

**SUBJECT:** INFORMATION REPORT  
City of Markham Places of Worship Study – Future  
Directions Report and the Appeal to the Ontario Municipal  
Board of By-law 2012-122 Respecting the Definition of  
Worship Area Capacity  
ZA 12 107844

**PREPARED BY:** Tom Villella – Senior Projects Coordinator – Ext. 2758  
**REVIEWED BY:** Biju Karumanchery – Senior Development Manager

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**RECOMMENDATION:**

1. That the report dated September 10, 2013 titled “INFORMATION REPORT – City of Markham Places of Worship Study – Future Directions Report and the Appeal to Ontario Municipal Board of By-law 2012-122 Respecting the Definition of Worship Area Capacity, ZA 12 107844”, be received by Development Services Committee; and,
2. That the Report by McCauley Shiomi Howson in association with HDR Corporation titled “City of Markham Places of Worship Study – Future Directions Report” dated August 2013 be received by Development Services Committee.

**PURPOSE:**

The purpose of this report is to provide information respecting the current status of a City-initiated zoning by-law amendment which has been appealed to the Ontario Municipal Board, as well as report on the results of a scoped review of a City-initiated 2003 Study respecting Places of Worship in Markham. The zoning amendment in question was approved by Council under Zoning By-law 2012-122, and was intended to correct a transcription error in the by-law which had, in the past, resulted in lowering the parking supply required by the By-law.

In association with this report, a presentation by Liz Howson of McCauley Shiomi Howson Ltd. will be before Development Services Committee on the same date. A draft copy of the presentation is attached as **Appendix 1**.

**BACKGROUND:**

Through the day-to-day use of the City’s Zoning By-laws, Staff and other stakeholders identify issues with respect to administration and interpretation of its regulations. Staff regularly brings “housekeeping” amendments forth for Committee’s consideration, with a view to improving the by-laws and keeping them current and relevant.

In 1997, Council approved Zoning By-law 28-97, which amended all City Zoning By-laws in order to provide consistent parking regulations across the entire municipality. By-law 28-97 has been subject to a number of amendments since its adoption, most notably By-law 2003-301, which revised the parking provisions for “Places of Worship”.

#### Council Approves Amendment to Parking Requirements for Places of Worship on May 29, 2012

The "Town of Markham Places of Worship Study" of June 2003 recommended a ratio of 0.75 sq. m. of net floor area per person for non-fixed seating areas, for the determination of worship area capacity. The standard in the by-law, as originally written, although intended to reflect the above requirement, did not achieve that objective due to a transcription error. Rather than requiring that "*0.75 sq.m. be divided into the net worship area*" (correct), the by-law as written required that "*0.75 sq.m. be multiplied by the net worship area*" (incorrect). This transcription error resulted in lowering the parking requirement for some places of worship, and has been corrected as outlined below.

Following a statutory Public Meeting on the matter on May 22, 2013, Zoning By-law 2012-122 was adopted by Markham Council on May 29, 2012. The intent of this by-law was to provide clear direction with respect to the calculation of "worship area capacity", consistent with the 2003 study results and existing Ontario Building Code requirements. The by-law amendment changed the existing regulation so that the "worship area capacity" calculation was consistent with both the recommendations of the 2003 study and the Building Code.

#### By-law Appealed to Ontario Municipal Board on June 27, 2012

On June 27, 2012, By-law 2012-122 was appealed to the Ontario Municipal Board by the Markham Residents for Responsible Community Planning (MRRCP). The Board has not yet scheduled a hearing on the matter, and the parties have been involved in attempting to settle the appeal.

#### Scoped Review of 2003 Places of Worship Study Initiated August 23, 2012

On August 23, 2012, following discussions with MRRCP, the City initiated a scoped review of the 2003 Places of Worship Study (the "Scoped Review"), concentrating on parking requirements. This review was initiated in order to confirm the conclusions of the 2003 study with respect to parking trends related to Places of Worship, and support Council's adoption of Zoning By-law 2012-122 should a hearing of the appeal be held.

The firm of McCauley, Shiomi and Howson (Planning), assisted by HDR Corporation (Traffic/Engineering) (collectively "MSH") was retained to conduct the review.

#### Staff Met with MRRCP on October 12, 2012

On October 12, 2012, Legal and Planning Staff met with representatives of MRRCP, including their engineering/traffic consultant. Through these and subsequent discussions, Staff and MRRCP agreed on revisions to the MSH Scoped Review in order to include some additional study issues that MRRCP wished to have explored.

The Scoped Review examined the planning context of the parking standards, and its conclusions were based on parking surveys carried out at six Markham Places of Worship which were selected by Staff and MRRCP. MSH submitted their Final Draft Report in August 2013.

**OPTIONS/ DISCUSSION:**

MSH has now submitted its Final Draft Report for the review of Staff, Council and the public. The Executive Summary to that report is attached as **Appendix 2**. The full report is available in electronic format, and is attached to the DSC Agenda.

The report concludes that the parking requirements set out in the applicable zoning by-law, **when correctly applied in accordance with Zoning By-law 2012-122**, are acceptable and appropriate. As shown in Table 8 of the MSH Report, the zoning by-law requirement for parking exceeded the observed peak demand at four (4) of the six (6) places of worship surveyed, and the average variance was within 5.5%. It should be noted that surveys were conducted on days where a “typical” peak demand occurred (i.e. weekly), but not necessarily the single highest day of the year. For instance, a Christian place of worship may experience yearly peak parking demand on Christmas Day or Easter. It is not practical to design a parking supply to accommodate this atypical peak.

In conclusion, MSH is of the opinion that the study findings generally confirm the validity of the recommendations from the original 2003 Places of Worship Study.

Staff will keep Committee apprised of further developments with respect to this OMB appeal. It is anticipated that the matter will be dealt with in some fashion by the OMB before the end of 2013.

**FINANCIAL CONSIDERATIONS AND TEMPLATE:**

There are no financial matters to be considered in this report.

**HUMAN RESOURCES CONSIDERATIONS**

There are no Human Resources matters to be considered in this report.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**


The zoning by-law refinement as approved by Council aligns with Council’s Growth Management strategic focus area.

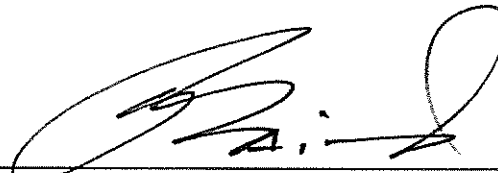
**BUSINESS UNITS CONSULTED AND AFFECTED:**

Staff of the By-law Enforcement, Legal, Engineering and Planning Departments were involved in the development of both Zoning By-law 2012-122 and the Scoped Review throughout 2012 and 2013.

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**RECOMMENDED BY:**

  
Biju Karumanchery, M.C.I.P., R.P.P.  
Senior Development Manager

  
Jim Baird, M.C.I.P., R.P.P.  
Commissioner, Development Services

**ATTACHMENTS:**

- Appendix 1** Draft of Presentation by Liz Howson of McCauley Shiomi Howson titled "City of Markham Places of Worship Study – Future Directions Report", dated September 10, 2013
- Appendix 2** Executive Summary to Report by McCauley Shiomi Howson in association with HDR Corporation titled "City of Markham Places of Worship Study – Future Directions Report" dated August 2013 (Full Report is available in electronic format and attached to DSC Agenda)

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