

THE CORPORATION OF THE CITY OF SARNIA
People Serving People

PLANNING AND BUILDING DEPARTMENT

OPEN SESSION REPORT

TO: Mayor Bradley and Members of Sarnia City Council

FROM: P. Jane Cooper, Director of Planning and Building

DATE: October 26, 2015

SUBJECT: A Review of Churches, Soup Kitchens and Food Banks

Recommendation:

It is recommended:

1. That Sarnia City Council approve Rezoning Application 08-2015-85 of 2002, as follows:
 - a) That 'Section 2: Definitions' of Zoning By-law 85 of 2002 be amended by deleting the "CHURCH (PLACE OF WORSHIP)" definition and adding the following new definitions:
 - i. "PLACE OF WORSHIP" means a building, structure, or part thereof, which is primarily used for the practice of religion by a *religious organization* for faith-based spiritual purposes, wherein people assemble for religious worship, faith-based teaching and fellowship.
 - ii. "PLACE OF WORSHIP, ACCESSORY" means uses related to the primary religious use, but are considered subordinate and incidental to the practice of religious rites. Accessory uses include, but are not limited to, classrooms for religious, cultural or community uses, place of assembly areas not exceeding the size of the *area of worship*, a kitchen, *accessory food bank*, *soup kitchen*, administrative offices related to the *place of worship*, *day-care centre*, and a residence for a faith group leader with up to 3 guest rooms.
 - iii. "PLACE OF WORSHIP, AUXILLARY" means uses complementary but not related to the primary function of the religious practice, that are planned to function together on sites that are of sufficient size and are compatible with the surrounding area. These uses include,

but are not limited to, *cemeteries*, supportive housing and places of assembly having a net floor area greater than the *area of worship*.

- iv. "PLACE OF WORSHIP, AREA OF WORSHIP" means the *net floor area* within a *place of worship* in which a religious service, ceremony or other practice is performed in which reverence is offered to a divine being or divine beings.
 - v. "RELIGIOUS ORGANIZATION" means an association of persons:
 - (a) that is charitable according to the law of Ontario,
 - (b) that is organized for the advancement of religion and for the conduct of religious worship, services or rites, and
 - (c) that is permanently established both as to the continuity of its existence and as to its religious beliefs, rituals and practices, and includes an association of persons that is charitable according to the law of Ontario and that is organized for the advancement of and for the conduct of worship, services or rites of the Buddhist, Christian, Hindu, Islamic, Jewish, Baha'i, Longhouse Indian, Sikh, Unitarian or Zoroastrian faith, or a subdivision or denomination thereof.
 - vi. "FOOD BANK" means a building or part of a building where stocks of food, typically basic provisions and non-perishable items, are received and are subsequently handed out, free of charge to people in need.
 - vii. "ACCESSORY FOOD BANK" means part of a building where stocks of food, typically basic provisions and non-perishable items, are received and are subsequently handed out, free of charge to people in need. The area designated for an accessory food bank use shall not exceed 24m².
 - viii. "SOUP KITCHEN" means a building or part of a building where free meals are served by a non-profit or charitable organization to those who are in need, homeless or destitute.
 - ix. "ACCESSORY SOUP KITCHEN" means a part of a building, and operated by a *place of worship*, where free meals are served by a non-profit or charitable organization to those who are in need, homeless or destitute. The floor area devoted to the consumption of the meals on the premises shall not exceed 65m².
- b) That 'Section 3: General Regulations' of Zoning By-law 85 of 2002 be amended by adding the following new regulations:

- i. Place of Worship, Accessory
Place of worship, accessory uses shall only be permitted within the same building as a place of worship in all permitted zones.
- ii. Place of Worship, Auxiliary
Place of worship, auxiliary uses shall require a Zoning By-law Amendment subject to the zone in which the *place of worship* is located in order to examine the appropriateness of the use and its compatibility with the surrounding areas. Sensitive land uses and residential uses within employment and industrial zones will not be permitted.
- iii. Places of Worship in Multi-Use Buildings
Places of worship in multi-use buildings such as commercial plaza's and commercial condominiums, or other similar configurations, may be permitted within their permitted zones, provided they occupy no greater than 40% of the total gross floor area of the building(s) for the *place of worship* use including all accessory and auxiliary uses.

c) That Section '3.37: Parking Regulations' of Zoning By-law 85 of 2002 be amended by deleting the parking space requirements for *churches* and adding the following requirements:

Location	Parking Regulations
<i>Place of Worship</i> <i>Place of Worship, Accessory</i>	- 1 space per 4 persons of the capacity of the <i>area of worship</i> or 1 space per 9m ² of the <i>net floor area</i> of the <i>area of worship</i> and <i>place of worship, accessory</i> , whichever is greater
<i>Place of Worship, Auxiliary</i>	- 1 per 15m ²

- d) That *churches* be deleted from 'Part II: Zone Regulations' of Zoning By-law 85 of 2002 and replaced with *place of worship* in the UR1, UR2, UR3, UR4, UR5, SR1, D1, CC1, GC1, GC2, GC3, HC1 and I1 Zones.
2. That Sarnia City Council adopts the by-law to implement Zoning By-Law Amendment Application No. 08-2015-85 of 2002, to implement the proposed uses and authorizes the Mayor and Clerk to sign the said by-law.

Background:

A letter was received from the Sarnia Evangelical Fellowship (SEF) on June 25, 2014 (copy attached Attachment 1) requesting Council to consider removing the phrase "but shall not include a soup kitchen or food bank, unless otherwise permitted by this by-Law" from the definition for a Church (*Place of Worship*) under the City's Zoning By-Law 85 of 2002.

Council at its meeting on June 30, 2014, referred the item to staff for a report on the issues raised and asked staff to report back to Council with its recommendations.

Staff prepared a report with proposed changes to the Zoning By-Law and presented it to Council for information and discussion at its July 27, 2015 Council Meeting. The Report was received and Council adopted the following resolution:

"That Sarnia City Council receives this report for information and directs staff to circulate it to all faith based groups, charitable and non-profit organizations. In addition the report will be available on the City's Web site and social media for public engagement. Upon completion of the consultation process a further report, with recommendations, will be prepared for Council's consideration at a Public Meeting in October."

On July 31, 2015, staff posted the report onto the City's website and circulated it to 70 religious organizations within the community.

One comment was received in support of the proposed changes following their circulation of the report. We are therefore proposing that the recommended changes to the Zoning By-Law outlined in the July 27, 2015 report be submitted to Council for its consideration.

Comments:Proposed Changes

In the July 27 2015 Report to Council (Appendix A), staff conducted a review of the issue by looking at emerging trends and the experiences of other municipalities. The Report proposed a number of amendments to the City's Zoning By-law to implement the recommendations prepared by staff regarding Places of Worship and their related uses.

These proposed changes include:

- Provide new definitions for Place of Worship, Place of Worship, Accessory, Place of Worship, Axillary, Place of Worship, Area of

Worship, Religious Organizations, Soup Kitchen, Accessory Soup Kitchen, Food Bank and Accessory Food Bank;

- Outline the relationship of accessory uses (such as kitchen and classrooms for religious instruction etc.) and auxiliary (such as schools and housing) uses with respect to Places of Worship;
- Permit Places of Worship in all Zones with the exception of Industrial and Employment Zones;
- Provide limits to Zone permissions for accessory and auxiliary uses (as defined), and Places of Worship in multi-unit buildings; and
- Determine the parking requirements and standards for the uses as defined. The approach is to establish parking based on per person capacity of the place of worship to provide flexibility across all faith groups which have different seating arrangements in the main worshipping area (i.e. bench seating, open floor seating, etc.). Residential and Place of Worship Auxiliary uses are to be assessed on its own parking requirements.

Provincial Legislation

The *Planning Act* authorizes municipal Councils to make local planning decisions to determine the future of communities and to pass By-laws to regulate the use of land and location of buildings on private property. Places of Worship, Food Banks and Soup Kitchens are land uses which provide vital services to various sectors in our community. The Provincial legislation therefore provides the City with the authority to regulate these uses.

Policy Framework

The Provincial Policy Statement (PPS), 2014 provides that healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of uses including institutional uses (such as places of worship, cemeteries and long-term care homes) to meet long-term needs. The proposed changes would address the changing nature of Places of Worship and provide for the appropriate diversification of such facilities and a permit a broader range of uses in association with the Place of Worship use.

The County Official Plan policies provide for growth to be managed so as to provide communities with a diverse range of activities, based on the needs of the community, including cultural, spiritual and recreational activities. The proposed revisions to the Zoning By-law would address the changing nature of Places of Worship and conform to the County of Lambton Official Plan.

The City's Official Plan policies recognize the importance of ensuring inclusive and stable neighbourhoods. They support Sarnia as a complete community that provides a mix of land uses, encourages equity and

inclusion, and work to ensure all residents of Sarnia can fully participate in their community. The proposed changes to the Zoning By-Law would address the changing nature of Places of Worship and provide for the appropriate diversification of such facilities and conform to the City Official Plan.

The full analysis of the research is contained in the July 27 2015 Report to Council that is attached as Appendix "A" to this report.

Conclusion

Places of Worship, Food Banks and Soup Kitchens are important assets to our community and a vital part of creating complete, healthy communities. These uses offer services that can complement existing public services and fill gaps where public services are not provided. The City recognizes that religious institutions continue to evolve and require different land use needs and considerations than they have historically. Staff's recommendations are therefore designed to reflect these changing land uses.

Consultation:

Following the July 27 2015 Council Meeting, staff posted the report onto the City's website and circulated it to 70 religious organizations within the community. Notice of the proposed Zoning By-Law amendment was also posted in the September 26 2015 Sarnia Observer and the October 1 2015 Sarnia This Week.

To date one (1) written reply has been received from the Ukrainian Orthodox Church of Holy Trinity endorsing the proposed recommendations and a general enquiry has been received from a representative of the London Road West United Church.

The City Solicitor and City Clerk have also been consulted on this report.

Financial Implications:

None.

Reviewed by:



P. Jane Cooper
Director of Planning & Building

Approved by:



Margaret Misiek-Evans
City Manager

This report was prepared by Max Williams – Planner II.

Attachment: Appendix "A" – July 27, 2015 Report to Council
Letter Received - October 22, 2015

THE CORPORATION OF THE CITY OF SARNIA
People Serving People

PLANNING AND BUILDING DEPARTMENT

OPEN SESSION REPORT

TO: Mayor Bradley and Members of Sarnia City Council
FROM: P. Jane Cooper, Director of Planning and Building
DATE: July 27, 2015
SUBJECT: A Review of Churches, Soup Kitchens and Food Banks.

Recommendation:

It is recommended:

1. That Sarnia City Council receives this report for information and directs staff to circulate it to all faith based groups, charitable and non-profit organizations.
2. That the report be made available on the City's Web site and social media for public engagement.
3. That a further report, with recommendations, be prepared for Council's consideration at a Public Meeting in the Fall.

Background:

A letter was received from the Sarnia Evangelical Fellowship (SEF) on June 25, 2014 (copy attached Attachment 1) requesting Council to consider removing the phrase "but shall not include a soup kitchen or food bank, unless otherwise permitted by this By-Law" from the definition for a Church (*Place of Worship*) under the City's Zoning By-Law 85 of 2002.

Council at its meeting on June 30, 2014, referred the item to staff for a report on the issues raised and asked staff to report back to Council with its recommendations.

Notwithstanding the content of this report, Council will be aware that on July 3 the Court of Appeal for Ontario ruled on the Superior Courts earlier decision dated March 13 2014 concerning the River City Vineyard decision. This matter is being considered elsewhere on the agenda, but the issues

raised in the decision draw further attention to current 'definitions' within the Zoning By-Law and the need for clarity.

Comments:

Official Plan and Zoning history

Under former Official Plans *Churches (Places of Religious Worship)* were permitted in urban and suburban residential areas, downtown and industrial zones. Under former Zoning By-Laws, Churches were defined as *"a building or portion of a building commonly used by religious organizations for public worship and church-sponsored community activities and projects and may include in the same building or in an accessory building a rectory or manse, church hall, day nursery, Sunday school, convent or similar church related use"*.

Former Zoning By-laws make no specific mention of food bank or soup kitchens as it was the general understanding that any activity undertaken by the church on its property was permitted. The preparation and serving of meals to those in need and the provision of food supplies to persons in need were deemed appropriate church activities.

Following the closure of the Devine Street United church at 115 John Street (John and Devine) and its acquisition by the Inn of the Good Shepherd in 2001, the City was asked to rezone the property to a site specific urban residential use to permit the Inn to consolidate all of its operations (offices, food bank, soup kitchen and drop-in centre). The application was approved and the zoning was carried over into the current Zoning By-Law 85-2002. In response to the concerns expressed by Members of Council at the Public Meeting for the Inn's Rezoning, the definition of a *Church (Place of Worship)* was subsequently revised to the present iteration, which specifically prohibits food banks and soup kitchens.

Under the 2001 Official Plan and Zoning By law 2002 *Churches (Places of Worship)* are permitted in all designations with the exception of Rural, Private Residential, Community Commercial, Office Commercial, Local Commercial and Business Park designations. Under the adopted 2014 Official Plan (currently the subject of an appeal to the OMB) *Churches (Places of Worship)* would be permitted in urban residential designation and commercial areas, but excluded from employment areas.

The current Zoning By-Law 85-2002 defines church as:

"CHURCH (PLACE OF WORSHIP)" means a building used by a religious organization for public worship and church-sponsored community activities and projects, and may include as accessory uses a rectory or

manse, church hall, day nursery or religious school, offices, but shall not include a soup kitchen or food bank, unless otherwise permitted by this By-law.

Under the current Zoning By-Law, soup kitchens and food banks are not defined terms, and not permitted as primary uses in any zone other than the UR2-40, site zone for the Inn of the Good Shepherd.

Emerging Trends

The conventional definition and location of religious institutions have evolved over the years to include many different methods/styles of worship, places of worship and auxiliary services offered to the community at large. Other municipalities in Ontario (i.e. Brampton, Oakville, Markham, and Cambridge – to name a few) faced with similar experiences have undertaken similar reviews and incorporated Official Plan policies and zoning definitions and regulations including:

- a) Classification of Churches, Places of Worship and other faith based registered charitable organizations;
- b) Definition for Place of Worship, Charitable Organizations, Soup Kitchen, Food Bank and Emergency shelter;
- c) Outlining the relationship of accessory uses (such as kitchen and classrooms for religious instruction etc.) and auxiliary (such as schools and housing) uses with respect to Places of Worship
- d) Establishing zones where these uses are permitted; and
- e) Determining the parking requirements and standards for the uses.

Accessory and Auxiliary Uses

Many uses within a place of worship are often described as an 'accessory use'. 'Accessory uses' have been typically defined as uses which are subordinate and customarily incidental to the principal use. For example, these uses are often cited as classrooms for religious teaching, multi-use flex space such as gymnasiums, administrative offices for the place of worship, and a residence to accommodate the worship leader.

There is a difference between such 'accessory uses' to the place of worship and the use of the facility, or its site for additional uses such as private schools, supportive housing (elderly/or special needs housing) and social and cultural uses. These uses could be defined as "church – sponsored community activities". These uses, while they may assist in meeting the community's needs, have other land use implications, and as such are considered 'auxiliary uses'. The inclusion of these types of uses in many municipalities is becoming more common and significant as the style of worship by faith based groups has evolved.

As the range of uses within *Places of Worship* continue to expand, planning regulations need to be clear as to where, when, and how these uses may be permitted, or not permitted.

Findings and Recommendations

Comprehensive studies conducted by other municipalities in Ontario such as the Town of Oakville (Oakville Planning Services) and The Town of Markham (Macaulay, Shiomi, Howson Consulting Group), identified trends of growing ethnically diverse populations along with a changing nature of religious worship. These changes directly affect the development of places of worship and the activities conducted by these groups.

With the diversification of faith groups and the development of *Places of Worship* for these groups, new planning challenges regarding the intensification of use and activities have developed regardless of religious and cultural differences.

Suggested Revisions to the Zoning By-Law 85-2002.

1. Definitions

The following draft definitions are proposed as a basis for discussion with citizens and interested parties only and will be reviewed in detail when the report returns to Council in the fall.

a) Place of Worship

Means a building, or part thereof, which is primarily, used for the practice of religion by a religious organization (as defined) for faith-based spiritual purposes, wherein people assemble for religious worship, faith-based teaching, fellowship and community social outreach.

b) Place of Worship – Accessory Uses

Means uses related to the primary religious use, but are considered subordinate and incidental to the practice of religious rites. Accessory uses include, but are not limited to, classrooms for religious, cultural or community uses, place of assembly areas, not exceeding the size of the worship area(s), a kitchen, *accessory food bank or soup kitchen*, administrative offices related to the *place of worship*, *day care*, and a residence for the faith group leader with up to 3 guest rooms.

c) Place of Worship – Auxiliary Uses

Means uses complementary but not related to the primary function of religious practice, that are planned to function together on sites that are of sufficient size and are compatible with the surrounding area. These uses include, but are not limited to, *cemeteries, schools, supportive housing and places of assembly* having occupancy greater than the area(s) of worship.

d) Place of Worship – Area of Worship

Means the area(s) within a *place of worship* in which a service, ceremony or other practice is performed in which reverence is offered to a divine being or divine beings.

e) Religious Organization

Means an association of persons:

- i. that is charitable according to the law of Ontario,
- ii. that is organized for the advancement of religion and for the conduct of religious worship, services or rites, and
- iii. that is permanently established both as to the continuity of its existence and as to its religious beliefs, rituals and practices, and includes an association of persons that is charitable according to the law of Ontario and that is organized for the advancement of and for the conduct of worship, services or rites of the Buddhist, Christian, Hindu, Islamic, Jewish, Baha'i, Longhouse Indian, Sikh, Unitarian or Zoroastrian faith, or a subdivision or denomination thereof;

f) Food Bank.

Means a building or part of a building where stocks of food, typically basic provisions and non-perishable items, are received and are subsequently handed out, free of charge to people in need.

g) Accessory Food Bank

Means a building or part of a building where stocks of food, typically basic provisions and non perishable items, are received and are subsequently handed out, free of charge to people in need. The area designated to the accessory use shall not exceed 24sqm (258sqft).

h) Soup Kitchen

Means a building or part of a building where free meals are served by a non-profit or charitable organization to those who are in need, homeless or destitute.

i) Accessory Soup Kitchen

Means a building or part of a building within, and operated by a *Place of Worship* where free meals are served by a non-profit or charitable organization to those who are in need, homeless or destitute. The floor area devoted to the consumption of the meals on the premises shall not exceed 65sqm (700sqft).

2. Permitted Zones and Uses

The Zoning By-law currently permits Places of Worship in the urban and suburban residential areas, downtown, commercial and industrial zones. Staff recommends that *Places of Worship* continue to be permitted in residential zones and commercial zones but should be excluded from Employment and Industrial zones. Given that places of worship are assembly points for people and as such are sensitive land uses, their location in employment and industrial areas would negatively impact the ability for industrial uses to locate and expand their operations. It is also recommended that the UR5 Zone (which currently allow high density residential uses including; apartments, group homes, nursing homes, retirement homes and women's shelters) be included as a zone where Places of Worship are permitted.

a) Place of Worship - Accessory Uses

Accessory uses should be permitted within the same building as a *Place of Worship* in all permitted zones.

b) Place of Worship - Auxiliary Uses

Auxiliary uses shall require a Zoning By-law Amendment subject to the zone in which the *Place of Worship* is located in order to examine the appropriateness of the use and its compatibility with the surrounding areas. Sensitive land uses and residential uses within employment and industrial zones will not be permitted.

c) Places of Worship in Multi-Use Buildings

Places of Worship in multi-use buildings such as commercial plaza's and commercial condominiums, or other similar configurations, may be permitted within their permitted zones, provided they occupy no greater than 40% of the total gross floor area of the building(s) for the place of worship use including all accessory and auxiliary uses.

3. Parking Regulations

At present, the Zoning By-law sets parking standards based on the number of seats in an auditorium or other place of assembly. As this does not reflect the range of possible activities, the parking standard should be assessed on a case by case basis having regard to the per person capacity of the building and the intended uses. In such

circumstances applicants will need to justify the level of parking proposed.

Conclusion:

The nature of worship and the needs of faith based groups are becoming more diverse and as a result there has been an increase in the number and type of new Places of Worship and a move to different – non purpose built locations. Our present land use policies do not adequately describe and address the changing nature of faith based groups and as such revisions are appropriate. With respect to ‘soup kitchens and food banks’ where Places of Worship currently operate such uses any subsequent amendment to the Zoning By-Law should not prevent them from continuing such use.

This report provides Council with some history into how the current land use and zoning rules emerged and provides suggestions on possible changes to the Zoning By-Law to accommodate changing practices. Should Council chose to proceed, the next step would be to undertake public engagement with citizens and interested parties to develop clear parameters and definitions within the Zoning By Law to establish what can and can’t be reasonably accommodated within *Places of Worship*. It is envisaged that a further report will be presented to Council at a Public Meeting in the Fall.

Consultation:

Staff has reviewed Place of Worship studies conducted by the Cities of Toronto and Brampton, The Towns of Markham and Oakville.

Financial Implications:

None.

Reviewed by:



Jane Cooper
Director Planning and Building

Approved by:



Margaret Misek-Evans
City Manager

This report was prepared by Max Williams and P. Jane Cooper.

Attachment: Schedule “A” - Sarnia Evangelical Fellowship (SEF) letter

SCHEDULE "A"
SARNIA EVANGELICAL FELLOWSHIP (SEF) LETTER

Sarnia Evangelical Fellowship (S. E. F.)
(A Fellowship of Pastors from the Following Churches)

Bethel Pentecostal	Sarnia Christian Fellowship	Bluewater Baptist
River City Vineyard	Huron Baptist	Lakeshore Community Church
Sarnia Evangelical Missionary	The Gathering Place	Redeemer Christian Reform
Salvation Army	Temple Baptist	New Horizons Community Church
Living Hope Christian Reform	Paterson Memorial	
Sovereign Grace Community		
Brigden Community Church		

Mayor Mike Bradley &
City Council of Sarnia
255 North Christina Street
Sarnia, Ontario N7T 7N2
519-332-0330
Fax: 519-332-3995



June 24, 2014

Dear Mayor Mike & City Council:

Re: The City's Zoning By-Law No. 85 of 2002
Part1 Sec 2 (definitions) pg. 8
"CHURCH (PLACE OF WORSHIP)"but shall not
include a soup kitchen or food bank, unless otherwise
permitted by this By-Law."

It came to our attention over the last number of months, much to our shock, that the definition of 'CHURCH' NOW is contained in this prohibitive phrase (noted above) concerning food banks and soup kitchens. Pastors that have been in this City for over 20 years were unaware of this change and their church's violation of a NEW By-Law.

Many, if not most, of the churches over the years have maintained small food storages to hand out to those in need. These churches also directed people to the other major resources in Sarnia, such as the *Salvation Army* and the *Inn of the Good Shepherd* (which started as a church outreach).

Similarly some churches, notably River City Vineyard, have had a soup kitchen for some time. Other churches engaged in such activities from time to time as the need arose. Indeed it is questionable under the terminology of soup kitchen whether the senior's meals that were held once a month in some of the mainline churches would also be prohibited.

It is not a desire of the churches of the *Sarnia Evangelical Fellowship* to amass large food banks (with the exception of the *Salvation Army*) or to open soup kitchens at this time. We believe we should have the right to operate small food banks and, in the wake of difficult or

severe economic conditions, to be able to open our places of worship to minister to those in need. We also want to be available in times of disasters or other catastrophes as having the ability to open our doors for comfort, consolation, and SUSTENANCE - FOOD. This is something we believe would be NEIGHBOURLY and not only a mandate of our faith but of human kindness.

With this in mind, coupled with our desire to be law abiding citizens, we would ask that you issue a "directive to staff from City Council to undertake a comprehensive review and recommendation, with general community input, regarding the removal of the contentious phrase noted above and repeated here ---

...but shall not
include a soup kitchen or food bank, unless otherwise
permitted by this By-Law."

Respectfully we await your reply,



Rev. R. Samuel Parker
On behalf of the S.E.F.

180 Stuart Street
Sarnia, Ontario
Canada
N7T 3B3
Cell 519-490-1085

RECEIVED

OCT 22 2015

735 O'DELL AVE
SARNIA, ON

CITY OF SARNIA
COUNCIL

ATTN: CITY MANAGER

I am not able to attend
the Monday Oct 26, 2015 Council
meeting regarding the
subject of churches being
restricted on Food banks
and soup kitchens

The by-law should be
reviewed and these two
subjects clarified

these food subjects can
be offered with a donation
request from the people
who attend.

The churches are for God's
people and legal concerns
are part of life to help others
Frick Monsour