANDUM