

# LEHMAN & ASSOCIATES

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September 14, 2024  
Wendy Cooke  
City Clerk  
City of Barrie

## SENT ONLY BY EMAIL

Dear Ms. Cooke:

**Re: Catholic Archdiocese of Toronto Draft #3 Zoning Comments**

I am writing on behalf of the Catholic Archdiocese of Toronto to provide input to the Town's zoning by-law review. The Archdiocese is the owner of three properties in the City of Barrie, all active churches. These are:

Holy Spirit Parish, Barrie at 650 Essa Road

St. John Vianney Parish, Barrie at 13 Baldwin Lane

St. Mary's Parish, Barrie at 65 Amelia Street.

We have reviewed Draft #3 and have the following comments.

### **Definition and use permissions are confusing and inaccurate**

Many zoning by-laws retain a definition of a place of worship that is significantly out of date. Today most churches, mosques, temples and other places of worship support many activities beyond solely providing worship space. As a semi-public building in a residential neighborhood many places of worship have programs, courses, spaces for community groups and activities with community outreach and social purposes. For that reason most new by-laws are recognizing and enabling this role.

Place of Worship is defined by the current by-law as follows:

*shall mean a building commonly used by any religious organization for*

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*worship, and may include accessory uses such as a rectory, manse, parish hall and intermittent non- academic religious or instruction associated with the organized worship or intermittent non- academic community oriented instruction including but not limited to uses such as arts and crafts, music, martial arts or other community based programs. These uses must be ancillary and subordinate to the primary use of the place of worship. Places of worship shall not include a religious institution.*

The draft by-law proposes a significant change to the existing permissions by limiting uses in a place of worship:

*PLACE OF WORSHIP*

*Means a **building use** for the regular assembly of persons for the practice of religious worship, services, or rites.*

This definition is not broad enough to describe the existing uses of the three churches nor the potential range of functions of a church. We recognize that other uses are permitted in the CHN zone that could be associated with a place of worship, however we believe the definition should be corrected. Also note the word 'use' should read 'used'.

The Town of Markham recently enacted a new comprehensive zoning by-law with the following definition of a place of worship:

*Place of Worship means a building or part of a building used by a charitable religious group(s) for a sanctuary and may include accessory uses that include programs for community social benefit, which are subordinate and incidental to the practice of religious rites.*

The Town of Pickering uses the following definition:

*Place of Worship: means a facility the principal use of which is the practice of religion, but which may include accessory uses subordinate and incidental to the principal use such as classrooms for religious instruction, programs for community social benefit, assembly areas, kitchens, offices and a residence for the faith group leader.*

In a similar vein the City of Brampton is proposing the following definition:

*Place of Worship: shall mean premises primarily used for faith-based spiritual purposes wherein people assemble for religious*

*worship, and which may include faith-based instruction or teaching, fellowship, recreation and charitable community outreach activities. Accessory uses or facilities to a Place of Worship shall include, but not be limited to classrooms for religious instruction, nursery or daycare facilities, assembly areas related to faith-based activities, kitchens and eating areas, fellowship halls, recreation facilities and administrative offices related to the place of worship, and a residential unit in accordance with this By-law.*

Any of these definitions would be appropriate from our perspective. All include the concept of a use that provides community social benefits.

All three church properties are proposed to be zoned as Community Hub Neighborhood zone, CHN, which permits 'Institutional Uses' but only as accessory uses. All boundaries appear to be correct.

There is also a use permission for institutional uses which reads as follows:

#### *INSTITUTIONAL USES*

*Means the **use** of land, **buildings** or other **structures** for some public or social purpose but not for a **commercial use** or for **commercial** business purposes and may include governmental, religious, educational, charitable, philanthropic, **hospital** or other similar but non-business uses. May include a **public service facility**.*

The permitted uses for the CHN zone do not include a Place of Worship. There is a permission for an Institutional Use, however only as an Accessory Use. We would request that the permission for a Place of Worship be made clear by adding it to the list of permitted Primary Uses. We would also like confirmation that the other permitted uses in the CHN zone would allow a rectory and a day care centre associated with a Place of Worship.

#### **Place of Worship parking requirements have been increased without rationale**

The current by-law has a requirement for 1 space per 5 persons in the sanctuary. The current standard is reasonable and all three properties have been developed in compliance with the existing standards.

The new by-law's parking standard applies to "any Commercial Entertainment, Community Facilities Uses, Institutional Uses, Restaurants or Schools" and then relates the number of spaces required to the number of worshippers.

We wish to understand which of the two standards for institutional uses in Draft #3 would apply to a place of worship. The two standards are found on page 65 and page 66:

1 **parking space** for every 4 persons (spectators, patrons, visitors, members of the audience, worshippers, or students as the case may be).

And

1 Parking Space per 50 sq m of Gross Floor Area but in no case less than 2 Parking Spaces

Assuming that the first standard would apply, this would potentially increase the parking requirements for a Place of Worship by 20%, from one for five persons to one for four persons. We would request the technical basis for the change in the standard so we can understand the planning rationale.

Also it is not clear from the wording how the standard would be calculated in the case of a Place of Worship. Typically there is reference to the capacity of the worship area, such as in the current by-law.

It is our experience on many church properties over the past several decades that parking demand has declined, in many cases significantly. Other jurisdictions have reduced the parking standards for places of worship as a consequence.

The City of Brampton has recently published a draft of their new comprehensive zoning by-law and proposed that the parking for a place of worship will be based on the size of the net worship area (sanctuary) being 6.5 spaces per 100 square metres of the net worship area. This is a 65% reduction in parking requirements.

We would ask that the requirements for parking be clarified and not increased as this would create a legal non-confirming situation and significantly hinder any potential intensification of the church properties.

We also note that Table 19 has a minimum bicycle parking spaces "For all other Non-Residential Uses ". We would like to clarify if this will not apply retroactively to existing places of worship should additional uses or buildings be proposed on the church site.

### **Introduction of the concept of 'permitted buildings' and unsupported structural regulations**

We are unaware of any other zoning by-law in Ontario that specifically lists permitted building types in the manner found in Draft #3. We would appreciate any technical memo or report that explains the planning rationale of this form of permission, and the legal

basis. Our review of Section 34 of the Planning Act does not show any authority to prohibit the erection of any class or classes of buildings except in specific circumstances, none of which would apply to the CHN zone.

Some of the building standards applicable to the CHN zone include a maximum 60m building length, a minimum height of the first floor of 3.7m, a minimum building height of 2 storeys (6.4m) and a maximum of 4 storeys (14m). We do not understand the planning rationale for any of these standards.

Our review of the Official Plan and the Urban Design Guidelines finds no discussion of or policy basis for a minimum or maximum height on lands designated as Community Hub, for a maximum 60m building length or for a minimum height of the first floor. We do not think these standards are necessary but would request whatever technical information or planning rationale you may provide to assist our understanding.

### **Use permissions or building types?**

The draft by-law sets out both permitted uses and permitted buildings. In the CHN zone only a Flex Building and a Low-Rise Building are permitted. A Flex Building is defined as follows:

#### *FLEX BUILDING*

*Means a dynamic building, between one (1) and four (4) storeys, specifically designed for an industrial use, commercial use and institutional use. Buildings may be single-tenant or multi-tenanted, with units generally having individual entrances, and may have shared servicing and loading facilities. May include, but is not limited to: retail store, service store, commercial plazas, theatres, major retail, some forms of office and major office, industrial buildings and warehouses, public service facilities, places of worship, community centres, hospitals and schools. Includes restaurant with drive-thru facility.*

We would request a clarification or explanation as to what the term ‘dynamic’ is intended to mean.

Our churches have been specifically designed for an institutional use. Should this read “*specifically designed for an industrial use, commercial use **OR** institutional use*”.

What is the planning rationale for the requirement that the building has to have been designed for a specific use, can a building not be adapted and still be permitted?

This definition not only describes the form of the building, but also sets out the permitted uses. However, most of these uses are not permitted in the CHN zone. Which permission applies? We note the other permitted building forms do not list permitted uses.

**Low-Rise building use?**

A Low-Rise building is also permitted in the zone. It is defined as

*LOW-RISE BUILDING*

*Means a building that is between two (2) to five (5) storeys in height and includes a shared entrance to multiple units, with access to the units provided by interior corridors and hallways and may include a shared central staircase as well as an elevator.*

The Low-Rise Building definition seems to assume it is used for residential purposes. Is this the intent?

As a general note it is a best practice to provide the planning rationale for comprehensive by-law changes, much as Barrie's Official Plan requires an applicant to respond to the policy framework in policy 3.1.2 d) which states:

*"Require development applications to demonstrate how relevant attractive city objectives and urban design policies are being achieved through any requisite planning justification report and/or urban design brief."*

In this way the public and the development community can understand the rationale for the myriad of changes that are proposed and respond in context. We would request that, prior to any approval of the draft by-law, staff document "how relevant attractive city objectives and urban design policies are being achieved" by the new comprehensive zoning by-law so we might understand the planning rationale.

I am available to discuss these issues at your convenience.

A handwritten signature in black ink, appearing to be 'R. L.', with a stylized flourish above the letters.

Robert Lehman F.C.I.P.