

LEHMAN & ASSOCIATES

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Many zoning by-laws retain a definition of a place of worship that is significantly out of date.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



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. Lehman', with a stylized flourish above the letters.

Robert Lehman F.C.I.P.



September 26, 2024

By Email Only to:
cityclerks@barrie.ca

Ms. Wendy Cooke, City Clerk
Barrie City Hall
70 Collier Street, Barrie, ON L4M 4T5

**Attention: Mayor Alex Nuttall and
Members of Council**

Dear Mayor Nuttall and Members of Council:

**Re: Schlegel Villages Inc.
Comments on 3rd Draft of Barrie's New Comprehensive City-Wide Zoning By-law
City File: D30-016-2024
Jones Consulting File: Sch-21066**

I am writing to you on behalf Schlegel Villages who owns land that received a Minister's Zoning Order (MZO) on July 26, 2024. The lands are known municipally as 800 Yonge Street and otherwise illustrated on Map 328 in the attached approved MZO.

Schlegel Villages has submitted an application for site plan approval that would permit a four phase development consisting of a 6-storey Long-Term Care Facility containing 192 beds, a 12-storey Retirement Home containing 485 retirement suites and 120 senior's apartment dwellings, and two residential apartment buildings ranging in height from 18 to 26 storey's that will contain 360 units. Development of these lands will occur over four phases, starting with the Long-Term Care Facility for which a building permit application has already been submitted. The construction of the remaining phases will occur over an estimated 10-year period.

Our Client has reviewed the draft new Comprehensive City-Wide Zoning By-law and provides the following comments for your consideration:

1. The By-law contains many urban design 'form-based code' zoning provisions that would not permit the site to be developed as proposed. Examples of non-compliance include, but are not limited to, setbacks, angular planes, ground floor non-residential uses, balcony separation and size requirements, building length restrictions, glazing (window) requirements, and exterior yard parking limitations. Notwithstanding the permissions guaranteed in the MZO, it is noteworthy that the urban design restrictions contained in the proposed By-law would not permit the development of a landmark site that has been reviewed and approved by both City Council (as part of the CIHA Application) and the Minister of Municipal Affairs and Housing.
2. Section 1.10 of the By-law contains transition provisions; however, this section does not appropriately consider phasing and timing of development nor does it recognize instances where a Minister's Zoning Order has been issued, and the corresponding fact that the former By-law, as amended by the MZO, will continue to apply to the lands in perpetuity. We further note the following:
 - a) Subsection 1.10 b) provides a transition window of two (2) years for "an approved Site Plan application" where construction has not yet started. What this section does not appear to contemplate, or at least lacks clarity on, is a situation where

- phased construction has commenced on “an approved Site Plan application” but the issuance of building permits for all phases will take much longer than 2 years. The build time for each building is estimated to be 2+ years.
- b) Subsection 1.10 c) recognizes prior approved Special Provisions created as a result of a formal planning process to rezone; however, in this case, the MZO was not the result of a formal rezoning planning process; instead, the MZO was an Order issued by the Minister of Municipal Affairs and Housing.
 - c) In order to provide long-term clarity and efficiency going forward for City staff (i.e. Building, Development Services) and the Landowner, Schlegel Villages Inc. requests that a new subsection f) be added to Section 1.10 that would read as follows (refer to text in red):

1.10. Transition

- a) If owner/applicants have an approved Draft Plan of Subdivision but have not yet started construction when the new By-law comes into effect, a transition window of three (3) years will apply to the zoning review for new Building Permit applications, after which time the new By-law standards will apply to all new construction.
- b) If owner/applicants have an approved Site Plan application but have not yet started construction when the new By-law comes into effect, a transition window of two (2) years will apply to the zoning review for new Building Permit applications, after which time the new By-law standards will apply to all new construction.
- c) If owner/applicants have completed a formal planning process to rezone under Comprehensive Zoning By-law 2009-141 which granted a Special Provision (SP) that is carried over to the new By-law, the zoning review for new Building Permit applications will continue to apply the former By-law standards only as varied by the SP.
- d) For development that has been fully constructed without an SP, any non-conforming uses or built form standards are considered legal non-conforming. If Building Permits for new construction are submitted, the zoning review will be required to meet the standards of the By-law in effect at the time of Building Permit application.
- e) If owner/applicants have an approved Committee of Adjustment application but have not yet started construction when the new By-law comes into effect, a transition window of one (1) year will apply to the zoning review for new Building Permit applications, after which time the new By-law standards will apply to all new construction.
- f) For the portion of lands municipally known as 800 Yonge Street, which have been zoned by way of a Minister's Zoning Order #304-24 on July 26, 2024, By-law 2009-141, as amended by the Minister's Zoning Order, will continue to regulate the use of lands, buildings and structures and the provisions in this By-law will not apply.

As noted above, it is the view of our Client and its consultants that the law supports the position that the MZO, as approved, along with the existing performance standards, definitions and provisions incorporated into the MZO and set forth in By-law 2009-141 will continue to govern the subject lands in perpetuity. Notwithstanding this opinion, we believe the above-noted proposed amendment to the draft Comprehensive City-Wide Zoning By-law will provide for consistency and clarity going forward.

We kindly ask that you bring this letter to the attention of the Mayor and Members of Council prior to the public meeting scheduled for October 1, 2024. We appreciate the opportunity to provide comments on the draft By-law and we request notification of all future meeting dates where this matter will be discussed and any decisions rendered.

Sincerely,



Ray Duhamel, M.C.P., MCIP, RPP
Partner

- c. Liam Munnoch, Planner
Celeste Kitsemetry, Supervisor of Growth Management
Michelle Banfield, Executive Director of Development Services
[REDACTED] Schlegel Villages

September 27, 2024

Mayor Alex Nuttall and City Council,
c/o City Clerk's Office
City Hall, 70 Collier Street East.
PO Box 400
Barrie, Ontario
L4M 4T5

To Mayor Alex Nuttall and Members of Council,

Re: Proposed Zoning By-Law and Costly Urban Design Provisions

This letter is written on behalf of four architectural firms located in the City of Barrie, Salter Pilon Architecture Inc., McKnight Charron Limited Architects, ISM Architects Inc., and Ted Handy and Associates Inc. . Collectively we have a staff of over 70 and have been responsible for the majority of development in this City over the last 40+ years. Together we have designed over 6,800 units of housing and 3.3M sf of commercial space and 6.8M sf of Institutional space. While we call Barrie home, we work throughout the province and beyond and understand design and planning very well.

We have reviewed Draft #3 of the proposed new zoning by-law for the City of Barrie and are concerned that the urban design requirements will increase the cost of construction and make an already complex approval process more inflexible and time consuming.

We look forward to continuing to work with staff and Council in the continued growth and development of our City. With that goal we have several suggestions that we believe will make the by-law function in a manner conducive to good design and affordable construction.

A good architect designs a building within three key contexts – the site, the purpose and the ultimate users. Each of these elements is hugely varied and encompasses the complete range of human activity and this City's geography. Equally important is the need for our buildings to be built within a finite capital budget and in a manner such that that their operation remains financially feasible.

Balancing these elements within the City approval process currently involves meshing our client's interests with the City interests. This is done through the site plan approval process, a process that involves a negotiation and compromise available to both parties.

Draft #3 introduces elements of building design into zoning. Zoning by-laws in Ontario are the least flexible form of planning control. There is no compromise in zoning as a matter of law. While the Official Plan contains policies that set out general goals and the site plan process is a negotiation, zoning is a blunt tool that can only be varied by following a lengthy Planning Act process involving notification of neighbours, public hearings/meetings, a staff report, Committee recommendation and a Council decision. All of these take time and introduce uncertainty – both of which increase the cost of these projects which is in not in the public or private interest, least of all for those who may ultimately live in these buildings. This proposed by-law is not conducive to a developer's ability to work within the parameters that are conducive to building cost and budget efficiency, and will only serve to drive up costs and deter potential development.

Based on our collective experience we believe these standards are arbitrary, and while they may express one view of what is good design they are not appropriate in a zoning by-law. Below is the list of zoning regulations in Draft #3 which will increase costs and reduce flexibility in building design. None of these are in the current zoning by-law.

1. The location, height, spacing or number of entrances and the direction that pedestrian entrances face.
2. The size of a floor plate, the length of a building and/or the length of a podium.
3. How much of a building frontage is required to be certain type of use.
4. Exterior finishes.
5. The minimum or maximum height of a podium, tower storey setbacks and maximum floor plate size.

In summary we believe that these design regulations:

1. Are arbitrary and unsupported by any study or rationale that relates to the context in which they are proposed to be used.
2. Lack legislative support in the Planning Act. In other words, the enabling legislation for zoning does not contemplate regulation of this nature.
3. Will increase the cost of construction of both housing and commercial buildings.
4. Would make our urban fabric generic while taking away the ability of architects to design meaningful and contextual buildings to add to the overall urban fabric of our city.

For discussion purposes, the recommendation to Council could be:

1. Direct staff to progressively update the current by-law rather than preparing a form based code by-law.

2. Remove many of the urban design 'form based code' requirements and report on what has been removed.
3. Provide detailed rationale for each remaining urban design 'form based code' provisions that includes the following:
 - a. How the requirement implements the City OP objectives and Council strategic priorities.
 - b. Whether the requirement impacts on density / yield.
 - c. Whether the requirement impacts on construction cost.
 - d. Whether the requirement is authorized under Section 34
4. Prepare a detailed report explaining how many lots would become legal non-conforming/non-complying and the implications of same.

If you have any questions, feel free to contact us to discuss it further.

Yours truly,



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From: La Ivsins
Sent: Friday, September 27, 2024 3:09 PM
To: cityclerks <cityclerks@barrie.ca>
Cc: New Zoning Bylaw <newzoningbylaw@barrie.ca>
Subject: Zoning By-Law Draft

Good day.

Unfortunately I will be unable to attend Tuesday's Public Meeting with regards to the proposed Zoning By-Law Draft.

Therefore I would like to share my thoughts in terms of protecting Allandale Station Park. This last refuge on Barrie's shores should stand as a testament to what was, and that is a naturalized, passive space for residents and visitors alike to enjoy.

It is my understanding that it is currently zoned Open Space, and the Draft Proposal recommends it be changed to Greenspace.

Having lived in Barrie since 1981, I have witnessed lands designated EP or Greenspace be overturned for development.

Therefore I ask that Council and City Staff designate Allandale Station Park as a Nature Conservancy, or as an Area of Natural and Scientific Interest.

The area should never be developed and only be used for environmental conservation, have ecological management measures installed, include naturalized buffers, be used for educational and passive purposes only including signage, nature trails, benches and lookout points. Establishing a Tall Grass Prairie and an Oak Savanna supplemented with other native plant species would only enhance this area's natural habitat, including wildlife.

Respectfully,
Arnie Ivsins



September 30th, 2024

Michelle Banfield
Director of Planning
Development Services
City of Barrie

Re: City of Barrie Zoning Bylaw Update Draft #3

Dear Michelle,

We are writing today to express our deep concerns regarding the Zoning Bylaw Update – Draft 3 and the impact this update will have on the future of Hewitt’s Gate Development. Included in this letter is a complete breakdown of specific items that are either contradictory with another bylaw, impact current and future site plans and impede or significantly alter our model designs. The changes outlined by this bylaw will be costly in both time and money spent altering our plans to absorb these new laws.

We ask that you carefully review our points and consider how impactful this will be to the City of Barrie and the Hewitt’s Gate community. Our goal is building beautiful homes in well-designed communities. We are currently positioned to achieve this goal. However, the changes prescribed in this document will significantly alter our course, put undue financial hardship on our organization and ultimately, reduce our ability to build affordable, beautiful homes.

Concerns in their totality are as follows:

1.10 - Transition

a) If owner/applicants have an approved Draft Plan of Subdivision but have not yet started construction when the new bylaw comes into effect, a transition window of three (3) years will apply to all new construction.

ISSUE: Hewitt’s Gate Site plan 51M-1244 is an approved plan for which Bradley Homes will not build until a time beyond this 3-year transition window.

SOLUTION: Grandfather currently approved plans under current zoning bylaws.

b) If owner/applicants have an approved Site Plan application but have not yet started construction when the new Bylaw comes into effect, a transition window of two (2) years will apply to the zoning review for new Building Permit applications, after which time the new Bylaw standards will apply to all new construction.

ISSUE: Current plans for further development beyond 51M-1244 are already in progress. Construction is planned for 2030 and beyond. A 2-year transition time would render the already completed work useless and require a complete overhaul of the site plan. The cost implications of starting this process over would be 6-figures.

SOLUTION: Grandfather approved current plans under current zoning bylaws.

Below is a summary of the new bylaws and the impact they will have on Hewitt's Development.

New Bylaw	Impact
3.1.1 - Accessory Buildings and Structures in NL2 Zones	<ol style="list-style-type: none"> 1. Attached garage – 3m setback, should be 2m 2. A minimum garage building area of 22m is far too large for a single car. Minimum parking space is 2.7mx5.5m = 14.85 sq m. Typical townhouse garage is 18 sq. m
3.3.1 - Landscaped Area	<ol style="list-style-type: none"> 1. A 50% landscaped area cannot be achieved on any lot less than 5.3m and still meet the minimum parking space at 2.7m. The townhouse minimum is 4.5m. Further, a 50% landscaped minimum would mean a standard 10.4m lot with a double car garage would eliminate homeowners' ability to do hardscaping features such as walkways to their front doors. 2. A 50% landscaped area is in direct conflict with 4.5.1 which permits driveways to be a maximum of 60% lot width. 50% + 60% = 110% 3. 1m of landscaped area immediately adjacent a driveway will impede the ability to do hardscaping walkways to front door where the driveway is 0.6m on one side.
3.3.4 - Planting Buffers	<ol style="list-style-type: none"> 1. Plans already in progress to build a school in Hewitt's Gate have not accounted for a 3m planting buffer zone to surround the property. Would need entire re-design to accommodate this new bylaw 2. Imposing a 3m Planting Buffer on lots already approved by the City as part of 51M-1244 that backs onto highly desired EP land would render 23 out of 29 lots unbuildable. These lots are not scheduled for build in the next 2-3 years.
3.3.8 - Sight Triangles	<ol style="list-style-type: none"> 1. Sight triangles to be 3mx3m but this cannot be achieved on any lot less than 5.7m wide.
4.5 - Driveways	<ol style="list-style-type: none"> 1. 6m length minimum is in direct conflict with minimum attached garage setback at 5.5m in Section 3.1.1
4.6.4 - Electric Vehicle Ready Parking	<ol style="list-style-type: none"> 1. Mandates EVRP in all residential dwellings – hugely impactful in terms of cost to build and assumes all residents have/want an electric vehicle
5.6 - Permitted Buildings & Structures	<ol style="list-style-type: none"> 1. Eliminating front facing lots on collector roads would significantly reduce the number of lots already approved for build, reduce density and require a complete re-design the of the entire Hewitt's site. This would eliminate a total 119 lots from Bradley Homes current plans, excluding all future development currently in design.

<p>5.7 - Neighbourhood Low Specific Standards</p>	<ol style="list-style-type: none"> 1. 1.2m maximum front entry elevation significantly impacts grading and house design 2. All pedestrian entrances shall be provided facing the front lot line or exterior lot line in the case of a corner lot eliminating side entries to second suites rendering all duplex designs no longer viable 3. Garage Entry doors would be eliminated
<p>5.9 - Neighbourhood Low 2</p>	<ol style="list-style-type: none"> 1. It is inappropriate to have a non-fixed front yard setback requirement. 20% average should be fixed at 3m minimum. 2. Attached garage building area minimum at 22m is too large 3. Coach house setbacks at 3m side yard and rear yard make them impossible to build on anything less than 11m wide lots – must be 1.2 from rear and side.

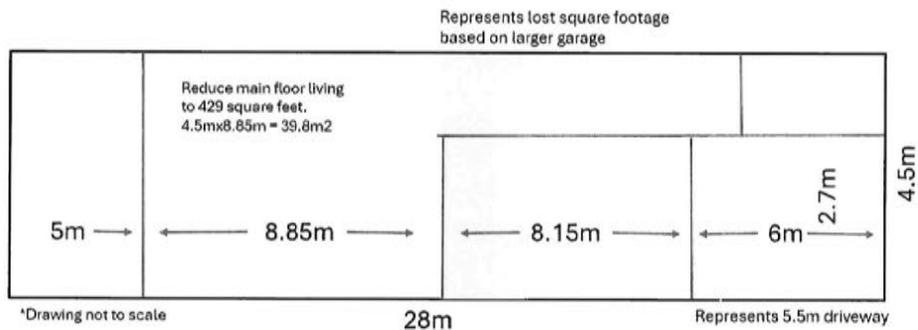
**3.1.1 - Accessory Buildings and Structures in Neighbourhood Low Zone – Table 4:
Additional Accessory Building and/or Structure Standards**

Attached Garage

Yard & Building Standards	Draft #3	Should be:
Exterior Side Yard Setback (minimum)	3m	2m
Building Area (minimum)	22 sq m	<p>The same as the minimum parking space as defined in 4.3 - <i>Minimum Parking Space Sizes</i></p> <p>If a rowhouse lot size can be a minimum of 4.5m with a 60% driveway, to achieve a 22 sq m garage building area the garage dimensions would have to be 2.7m x 8.15m.</p> <p>The current lot length is 28m. With setbacks in front (6m), back (5m) we are left with 8.85m significantly reducing our interior square footage, a costly redesign of our plans and a generally poor choice in terms of reducing livable interior space.</p>

Minimum Garage Building Area

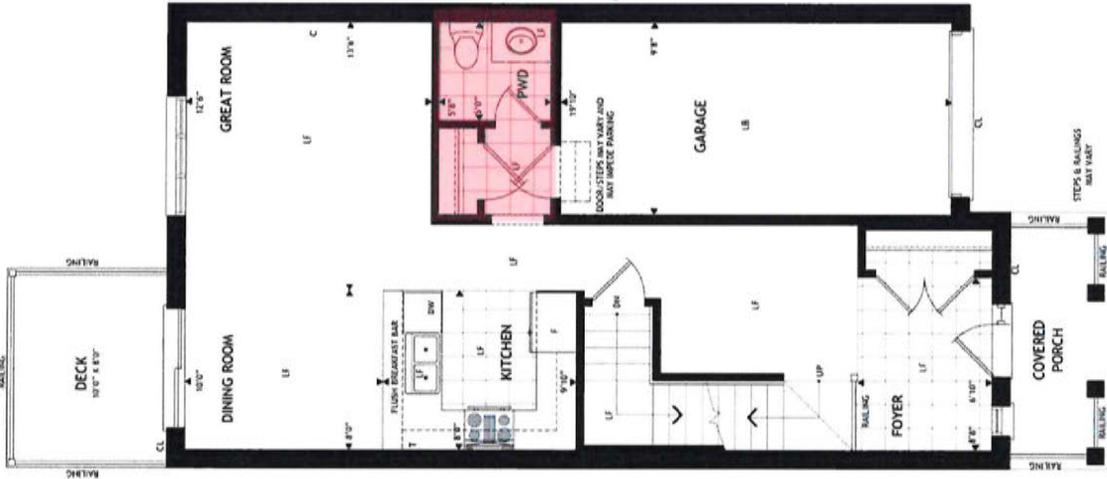
Impact on Townhouses



By extending the driveway and the building area required in the garage you are reducing the interior living space by 17%. This will have a major impact on design options especially for smaller square footage designs.

The impact is not limited to townhouse designs but also will be felt in smaller single-family dwellings, specifically on a 10.4-meter lot with single car garage designs. A typical single car garage averages around 18 square meters. An additional 4 square meters eliminates usable interior living space. Demonstrated in the floor plan below, is a 1700 square foot, single car garage design that would require the elimination of a main floor powder room, closet and garage entry to meet the

22sq meter minimum as prescribed in this bylaw. The marketability of such a design is impossible in a housing market currently driven by square footage and price.



3.3.1 - Landscaped Area

b) In the Neighbourhood Low Zones, a minimum of 50% of all landscaped areas in the front yard of a low shall be provided as soft landscaping, in the form of vegetation such as grass, flowers, trees and shrubbery

ISSUE: Any street townhouse with a frontage less than 5.3m (Bylaw permits 4.5m) would not have 50% landscaped front yard with a 2.7m driveway. Conflicts with Section 4.5.1 which permits driveway widths equal to 60% of lot frontage.

Additionally, single-family dwellings on 10.4m lots offering a double car garage would eliminate the ability for homeowners to include hardscaping such as aesthetic driveway edging or walkways leading to front doors.

Smaller lots are necessary for developments to maximize density in order to help municipalities achieve building quotas. This should not come at the expense of builders offering a variety of model options nor should homeowners be restricted in their ability to aesthetically enhance their properties based on arbitrary landscape rules.

d) Where a driveway is provided in the Neighbourhood Low zones, a minimum 1-metre-wide landscaped area is required, immediately adjacent to one side, which must be provided as 50% soft landscaping.

ISSUE: Driveway can be located 0.6m from property line meaning the 1m soft landscaping must be located on the other side – which is not possible when you have walkways or hard landscaping leading to the front door.

SOLUTION: Delete this entirely. The citizens of Barrie deserve the ability and freedom to make landscaping decisions for their own property.

3.3.4 - Planting Buffers

a) A contiguous planting buffer of a minimum width of 3m shall be provided:

i. Along lot lines of all zones adjacent to Neighbourhood Low zones. Planting buffers are not required between lots in Neighbourhood Low zones.

ISSUE: “All zones” is all-encompassing and certain exclusions need to apply.

SOLUTION: Needs to specifically exclude areas zoned Greenspace, Environmental Protection and Community Hub Neighbourhood

iii. Along abutting lot lines of all zones adjacent to Environmental Protection Zones.

ISSUE: Current lots in City approved plan 51M-1244 will be rendered unbuildable or significantly reduce the buildable area. These lots are part of already approved plans with no guarantees of being built within the proposed transition times.

SOLUTION: Exclude Neighborhood Low Zones altogether. The Conservation Authority oversees the developable limits with Environmentally Protected zones at Site Planning stage and should remain under their authority. Or grant zoning bylaw protection to already approved plans.

Below is a snapshot of the lots impacted by this bylaw. The red dots and lines indicate the lots that will be unbuildable should this bylaw be approved.



3.3.8 - Sight Triangles

a) All driveways shall provide sight triangles consisting of an unobstructed triangular area on either side of the driveway, as measured from the point of intersection of the lot line and each edge of the vehicular access on the lot, side of the sidewalk, or curb, whichever is closer to the lot and measuring 3 meters by 3 meters.

ISSUE: Any lot less than 5.7m wide cannot provide 3x3m

SOLUTION: The math needs to work, or it cannot be included.

4.5 - Driveways

A) A driveway must be a minimum of 2.7 meters wide, and 6 meters long, providing connection to any parking lot located in the rear, interior or exterior side yards, to a street.

ISSUE: In direct conflict with minimum garage setback as outlined in Table 4: Additional Accessory Building and/or Structure Standards in section 3.1.1.

An additional 0.5m driveway length will require a redesign of our models to meet setback requirements and will ultimately reduce livable square footage.

SOLUTION: Leave as 5.5m to match garage setback and current zoning bylaws.

4.6.4 - Electric Vehicle Ready Parking (EVRP)

a) Detached, Semi-Detached, and Coach Houses, including any configuration of the Rowhouse, and any Additional Residential Uses shall provide all required parking spaces as an EVRP

ISSUE: This would require that all Bradley Homes houses upgrade the electrical panel to a minimum of 200amp service and install the 240V plug to support a mandatory EVRP. The cost to upgrade this is \$2,000 which increases the base cost of the house even for purchasers who don't own or plan to own an Electric Vehicle.

SOLUTION: Remove entirely. This is a cost increase that not everyone needs or wants.

5.6 - Permitted Buildings and Structures

Table 23 Notes -

Note: Detached, Semi-Detached, and Rowhouse, On-Street and Back-to-Back buildings are only permitted when fronting onto Local Roads

ISSUE: This has significant density and cost implications for ground-oriented development. Every site designed in Hewitt's so far has had residential lots fronting collector roads.

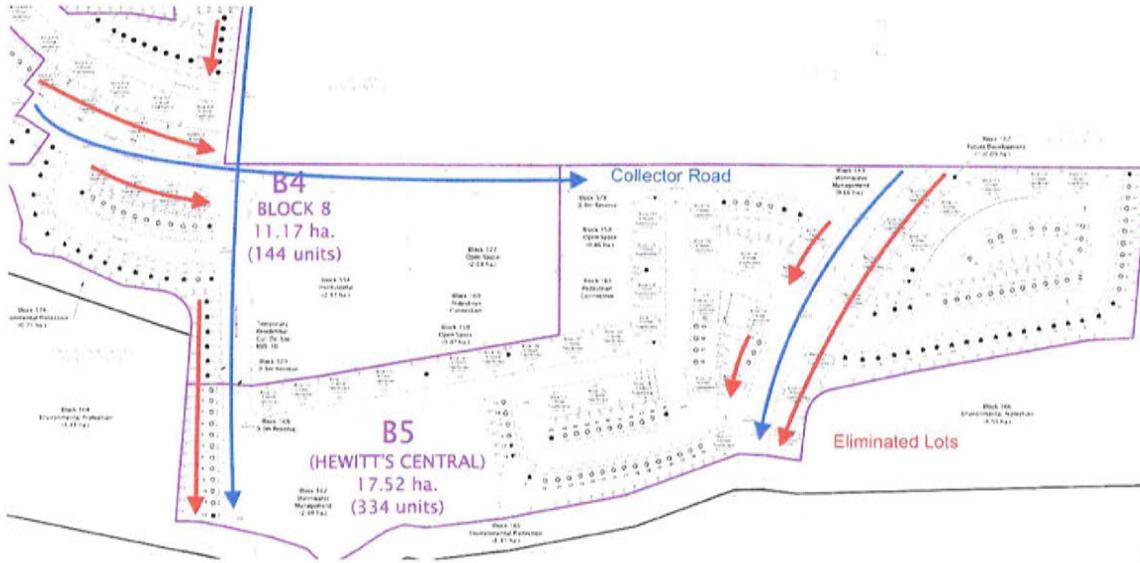
Collector Roads – Lally Terrace, McAush, Prince William Way, Terry Fox Drive

The map below shows lots that would not exist under this rule. The current subdivision design for future Hewitt's has lots fronting on all 4 collector roads listed above and eliminating the ability for front facing lots will significantly reduce density and require a complete overhaul of the subdivision design. All of which will incur major engineering and design costs.

SOLUTION: Major and Minor Collector Roads need to be used as front facing residential lots.



Future Development – Impact on Lots



5.7 - Neighbourhood Low Zone-Specific Standards

a) *The elevation of all primary residential entrances shall not exceed 1.2m from the finished grade of the front yard.*

ISSUE: Significant impact on site grading and house design.

SOLUTION: Remove entirely

c) *All pedestrian entrances shall be provided facing the front lot line or exterior lot line in the case of a corner lot.*

ISSUE: Side or rear access second suites are not permitted. Interior garage door access to additional dwelling units may not be permitted. This eliminates all our duplex design options and significantly reduces our ability to create second suite designs

Additionally, internal pedestrian access points are not permitted – this would include interior garage doors.

SOLUTION: Remove entirely

5.9 - Neighbourhood Low 2 (NL2)

Table 26: NL2 Lot, Yard and Amenity Standards

	Draft #3	Should be:
Front Yard Setback (minimum)	20% more or less than the Average Front Yard Setback between adjacent lots, otherwise, 3m.	3m minimum
Building Area (minimum)	22 sq m	The same as the minimum parking space as defined in 4.1 - Driveways

Front Yard Setback (Minimum) - 20% more or less than the Average Front Yard Setback between adjacent lots, otherwise, 3m.

ISSUE: Limits ability to maneuver a dwelling based on grading or optimize placement of a dwelling based on site conditions

SOLUTION: Remove 20% average.

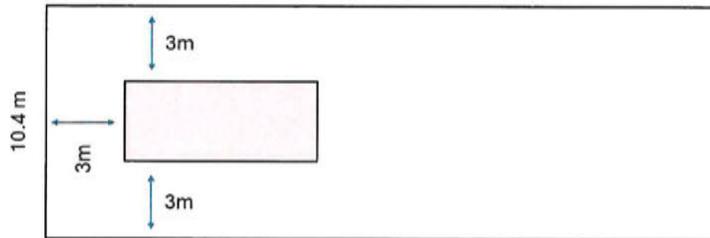
Table 26: NL2 Lot, Yard and Amenity Standards

Coach House	Draft #3	Should be:
Exterior Side Yard Setback (minimum)	3m	2m
Interior Side Yard Setback (minimum)	3m	1.2m
Rear Yard Setback (minimum)	3m	1.2m
Building Height (Maximum)	4.5	

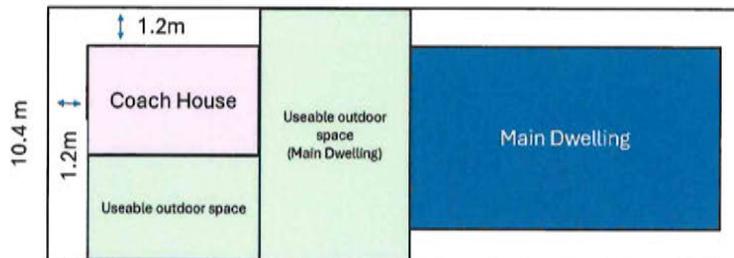
ISSUE: Current approved plans include lots specifically designed to include a Coach House. Picture below demonstrates the impact these setbacks will have on design and buildability on our already approved Site Plan.

The setbacks would eliminate most semi-detached and rowhouse lots given their minimum lot widths. Additionally, a standard 10.4m lot would allow for a maximum 4.4m wide coach house centered directly in the middle of the backyard. The design options with this restriction limit functionality and desirability of the dwelling. Further, this limits both dwelling units' access to a usable backyard area. By reducing the setback to 1.2m it allows for more design flexibility and more importantly, access to a usable outdoor space. See images below.

SOLUTION: Reduce setbacks to match Detached Garage rear and interior setback of 1.2m.



Drawing not to scale



Drawing not to scale

We are strongly advocating that the City review these bylaws and consider the impact they will have on development that is already approved or in progress to be approved. Contradictions within the bylaw stand to further confuse all parties including City staff. Additionally, the goal of the bylaws should support the overall goal of affordability. The provisions proposed in this bylaw blatantly achieve the opposite by restricting the buildable area within a development and impeding the design options on individual lots. We feel strongly that you revisit the provisions specifically listed in this document and consider the greater impact the proposed changes would have on future development. We have a vested interest in this document because we live in Barrie, we work in Barrie, and we love this City.

Sincerely,



Don Pratt
Pratt Development Inc./Crisdawn
Construction Inc. (Landowner)



Brad Pratt
Bradley Homes/Pratt Construction Inc.
(Builder/Developer)



September 27, 2024

By Email Only to:
cityclerks@barrie.ca

Ms. Wendy Cooke, City Clerk
Barrie City Hall
70 Collier Street, Barrie, ON L4M 4T5

**Attention: Mayor Alex Nuttall and
Members of Council**

Dear Mayor Nuttall and Members of Council:

Re: 970 Mapleview Inc.
Comments on 3rd Draft of Barrie's New Comprehensive City-Wide Zoning By-law
City File: D30-016-2024
Jones Consulting File: Law-12157

I am writing to you on behalf 970 Mapleview Inc. who owns land within the former Hewitt's Secondary Plan area. Our client has reviewed the draft new Comprehensive City-Wide Zoning By-law and offer the following background and comments for your consideration:

A. Background:

The lands were originally known as 932, 970, 1002 and 1006 Mapleview Drive East, but as a result of various approvals, hundreds of new addresses have been assigned to various lots and blocks. The lands have been subject to extensive approvals including:

- A1. Draft approved plan of subdivision containing 902 single detached, street townhouse and cluster and mixed use dwelling units. Draft plan approval was originally granted in 2019 and there have been 3 applications for extensions or redline revisions to this plan.
- A2. Two Zoning By-law Amendment applications were approved (By-laws 2018-015 and 2021-053) to implement the Hewitt's/Salem Zoning framework approved by Council in 2017.
- A3. Two phases of the draft plan of subdivision have received final approval and have been registered. This includes the registration of 680 single detached and townhouse lots as well as two mixed use blocks. Construction of hundreds of homes have occurred, while hundreds of lots are vacant and homes will be constructed on same in in the future.
- A4. Two site plan applications have received final and have been registered including:
 - a. 54 townhouse units and 940 square metres of commercial on lands known as 1000 Mapleview Drive east. Building construction on this site has not yet commenced.
 - b. 127 townhouse units on lands known as 1000 Mapleview Drive east. Building construction on this site has not yet commenced.

B. Draft By-law Comments:

Our client has reviewed the draft By-law in the context of the approvals noted in Section A above, and the changes in the By-law that would impact on the ability to complete the development of this subdivision as planned.

B1. Subdivision Transition: Section 1.10 a) of the proposed By-law contains a subdivision transition provision. Unfortunately, this provision lacks implementation clarity and is a concern for the reasons outlined below:

- a. 1.10 a) states that the only subdivision transition is for an “approved Draft Plan of Subdivision” that has “not yet started construction”.

In this case, the subdivision has started construction. Does this mean it is not transitioned? Furthermore, the site has proceeded beyond a draft plan of subdivision because two phases have received final approval and have been registered. Are vacant registered lots transitioned?

In cross-referenced **Section 1.9, non-conforming lots**, subsection f) appears to only recognize lots which “do not meet the minimum lot area of lot frontage requirements”. There is no provision in Section 1.9 that would appear to allow for the construction of detached, semi-detached or townhouse lots fronting onto a Collector Road.

- b. Numerous registered vacant lots in this subdivision are subject to a 118 provision. Are they transitioned or subject to the new By-law requirements? Again, non-conforming Section 1.9 does not appear to recognize this situation.
- c. The subdivision contains 2 registered medium density/mixed use blocks. Are they transitioned or subject to the new By-law requirements? They should be because the block sizes and configuration were designed based on a planned built form which the proposed By-law no longer permits.
- d. For large development parcels it is typical that redline revisions or draft plan approval extensions, or other implementing approvals are required prior to final approval and registration. The 3-year transition window simply does not provide for the time it takes to deliver large subdivision projects.

Request #1: In order to provide an appropriate transition for subdivisions, we recommend that Section 1.10a) be revised as shown in red below:

1.10 a) ~~Lots/blocks within If owner/applicants have an approved Draft Plan of Subdivision and/or registered plan without a building permit, will be transitioned from this By-law and remain subject to the provisions of By-law 2009-141. In accordance with Section 2.5.6 and 2.5.7 of the Official Plan, this transition continues in the event that subsequent implementing approvals are required such as, but not limited to, redline approvals of the subdivision, extensions of draft plan approval, applications for release of Part Lot Control approval, lifting Holding Provisions, or site plan control approval. but have not yet started construction when the new By-law comes into effect, a transition window of three (3) years will apply to the zoning review for new Building Permit applications, after which time the new By-law standards will apply to all new construction.~~

B2. Site Plan Transition: Section 1.10b) of the proposed By-law contains a site plan transition provision. Unfortunately, this provision lacks implementation clarity and is a concern for the reasons outlined below:

- a. 1.10b) states that the only site plan transition is for “an approved Site Plan application” that has “not yet started construction”.
 - i. This section does not define what “an approved Site Plan application” is. Does this include applications that have been approved subject to conditions or only applications that have received final approval and are registered?
 - ii. This section does not define “construction”. Does this include earthworks, the installation of servicing or only the construction of buildings?
 - iii. This section does not recognize that site plan approval extensions or amendments are required to deliver on large and complicated sites.
 - iv. This section does not recognize the time and financial commitment it takes to obtain a complete site plan application, including preparing dozens of detailed design plans and reports.
 - v. The two (2) year window does not provide an appropriate transition for site plan applications.

Request #2: In order to provide an appropriate transition for site plans, we recommend that Section 1.10b) be revised as shown in red below:

1.10 b) Lands subject to application for Site Plan Control approval that has been deemed complete by the City of Barrie, will be transitioned from this By-law and remain subject to the provisions of By-law 2009-141. This transition continues in the event that subsequent implementing approvals are required such as, but not limited to, condominium applications, site plan amendments, lifting Holding provisions or extension to approval timelines. ~~If owner/applicants have an approved Site Plan application but have not yet started construction when the new By-law comes into effect, a transition window of two (2) years will apply to the zoning review for new Building Permit applications, after which time the new By-law standards will apply to all new construction.~~

B3. Neighbourhood Low (NL2) Zone and other related provisions: If not appropriately transitioned, the proposed new By-law contains provisions that would impact on the implementation of this subdivision. Examples include the following:

- a. Table 23 prohibits detached, semi-detached, and street townhouses from fronting onto a Collector Road. Every subdivision in Hewitt's and Salem, including this subdivision, have lots fronting onto Collector Roads. The yield and construction cost impacts of this change are staggering.
- b. Section 4.6.1 governs parking structures and Table 11 requires an interior side yard setback of 3m, front yard setback of 6m and an exterior side yard of 4m, all of which conflict with the proposed NL2 standards.
- c. Section 5.7 establishes the maximum elevation for primary entrances and location of pedestrian entrances, which is a matter that should be subject to City Engineering Standards, not a Zoning provision. Site grading, stormwater management, servicing, and overall subdivision design are highly complex tasks that should not be governed by blunt tools like a zoning by-law. The cost and yield implications of this section is significant and we ask you to consider the following:

- i. The requirement for a residential entrance must be 1.2m from finished grade could result in untold amounts of additional fill to be brought into a site.
 - ii. The requirement that pedestrian entrances must be located facing the front or exterior side yard would eliminate second suite entrances in the interior side or rear which will reduce the ability to deliver additional dwelling units.
- d. Table 4 requires an attached garage to be a minimum of 22 square metres. This size is significantly larger than a standard parking space and larger than all townhouse and single car garages. This should be removed.
 - e. Table 4 states that the front yard setback to an attached garage is 5.5m, but this conflicts with Section 4.5 which requires 6m. Furthermore, Table 4 requires exterior side yard setback of 3m which conflicts with the 2m exterior side yard in the NL2 zone.
 - f. Table 26 requires the front yard setback to be an average of adjacent building setbacks (+/- 20%) or 3m of those lots are vacant. This is an unnecessary and inappropriate requirement in greenfield development locations.

B4. Mid-Rise (MR1 & MR2) Zone and other related provisions: If not appropriately transitioned, then the proposed new By-law contains urban design 'form-based code' zoning provisions that would prevent the construction of the approved Site Plan applications on this property. Examples include the following:

- a. The MR1 and MR2 zones only permit mid-rise buildings 5-8 storeys (MR1) or 5-12 storeys (MR2). The proposed development comprises 3-4 storeys in townhouse form.
- b. Section 3.2.5 provides a limited amount of cluster townhouses as a transition but the language in that section lacks clarity (i.e. where exactly does the yard adjacent to NL start/stop)? This Section could be substantially improved by simply permitting lower built forms on sites adjacent to Neighbourhood low zones.
- c. Tables 38 and 40 require 17 square metres of amenity area (12m² common & 5m² private). This is a 5 square metre increase over the current By-law and higher than any other By-law I am aware of in Ontario.
- d. Section 3.2.6 details the ratio for common amenity areas and rooftop areas and patio's do not count unless they are accessory to a recreational facility. Why a stand-alone rooftop patio for common usage doesn't count defines planning rationale.
- e. Some of the requirements for private amenity areas (i.e. 3m separation, projections, location) appear randomly derived and should be justified/explained. These requirements should be removed and allowed to be dealt with as part of the site plan approval process.
- f. Section 6.7 establishes the maximum elevation for primary entrances and location of pedestrian entrances, which is a matter that should be subject to City Engineering Standards, not a Zoning provision. Site grading, stormwater management, servicing, and overall subdivision design are highly complex tasks that should not be governed by blunt tools like a zoning by-law. The cost and yield implications of this section is significant and we ask you to consider the following:

- i. The requirement for a residential entrance must be 1.2m from finished grade could result in untold amounts of additional fill to be brought into a site.
- ii. The requirement that pedestrian entrances must be located facing the front or exterior side yard would eliminate many interior residential access points on a site plan and the restrictions may conflict with the building code.

Request #3: That staff review the examples provided in Section B3 and B4 and then closely review the entire By-law to remove unnecessary provisions that impact on housing supply and make sure that conflicting sections are corrected.

We kindly ask that you bring this letter to the attention of the Mayor and Members of Council prior to the public meeting scheduled for October 1, 2024. We appreciate the opportunity to provide comments on the draft By-law and we request notification of all future meeting dates where this matter will be discussed and any decisions rendered.

Sincerely,



Ray Duhamel, M.C.P., MCIP, RPP
Partner

- c. Liam Munnoch, Planner
Celeste Kitsemetry, Supervisor of Growth Management
Michelle Barfield, Executive Director of Development Services
[REDACTED] 970 Mapleview Inc.
[REDACTED]



September 29, 2024

Wendy Cook, City Clerk
City of Barrie
via email only

RE: Comments on new Zoning By-law proposed changes
Affordability Committee Meeting October 1, 2024 - Allandale Station Park – proposed zoning Green Space

and;

5.3.5 Landscape and Open Spaces

Attention Mayor Nuttall and members of Council;

Allandale Station Park

We respectfully request that the new zoning designation for Allandale Station Park be changed from Green Space to a designation that would not permit buildings, or any other uses, except environmental conservation, ecological management measures, naturalized buffers, natural restoration and accessory uses of environmental interpretation, nature trails, benches and lookout points.

This could be a Nature Conservancy designation in collaboration with The Ministry of the Environment and Nature Ontario to meet the national standard for Protected and Conserved Areas (also known as Other Effective Area-based Conservation Measures, or OECMs). It's critical that we protect this area with strong management policies and practices that contribute to biodiversity conservation in our City as we grow.

We did not find any clear definition or alignment of the City's EP Zoning or Natural Heritage designation that would specifically address our request in paragraph one.

5.3.5 Landscape and Open Spaces – City Wide Community and Design Guidelines

We would respectfully request that the City of Barrie makes it a requirement, not a suggestion that all new developments (residential or other) be required to plant native trees and plants to build a local eco-system that supports native eco-system restoration. As we understand all new subdivision builds are required to plant and support boulevard trees, we need to tell them what species of native trees to plant to ensure that a healthy eco-system is maintained as our City grows.

Thank you for your time and consideration.

Kelly Patterson McGrath, Co-Founder, k [REDACTED]
Ashley Hammell – Co-Founder, [REDACTED]
Pollinate Barrie – pollinatebarrie.ca

From: lauro palomba <[REDACTED]>
Sent: Saturday, September 28, 2024 10:35 AM
To: cityclerks <cityclerks@barrie.ca>
Subject: Re-Zoning of the south shore forest

Dear City Staff,

I would just like to add my voice to those asking that the south shore forest area be re-zoned from Open Space to Environmental Protection with Provisions.

Thank you.

Lauro Palomba

[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED] <Lgerry@[REDACTED]>
Sent: Saturday, September 28, 2024 8:48 PM
To: cityclerks <cityclerks@barrie.ca>
Subject: Allendale Station Park

Hello,

As a Barrie citizen who enjoys the waterfront of Barrie and considers it to be the highlight of Barrie, I would like to make some comments concerning the Allendale Station Park. I am strongly in favour of keeping the forest as a passive eco park to be used for educational purposes. The forest is presently zoned as Open Space and I would like to see that changed to Environmental Protection with Provisions so that the land can be protected from development. This is the last old growth forest on Kempenfelt Bay and it is very important to preserve it for environmental and cultural reasons.

Please consider my comments at the Affordability Committee meeting on Tuesday, October 1.

Yours truly,

[REDACTED]
[REDACTED]
[REDACTED]

-----Original Message-----

From: Tom Gerry <[REDACTED]>
Sent: Sunday, September 29, 2024 9:37 AM
To: cityclerks <cityclerks@barrie.ca>
Cc: claire.riepma@barrie.ca
Subject: Allandale Station Park

Please consider my comments at the Affordability Committee meeting on Tuesday, October 1.

I am in favour of keeping the forest as a passive eco park to be used for educational purposes, as Marshall Green's report suggested. The forest is presently zoned as Open Space and I would like to see that changed to Environmental Protection with Provisions so that the land can be protected from development.

Thank you.

Yours truly,

Thomas Gerry

[REDACTED]
[REDACTED]



September 30, 2024

By Email Only to:
cityclerks@barrie.ca

Ms. Wendy Cooke, City Clerk
Barrie City Hall
70 Collier Street, Barrie, ON L4M 4T5

**Attention: Mayor Alex Nuttall and
Members of Council**

Dear Mayor Nuttall and Members of Council:

**Re: BEMP Holdings 2 Inc. and Honeyfield BEMP2 Ltd.
Comments on 3rd Draft of Barrie's New Comprehensive City-Wide Zoning By-law
City File: D30-016-2024
Jones Consulting Files: Law-06129**

I am writing to you on behalf BEMP Holdings 2 Inc. and Honeyfield BEMP2 Ltd. who own lots and blocks within a registered plan of subdivision within the former Hewitt's Secondary Plan area. Our clients have reviewed the draft new Comprehensive City-Wide Zoning By-law and offer the following background and comments for your consideration:

A. Background:

The lands were originally known as 515 Mapleview Drive East, but as a result of various approvals, hundreds of new addresses have been assigned to various lots and blocks in this subdivision. The lands have been subject to extensive approvals including:

- A1. Draft approved plan of subdivision containing 354 single detached, semi-detached and street townhouse lots, and two mixed use blocks. Draft plan approval was originally granted in 2017 with 2 applications for extensions or redline revisions approved to this plan.
- A2. Two Zoning By-law Amendment applications were approved (By-laws 2017-136 and 2019-117) to implement the Hewitt's/Salem Zoning framework approved by Council in 2017.
- A3. The Zoning By-law Amendments specifically included two neighbourhood mixed use (NMU) zoned blocks that permit stand-alone or mixed use residential and commercial uses ranging in height from 3-12 storeys. Permitted ground oriented residential building types include all forms of townhouses (back-to-back, street, block, cluster, and stacked) as well as walkup and regular apartment buildings.
- A4. This subdivision has received final approval and the lots/blocks have been registered. Construction of hundreds of homes have occurred, while a few lots and the two NMU blocks remain vacant.
 - a. The NMU Blocks are known municipally as 495 and 505 Mapleview Drive East and further described as Blocks 149 and 150 on Registered Plan 51M-1235. Both blocks are owned by BEMP Holdings 2 Inc. and Honeyfield BEMP2 Ltd.
 - b. 495 Mapleview Drive East comprises 2.59 ha. and 505 Mapleview Drive East comprises 1.52 ha.

- c. Vacant lots 121 and 122 on Registered Plan 51M-1235 are owned by BEMP Holdings 2 Inc. and Honeyfield BEMP2 Ltd.
- d. Vacant lots 4 through 15 on Registered Plan 51M-1235 are owned by BEMP Holdings 2 Inc.

B. Draft By-law Comments:

Our client has reviewed the draft By-law in the context of the approvals noted in Section A above, and the changes in the By-law that would impact on the ability to complete the development of this subdivision as planned.

B1. Subdivision Transition: Section 1.10 a) of the proposed By-law contains a subdivision transition provision. Unfortunately, this provision lacks implementation clarity and is a concern for the reasons outlined below:

- a. 1.10 a) states that the only subdivision transition is for an “approved Draft Plan of Subdivision” that has “not yet started construction”.

In this case, the subdivision has started construction. Does this mean it is not transitioned? Furthermore, the site has proceeded beyond a draft plan of subdivision and has received final approved and registration. Are vacant registered lots transitioned?

- b. The subdivision contains 2 registered Neighbourhood Mixed Use (NMU) blocks. Are they transitioned or subject to the new By-law requirements?

Request: In order to provide an appropriate transition for subdivisions, we recommend that Section 1.10a) be revised as shown in red below:

1.10 a) ~~Lots/blocks within if owner/applicants have~~ an approved Draft Plan of Subdivision and/or registered plan without a building permit, will be transitioned from this By-law and remain subject to the provisions of By-law 2009-141. In accordance with Section 2.5.6 and 2.5.7 of the Official Plan, this transition continues in the event that subsequent implementing approvals are required such as, but not limited to, redline approvals of the subdivision, extensions of draft plan approval, applications for release of Part Lot Control approval, lifting Holding Provisions, or site plan control approval. ~~but have not yet started construction when the new By-law comes into effect, a transition window of three (3) years will apply to the zoning review for new Building Permit applications, after which time the new By-law standards will apply to all new construction.~~

B2. Neighbourhood Low (NL2) Zone and other related provisions: If not appropriately transitioned, the proposed new By-law contains provisions that would impact on the implementation of this subdivision. Examples include the following:

- a. Section 4.6.1 governs parking structures and Table 11 requires an interior side yard setback of 3m, front yard setback of 6m and an exterior side yard of 4m, all of which conflict with the proposed NL2 standards.
- b. Section 5.7 establishes the maximum elevation for primary entrances and location of pedestrian entrances, which is a matter that should be subject to City Engineering Standards, not a Zoning provision. Site grading, stormwater management, servicing, and overall subdivision design are highly complex tasks that should not be governed by blunt tools like a zoning by-law. The cost and yield implications of this section is significant and we ask you to consider the following:

- i. The requirement for a residential entrance must be 1.2m from finished grade could result in untold amounts of additional fill to be brought into a site.
 - ii. The requirement that pedestrian entrances must be located facing the front or exterior side yard would eliminate second suite entrances in the interior side or rear which will reduce the ability to deliver additional dwelling units.
- c. Table 4 requires an attached garage to be a minimum of 22 square metres. This size is significantly larger than a standard parking space and larger than all townhouse and single car garages. This should be removed.
 - d. Table 4 states that the front yard setback to an attached garage is 5.5m, but this conflicts with Section 4.5 which requires 6m. Furthermore, Table 4 requires exterior side yard setback of 3m which conflicts with the 2m exterior side yard in the NL2 zone.
 - e. Table 26 requires the front yard setback to be an average of adjacent building setbacks (+/- 20%) or 3m of those lots are vacant. This is an unnecessary and inappropriate requirement in greenfield development locations.

B3. Mid-Rise (MR1 & MR2) Zone and other related provisions: If not appropriately transitioned, then the proposed new By-law contains urban design 'form-based code' zoning provisions that would prevent the construction of the approved Site Plan applications on this property. Examples include the following:

- a. **Height:** The MR1 zone only permits mid-rise buildings 5-8 storeys in height(MR1); whereas, the current Neighbourhood Mixed Use (NMU) zone permits buildings 3-12 storeys in height. Notwithstanding the comments in B1 above, the Official Plan permits buildings less than 6 storeys if the minimum density of 125 units per hectare is achieved.
- b. **Permitted Building Types:** The MR1 zone does not permit ground oriented building types with the exception provided for in Section 3.2.5. This section provides for a limited amount of cluster townhouses as a transition but the language in that section lacks clarity (i.e. where exactly does the yard adjacent to NL start/stop)? This Section could be substantially improved by simply permitting lower built forms on sites adjacent to Neighbourhood low zones.

In this instance, the two NMU blocks abut single detached and street townhouse lots that are proposed to be zoned NL2 and NL3 in the new By-law.

- c. **General Standards:** Section 3 of the proposed By-law contains numerous provisions that will negatively impact on site design, reduce yield and increase construction costs. Example include:
 - i. Section 3.2.1 requires 25% of the ground floor GFA to consist of non-residential uses, additional setbacks for ground floor residential uses, and requires 50% of frontage on the street or common amenity area to be dedicated to non-residential uses excluding commercial parking or a parking structure.
 - ii. Tables 38 and 40 require 17 square metres of amenity area (12m2 common & 5m2 private). This is a 5 square metre increase over the

current By-law and higher than any other By-law I am aware of in Ontario.

- iii. Section 3.2.6 details the ratio for common amenity areas and rooftop areas and patio's do not count unless they are accessory to a recreational facility. Why a stand-alone rooftop patio for common usage doesn't count defines planning rationale.
- iv. Some of the requirements for private amenity areas (i.e. 3m separation, projections, location) appear randomly derived and should be justified/explained. These requirements should be removed and allowed to be dealt with as part of the site plan approval process.
- v. Section 3.2.7 establishes required separation distances to the face of buildings. This distances apply buildings of all heights, including ground oriented housing such as townhouses.

The facing distances should be removed and building placement/spacing should be determined through site plan control approval based urban design guidelines that provide flexibility based on site specific design constraints.

At a minimum, facing distances for ground oriented housing should be removed.

- vi. Section 3.2.8 establishes maximum floor plate and podium sizes. The Owner requests removal of these requirements to provide flexibility in the design of buildings and sites, which are subject to site plan control approval.
- vii. Section 3.2.11 establishes minimum wall-to-window ratio's which should be removed and left to the site plan control approval process.
- viii. Section 3.4.9 limits the size of outdoor patio's and requires parking to be provided for that patio. The Owner requests removal of this section.

Outdoor patio's activate the streetscape and help support neighbourhood connectivity (e.g. neighbourhood residents walking to and using the patio). If there are concerns about patio noise (which has nothing to do with GFA), then restrictions on outdoor music etc., can be included in the municipal operating license.

Furthermore, requiring parking for seasonal patio's will create more surface parking and discourage active transportation.

- d. **Additional Parking, Bicycle and Loading Standards:** Section 4 of the proposed By-law contains numerous parking provisions that the landowner is concerned with. Example include:

- i. Section 4.6.4 requires that all required residential parking spaces to energized outlets to support Level 2 charging of electric vehicles. This would include both surface and indoor parking garage parking stalls.

The request is to revise this section to require rough-ins only for all indoor parking spaces. This transfers the cost of actual outlet and charger installation to the end-user.

- ii. The Owner is concerned about the long-term bicycle requirements listed in Section 4.8.
 - iii. The Owner requests information explaining why the current 3m x 9m loading space dimensions are proposed to be increased to 3.5m x 10m.
- e. **Elevations for Residential Entrances:** Section 6.7 establishes the maximum elevation for primary entrances and location of pedestrian entrances, which is a matter that should be subject to City Engineering Standards, not a Zoning provision. Site grading, stormwater management, servicing, and overall subdivision design are highly complex tasks that should not be governed by blunt tools like a zoning by-law. The cost and yield implications of this section is significant and we ask you to consider the following:
- i. The requirement for a residential entrance must be 1.2m from finished grade could result in untold amounts of additional fill to be brought into a site.
 - ii. The requirement that pedestrian entrances must be located facing the front or exterior side yard would eliminate many interior residential access points on a site plan and the restrictions may conflict with the building code.

We kindly ask that you bring this letter to the attention of the Mayor and Members of Council prior to the public meeting scheduled for October 1, 2024. We appreciate the opportunity to provide comments on the draft By-law and we request notification of all future meeting dates where this matter will be discussed and any decisions rendered.

Sincerely,



Ray Duhamel, M.C.P., MCIP, RPP
Partner

- c. Liam Munnoch, Planner
Celeste Kitsemetry, Supervisor of Growth Management
Michelle Banfield, Executive Director of Development Services
[REDACTED] BEMP Holdings 2 Inc.
[REDACTED] Honeyfield BEMP2 Ltd.



September 30, 2024

By Email Only to:
cityclerks@barrie.ca

Ms. Wendy Cooke, City Clerk
Barrie City Hall
70 Collier Street, Barrie, ON L4M 4T5

**Attention: Mayor Alex Nuttall and
Members of Council**

Dear Mayor Nuttall and Members of Council:

**Re: Lockhart 960 Inc. (960 Lockhart Road)
TLP22 Inc. (1121 Big Bay Point Road)
Comments on 3rd Draft of Barrie's New Comprehensive City-Wide Zoning By-law
City File: D30-016-2024
Jones Consulting Files: Law-23043**

I am writing to you on behalf Lockhart 960 Inc. and TLP22 Inc. who own lands within the former Hewitt's Secondary Plan area. Our clients have reviewed the draft new Comprehensive City-Wide Zoning By-law and offer the following background and comments for your consideration:

A. Background & Overview:

The two parcels are known municipally as 960 Lockhart Road and 1121 Big Bay Point Road. Both properties contain a single detached dwelling and outbuildings.

- The developable area of 960 Lockhart, and all of 1121 Big Bay Point Road are designated Neighbourhood Area in the Barrie Official Plan.
- Policy 2.6.1.3e) permits development up to 12 storeys where the lands were comprehensively planned through a zoning by-law amendment or a secondary plan.
- The majority of 960 Lockhart Road was previously designated Neighbourhood Mixed Use Node according to the Hewitt's Creek Secondary Plan, which permit stand-alone residential and commercial or mixed use to a maximum height of 12 storeys.
- The proposed By-law zones the developable area of 960 Lockhart (2.67 ha.) and all of 1121 Big Bay Point Road (approximately 0.86 ha.) as Neighbourhood Low 2 (NL2).

B. Draft By-law Comments:

Our client has reviewed the draft By-law in the context of the approvals noted in Section A above, and the changes in the By-law that would impact on the ability to complete the development of this subdivision as planned.

B1. 960 Lockhart Road:

- a. **Zone Category:** The Owner requests that the developable area of 960 Lockhart Road be zoned Mid-Rise 2 (MR2) to reflect the prior Neighbourhood

Mixed Use designation that previously applied to the majority of the developable area on this property.

- b. **Height:** The MR2 zone only permits mid-rise buildings 5-12 storeys in height; whereas, the current Neighbourhood Mixed Use (NMU) zone permits buildings 3-12 storeys in height. The Official Plan permits buildings less than 6 storeys if the minimum density of 125 units per hectare is achieved. Accordingly, the Owner requests that the MR2 zone be amended to permit buildings 3-12 storeys in height.
- c. **Section 3, 4 and 6 By-law Standards:** The Owner is concerned about the many urban design based standards that are proposed in Sections 3 and 4 of the By-law. Examples include the requirement for active 'non-residential' frontage, angular planes, building step-backs and extra setbacks, new and significantly enlarged amenity area requirements, balcony standards, facing distances, floor plate and podium lengths, window to wall ratios, new landscape areas, parking garage restrictions, new bicycle parking standards, and limitations on pedestrian access/grading.

The Owner believes that these standards will reduce the yield on the property and increase construction costs. From a planning perspective, there has been no planning justification provided that would explain the need for these standards, nor how they achieve the City's strategic priorities.

B2. 1121 Big Bay Point Road: The Owner intends to develop this site for townhouses, low-rise or mid-rise buildings, and the proposed by-law standards will make it more difficult to develop the site than the standards of By-law 2009-141. Examples include:

- a. The urban design based standards referred to in B1.c
- b. Various NL2 standards including:
 - i. Parking structure requirements in Section 4.6.1 that conflict with the NL2 standards. This includes the requirement for interior side yard setback of 3m, front yard setback of 6m and an exterior side yard of 4m.
 - ii. The maximum elevation for primary entrances and location of pedestrian entrances listed in Section 5.7. Site grading and building access points should be subject to City Engineering Standards. Site grading, stormwater management, servicing, and overall subdivision/site plan design are highly complex tasks that should not be governed by blunt tools like a zoning by-law. The cost and yield implications of this section is significant and we ask you to consider the following:
 - iii. The requirement for a residential entrance must be 1.2m from finished grade could result in untold amounts of additional fill to be brought into a site.
 - iv. The requirement that pedestrian entrances must be located facing the front or exterior side yard would eliminate second suite or other entrances in the interior side or rear which will reduce the ability to deliver additional dwelling units and/or significantly restrict the functioning of low-rise buildings.
 - v. The requirement in Table 4 than an attached garage have a minimum area of 22 square metres. This size is significantly larger than

a standard parking space and larger than all townhouse and single car garages. This requirement should be removed.

- vi. Table 4 states that the front yard setback to an attached garage is 5.5m, which conflicts with Section 4.5 that requires 6m. Furthermore, Table 4 requires exterior side yard setback of 3m which conflicts with the 2m exterior side yard in the NL2 zone.
- vii. Table 26 requires the front yard setback to be an average of adjacent building setbacks (+/- 20%) or 3m of those lots are vacant. This is an unnecessary and inappropriate requirement in greenfield development locations with adjacent houses on adjacent lands that are expected to be redeveloped in the future.

We kindly ask that you bring this letter to the attention of the Mayor and Members of Council prior to the public meeting scheduled for October 1, 2024. We appreciate the opportunity to provide comments on the draft By-law and we request notification of all future meeting dates where this matter will be discussed and any decisions rendered.

Sincerely,



Ray Duhamel, M.C.P., MCIP, RPP
Partner

- c. Liam Munnoch, Planner
Celeste Kitsemetry, Supervisor of Growth Management
Michelle Banfield, Executive Director of Development Services
[REDACTED] BEMP Holdings 2 Inc.
[REDACTED] Honeyfield BEMP2 Ltd.



September 30, 2024

By Email Only to:
cityclerks@barrie.ca

Ms. Wendy Cooke, City Clerk
Barrie City Hall
70 Collier Street, Barrie, ON L4M 4T5

**Attention: Mayor Alex Nuttall and
Members of Council**

Dear Mayor Nuttall and Members of Council:

**Re: Barrie Lockhart Road GP Inc.
Comments on 3rd Draft of Barrie's New Comprehensive City-Wide Zoning By-law
City File: D30-016-2024
Jones Consulting Files: Sor-17045**

I am writing to you on behalf Lockhart Innisfil Investments Ltd. and Lockhart Innisfil Investments II Ltd. who own two properties subject to plan of subdivisions within the former Hewitt's Secondary Plan area. Our clients have reviewed the draft new Comprehensive City-Wide Zoning By-law and offer the following background and comments for your consideration:

A. Background:

The lands were originally known as 400 Lockhart Road East, but as a result of various approvals, hundreds of new addresses have been assigned to various lots and blocks in this subdivision. The lands have been subject to extensive approvals including:

- A1. Draft approved plan of subdivision containing 395 single detached, and street townhouse lots/blocks, and 1.55 ha. mixed use block. Draft plan approval was originally granted in 2019 and one extension application was also approved.
- A2. A Zoning By-law Amendment application was approved (By-laws 2019-051) to implement the Hewitt's/Salem Zoning framework approved by Council in 2017. The Zoning By-law Amendment specifically included a Neighbourhood Mixed Use (NMU) zoned block that currently permits stand-alone or mixed use residential and commercial uses ranging in height from 3-12 storeys. Permitted ground oriented residential building types include all forms of townhouses (back-to-back, street, block, cluster, and stacked) as well as walkup and regular apartment buildings.
- A3. This subdivision has received final approval and the lots/blocks have been registered. Approximately 181 lots were registered in Phase 1, and the balance was registered but subject to a 118 restriction. Construction of hundreds of homes have occurred, and at present, approximately 260 lots and the mixed use block remain vacant.
- A4. The new By-law proposes to zone the singles/towns as NL2 and the mixed use block as Mid-Rise 1 (MR1).

B. Draft By-law Comments:

Our client has reviewed the draft By-law in the context of the approvals noted in Section A above, and the changes in the By-law that would impact on the ability to complete the development of this subdivision as planned.

B1. Subdivision Transition: Section 1.10 a) of the proposed By-law contains a subdivision transition provision. Unfortunately, this provision lacks implementation clarity and is a concern for the reasons outlined below:

- a. 1.10 a) states that the only subdivision transition is for an “approved Draft Plan of Subdivision” that has “not yet started construction”.

In this case, the subdivision has started construction. Does this mean it is not transitioned? Furthermore, the site has proceeded beyond a draft plan of subdivision and has received final approved and registration. Are vacant registered lots transitioned?

- b. The subdivision contains a registered Neighbourhood Mixed Use (NLU) block. Are they transitioned or subject to the new By-law requirements?
- c. The lots/blocks were designed, approved and registered based on the current zoning framework, and house designs were developed and marketed under that zoning framework. The proposed changes to that zoning framework, as proposed in the new By-law, will negatively impact on sales and house construction, unless these lots/blocks are transitioned from the requirements of the new By-law.

Request #1: In order to provide an appropriate transition for subdivisions, we recommend that Section 1.10a) be revised as shown in red below:

1.10 a) ~~Lots/blocks within if owner/applicants have an approved Draft Plan of Subdivision and/or registered plan without a building permit, will be transitioned from this By-law and remain subject to the provisions of By-law 2009-141. In accordance with Section 2.5.6 and 2.5.7 of the Official Plan, this transition continues in the event that subsequent implementing approvals are required such as, but not limited to, redline approvals of the subdivision, extensions of draft plan approval, applications for release of Part Lot Control approval, lifting Holding Provisions, or site plan control approval. but have not yet started construction when the new By-law comes into effect, a transition window of three (3) years will apply to the zoning review for new Building Permit applications, after which time the new By-law standards will apply to all new construction.~~

B2. Neighbourhood Low (NL2) Zone and other related provisions: If not appropriately transitioned, the proposed new By-law contains provisions that would impact on the implementation of this subdivision. Examples include the following:

- a. Section 4.6.1 governs parking structures and Table 11 requires an interior side yard setback of 3m, front yard setback of 6m and an exterior side yard of 4m, all of which conflict with the proposed NL2 standards.
- b. Section 5.7 establishes the maximum elevation for primary entrances and location of pedestrian entrances, which is a matter that should be subject to City Engineering Standards, not a Zoning provision. Site grading, stormwater management, servicing, and overall subdivision design are highly complex tasks that should not be governed by blunt tools like a zoning by-law. The cost and yield implications of this section is significant and we ask you to consider the following:

- i. The requirement for a residential entrance must be 1.2m from finished grade could result in untold amounts of additional fill to be brought into a site.
 - ii. The requirement that pedestrian entrances must be located facing the front or exterior side yard would eliminate second suite entrances in the interior side or rear which will reduce the ability to deliver additional dwelling units.
- c. Table 4 requires an attached garage to be a minimum of 22 square metres. This size is significantly larger than a standard parking space and larger than all townhouse and single car garages. This should be removed.
 - d. Table 4 states that the front yard setback to an attached garage is 5.5m, but this conflicts with Section 4.5 which requires 6m. Furthermore, Table 4 requires exterior side yard setback of 3m which conflicts with the 2m exterior side yard in the NL2 zone.
 - e. Table 26 requires the front yard setback to be an average of adjacent building setbacks (+/- 20%) or 3m of those lots are vacant. This is an unnecessary and inappropriate requirement in greenfield development locations.

B3. Mid-Rise (MR1) Zone and other related provisions: If not appropriately transitioned, then the proposed new By-law contains urban design 'form-based code' zoning provisions that would prevent the construction of the approved Site Plan applications on this property. Examples include the following:

- a. **Height:** The MR1 zone only permits mid-rise buildings 5-8 storeys in height(MR1); whereas, the current Neighbourhood Mixed Use (NMU) zone permits buildings 3-12 storeys in height. Notwithstanding the comments in B1 above, the Official Plan permits buildings less than 6 storeys if the minimum density of 125 units per hectare is achieved. Accordingly, the Owners request that buildings 3-12 storeys in height be permitted in accordance with the current Neighbourhood Mixed Use (NMU) zone provisions.
- b. **Permitted Building Types:** The MR1 zone does not permit ground oriented building types with the exception provided for in Section 3.2.5. This section provides for a limited amount of cluster townhouses as a transition but the language in that section lacks clarity. For example:
 - i. Where exactly does the yard adjacent to NL start/stop?
 - ii. Does this section apply if NL2 lands are zoned on the other side of the street? According to the proposed definition of adjacent, it includes all property that would have bordered a property if there were not separated by a street (among other items). In this instance, the NMU block is located across the street from single detached and townhouse lots zoned NL2 and NL3 in the new By-law.

Request #2: In a broader application, this Section could be substantially improved by simply permitting lower built forms on sites adjacent to Neighbourhood low zones. However, in this site specific situation, where the Owners obtained approval of a rezoning specifically to implement the Hewitt's/Salem zoning framework that Council approved in 2017, then the Owners request is to permit all uses in the current Neighbourhood Mixed Use (NMU) zone. Be that via revisions to the transition policy noted in B1 above, or through a special provision specific to this block.

c. **General Standards:** Section 3 of the proposed By-law contains numerous provisions that will negatively impact on site design, reduce yield and increase construction costs. Example include:

- i. Section 3.2.1 requires 25% of the ground floor GFA to consist of non-residential uses, additional setbacks for ground floor residential uses, and requires 50% of frontage on the street or common amenity area to be dedicated to non-residential uses excluding commercial parking or a parking structure.
- ii. Tables 38 and 40 require 17 square metres of amenity area (12m² common & 5m² private). This is a 5 square metre increase over the current By-law and higher than any other By-law I am aware of in Ontario.
- iii. Section 3.2.6 details the ratio for common amenity areas and rooftop areas and patio's do not count unless they are accessory to a recreational facility. Why a stand-alone rooftop patio for common usage doesn't count defines planning rationale.
- iv. Some of the requirements for private amenity areas (i.e. 3m separation, projections, location) appear randomly derived and should be justified/explained. These requirements should be removed and allowed to be dealt with as part of the site plan approval process.
- v. Section 3.2.7 establishes required separation distances to the face of buildings. This distances apply buildings of all heights, including ground oriented housing such as townhouses.

The facing distances should be removed and building placement/spacing should be determined through site plan control approval based urban design guidelines that provide flexibility based on site specific design constraints.

At a minimum, facing distances for ground oriented housing should be removed.

- vi. Section 3.2.8 establishes maximum floor plate and podium sizes. The Owner requests removal of these requirements to provide flexibility in the design of buildings and sites, which are subject to site plan control approval.
- vii. Section 3.2.11 establishes minimum wall-to-window ratio's which should be removed and left to the site plan control approval process.
- viii. Section 3.4.9 limits the size of outdoor patio's and requires parking to be provided for that patio. The Owner requests removal of this section.

Outdoor patio's activate the streetscape and help support neighbourhood connectivity (e.g. neighbourhood residents walking to and using the patio). If there are concerns about patio noise (which has nothing to do with GFA), then restrictions on outdoor music etc., can be included in the municipal operating license.

Furthermore, requiring parking for seasonal patio's will create more surface parking and discourage active transportation.

- d. **Additional Parking, Bicycle and Loading Standards:** Section 4 of the proposed By-law contains numerous parking provisions that the landowner is concerned with. Example include:
- i. Section 4.6.4 requires that all required residential parking spaces to energized outlets to support Level 2 charging of electric vehicles. This would include both surface and indoor parking garage parking stalls.

The request is to revise this section to require rough-ins only for all indoor parking spaces. This transfers the cost of actual outlet and charger installation to the end-user.
 - ii. The Owner is concerned about the long-term bicycle requirements listed in Section 4.8.
 - iii. The Owner requests information explaining why the current 3m x 9m loading space dimensions are proposed to be increased to 3.5m x 10m.
- e. **Elevations for Residential Entrances:** Section 6.7 establishes the maximum elevation for primary entrances and location of pedestrian entrances, which is a matter that should be subject to City Engineering Standards, not a Zoning provision. Site grading, stormwater management, servicing, and overall subdivision design are highly complex tasks that should not be governed by blunt tools like a zoning by-law. The cost and yield implications of this section is significant and we ask you to consider the following:
- i. The requirement for a residential entrance must be 1.2m from finished grade could result in untold amounts of additional fill to be brought into a site.
 - ii. The requirement that pedestrian entrances must be located facing the front or exterior side yard would eliminate many interior residential access points on a site plan and the restrictions may conflict with the building code.

We kindly ask that you bring this letter to the attention of the Mayor and Members of Council prior to the public meeting scheduled for October 1, 2024. We appreciate the opportunity to provide comments on the draft By-law and we request notification of all future meeting dates where this matter will be discussed and any decisions rendered.

Sincerely,



Ray Duhamel, M.C.P., MCIP, RPP
Partner

- c. Liam Munnoch, Planner
Celeste Kitsemetry, Supervisor of Growth Management
Michelle Banfield, Executive Director of Development Services
Barrie Lockhart Road GP Inc.

From: T & S Fendley <

Sent: Monday, September 30, 2024 8:09 PM

To: Office of the Mayor <OfficeoftheMayor@barrie.ca>; Craig Nixon <Craig.Nixon@barrie.ca>; Clare Riepma <Clare.Riepma@barrie.ca>; Ann-Marie Kungl <Ann-Marie.Kungl@barrie.ca>; Amy Courser <Amy.Courser@barrie.ca>; Robert Thomson <Robert.Thomson@barrie.ca>; Nigussie Nigussie <Nigussie.Nigussie@barrie.ca>; Gary Harvey <Gary.Harvey@barrie.ca>; Jim Harris <Jim.Harris@barrie.ca>; Sergio Morales <Sergio.Morales@barrie.ca>; Bryn Hamilton <Bryn.Hamilton@barrie.ca>; Celeste Kitsemetry <Celeste.Kitsemetry@barrie.ca>; Jennifer Roberts <Jennifer.Roberts@barrie.ca>; New Zoning Bylaw <newzoningbylaw@barrie.ca>; munnoch@barrie.ca; cityclerks <cityclerks@barrie.ca>

Subject: New Zoning by-law

New Zoning Bylaw

Mayor Nuttall, City of Barrie Councillors'

Attention: City Clerk

As a local resident, of a caring concerned neighbourhood, we are fortunate to have a well informed neighbour who informed us of this issue. I wonder how many residents of Barrie are aware of the impact of this proposed change ?

I am concerned and unable to rationalize the impact on my neighbourhood if it is zoned NL 3, which could allow for multiple unit, four story unit without process and community input. In addition, our current home would become non-conforming.

We live at [REDACTED] which is bordered by [REDACTED] [REDACTED] Our neighbourhood consists of established detached homes, semi-detached homes and townhomes. The homes to the east of [REDACTED] are zoned NL1. This is the north side of [REDACTED]. I believe our entire neighbourhood should be zones NL1, to be consistent with our extended neighbourhood. This area is essentially family homes.

Any future development of residential housing should proceed with due process for each individual housing change.

We should all be in the same zone within the by-law, and all homes on the north side of [REDACTED] should be deemed conforming.

Sincerely,

Tom & Shawn Fendley

Sent from my iPad

October 1, 2024

City Clerk
City Hall
70 Collier Street, PO Box 400
Barrie, ON
L4M 4T5

VIA EMAIL
cityclerks@barrie.ca

**NOTICE OF OPEN HOUSE AND PUBLIC MEETING
NEW COMPREHENSIVE CITY-WIDE ZONING BY-LAW
DRAFT 3
CITY OF BARRIE**

Thank you for circulating the Simcoe County District School Board (SCDSB) regarding the third draft of the City of Barrie's Zoning By-law. The board has been involved with the review of the new Zoning By-law since the draft 1 release in early 2023, including meeting with City staff to discuss board interests within the Zoning By-law.

Simcoe County District School Board planning staff are continuing to review the draft 3 Zoning By-law and are working with City staff to ensure that the new Zoning By-law supports the board in providing adequate public service facilities, specifically existing and new schools, within the City of Barrie. We appreciate your patience as we complete our review and look forward to providing additional comments regarding the draft 3 Zoning By-law shortly.

Should you require additional information, please do not hesitate to contact this office.

Sincerely,



Kristen Bartmann, MPLAN
Planner, Planning & Enrolment

cc: City of Barrie
Michelle Banfield, Executive Director of Development Services
Celeste Kitsemety, Supervisor of Growth Management
Liam Munnoch, Planner

Simcoe County District School Board
Andrew Keuken, Senior Manager of Planning, Enrolment, and Community Use
Sandy Clee, Assistant Manager of Accommodation Planning
Katie Kirton, Assistant Manager of Property and Planning

From: Damon and Kim Shareski <[REDACTED]>
Sent: Tuesday, October 1, 2024 10:12 AM
To: cityclerks <cityclerks@barrie.ca>; New Zoning Bylaw <newzoningbylaw@barrie.ca>; Celeste Kitsemetry <Celeste.Kitsemetry@barrie.ca>
Subject: Rezoning of 30 Kempenfelt Drive

To Whom it May Concern,

I am writing to protest the possible rezoning of the area in which my freehold row townhouse at [REDACTED] is located.

I am also requesting to speak at the meeting at 6:00 pm on Tuesday October 1st, 2024.

The NL3 zone does not permit detached homes or row townhomes.

The consequences are that any detached homes on [REDACTED] will be non-conforming as they are not permitted uses in the NL3 zone. Also the existing townhomes are not permitted either as only 'cluster townhomes' are allowed. Being non-conforming can create issues with banks as mortgages are usually dependent on conformity with the zoning by-law.

There may be negative tax and insurance implications to such a major change of property zoning from Residential to NL3.

I understand that an amendment can be added to ensure that existing properties such as my townhome remain as conforming to negate any difficulties with resale, securing mortgage financing, or with the prospect of rebuilding should the property be destroyed or damaged by any cause.

I am deeply concerned with the implementation of a process that changes a property's status without consent of those directly involved. This essentially changes and removes existing property rights of legal tax paying citizens unilaterally. I am also deeply concerned with the removal of "democracy" from the steps and process that used to be in place to bring forward changes such as this, to unilateral decision making with no consultation at all.

Can you please respond to this email and explain exactly how my property will be affected in terms of conforming to the bylaw, tax implications, and resale or rebuilding of the property should it be fully or partially destroyed. Will my property be "grandfathered" so that the bylaw will only affect someone wishing to tear down and rebuild a different building? Also, why is my row townhome suddenly nonconforming, as only cluster townhomes will be allowed. Can you also provide a list of properties on [REDACTED] the surrounding area that will become nonconforming as a direct result of this bylaw being passed. I understand there is an appeal process should this bylaw be passed and I am writing this to maintain my right of appeal and to get clarification on exactly what this means for my property moving forward.

Thank you for your kind attention,

Damon Shareski

LEHMAN

& ASSOCIATES

October 1, 2024
Wendy Cooke
City Clerk
City of Barrie

SENT ONLY BY EMAIL

Dear Ms. Cooke:

Re: Draft #3 Zoning Comments

I am writing to provide input to the City's zoning by-law review. My wife and I live at [REDACTED]
[REDACTED] My comments are as follows:

Introduction of as-of-right permissions for four storey apartment buildings in any residential area of the City

The draft by-law would permit a four storey apartment building on any property zoned NL1, NL2 or NL3 in the City. There are approximately 40,000 such properties in Barrie, basically all of our residential neighborhoods. I would support the development of any form of housing if the location was appropriate. However, I don't believe that every residential area of the City is the right place for the construction of a four storey apartment building.

The City' current planning policies require that impacts such as access, shadow, overlook and heritage impacts be addressed, which cannot be done if an approval is granted in advance of a specific application. In addition, the Official Plan directs that all development must appropriately respect:

“the scale, height, massing, lot pattern, building type, orientation, character, form, and planned function of the immediate local area”

I do not believe that a four storey building could be permitted as-of-right in any location and at the same time have potential impacts considered and character/form addressed. I

[REDACTED]

would ask that development of this scale continue to be subject to the rezoning process so that the official plan and impact criteria can be applied.

Of greater concern is that if Draft 3 is approved the public will be shut out of the planning process. There are approximately 40,000 ground-oriented dwellings in the NL1, NL2 and NL3 zones. Under the proposed by-law the residents of these homes would have no right to notice of a new four storey building and no formal opportunity to speak to Council. And of course, Council would have no authority to approve or deny such a building, having granted the permission in the comprehensive by-law.

In summary the proposal for as-of-right four storey apartments in the NL zones does not conform to the Official Plan and removes resident involvement in planning their own community. It is disrespectful to those of us who care about our community and want to be involved in its growth and development.

Intensification in our neighborhoods should continue in locations that are good for both future and existing residents. This should be done through a collaborative planning process involving the neighborhood and Council, not as an arbitrary and blanket permission affecting 40,000 households.

I note that the explanation by staff for this permission in part is the intent to remove 'exclusionary zoning' from the City. I believe that Council has already accomplished this objective by permitting four dwellings on any residential property. The NL zones also permit a variety of dwelling types and would in no way be exclusionary.

The creation of an unknown number of non-conforming uses and buildings.

The proposed by-law has significantly changed the use permissions and building standards for many property owners in Barrie. One example is the NL3 zone which no longer permits detached dwellings. The north side of Blake Street east of the Downtown is zoned NL3 and consists of a row of large detached dwellings, which would not be permitted by the proposed by-law. In addition, non-conformity can create issues when a property is transacted or mortgaged. There is an easy fix by including in the by-law a statement that any property legally constructed would continue to be a permitted use on that site.

Best practices in other municipalities often involve the transparent identification of all properties where non-conformity has been created such that owners are aware of the circumstance.

The need for a comprehensive planning rationale for the many changes to zoning standards and permissions

It is common practice in Ontario for municipalities to prepare a detailed and

comprehensive report on the options available to address issues in a zoning by-law review. Such a report identifies the issues and then canvasses best practices to provide a planning rationale for all proposed changes.

There are many changes proposed in Draft #3 that are without rationale or explanation. I would ask that some form of report be prepared that provides the background, context and explanation for the proposed changes. As an example, the introduction of permitted building forms is without precedent in Ontario, and to the best of my knowledge not supported by the Planning Act. Some rationale for this change would assist the public and development industry in knowing why this was done.

At the other end of the scale the by-law introduces a new standard that any front door must be no more than 1.2m above finished grade. This will increase construction costs and it should be supported by a technical explanation and rationale. There are many new standards that should be explained and supported in this manner.

I have attached a brief presentation with graphics illustrating some of the points in this letter. I would appreciate if you could distribute both the letter and attachment to Council members.

I am available to discuss these issues at your convenience.

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

Robert Lehman F.C.I.P.

Zoning Background
As-of-Right Permission
Four Storey Apartments
NL1, NL2, NL3 Zones

Robert Lehman



Managing Change

- We have a planning culture in Barrie that values the opinion and input of residents who may be affected by new development.
- That input comes through a process mandated by the Ontario Planning Act whereby all those within 120 metres of the property where change is proposed are notified.
- As a result the residents of a neighborhood have the opportunity to understand what is the nature and form of the change – a new commercial use, home or apartment – and then provide their opinion to Council before a decision is made.
- This has been the planning process in Barrie for five decades.
- Decisions are made by Council who listens to those impacted by the change

Draft 3 would change the planning culture

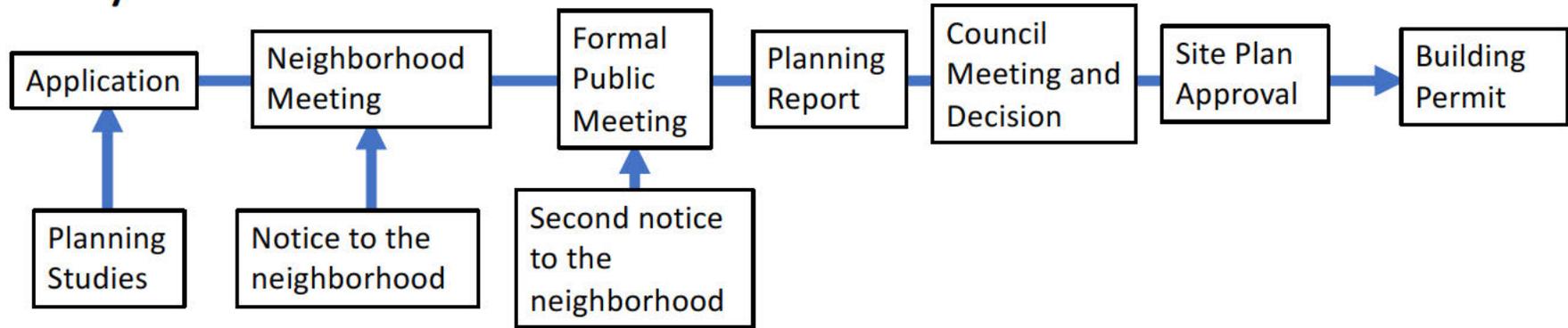
- It would pre-zone most of the residential land in the City for uses that today would require a rezoning process all the NL zones
- Four storey apartments and townhouses will be permitted as-of-right in all of the low density residential areas of the City
- That zoning will apply to approximately 40,000 dwellings in Barrie
- Building that form of housing now requires a rezoning
- If Draft 3 is approved that will not be the case

**Red colour shows
all the NL1, NL2 and
NL3 zones in the east end**

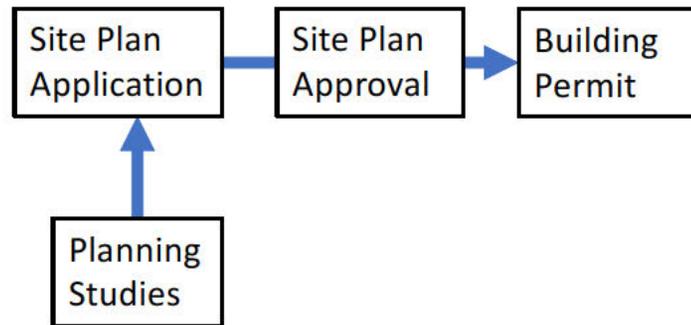
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shown in red.**



Today



Tomorrow



Pre zoning the neighborhoods does not conform to the Official Plan

- the Official Plan sets out criteria to be considered by Council that will be ignored by the pre-zoning process.
- The Plan says that established neighbourhoods are not intended to experience significant physical change that would alter their general character,
- Specifically the Plan requires that development will only be permitted in built-out neighbourhoods if it
“appropriately respects the scale, height, massing, lot pattern, building type, orientation, character, form, and planned function of the immediate local area”, as set out in Section 3 of this Plan.

Any proposed development must be sensitive to and compatible with the character, form, and planned function of the surrounding context, as per the policies in Section 3 of this Plan.

- If the development of four storey apartments and townhomes are pre-zoned, pre-approved then the Plan’s policies cannot be implemented

Zoning Background
As-of-Right Permission
Four Storey Apartments
NL1, NL2, NL3 Zones

Robert Lehman



Managing Change

- We have a planning culture in Barrie that values the opinion and input of residents who may be affected by new development.
- That input comes through a process mandated by the Ontario Planning Act whereby all those within 120 metres of the property where change is proposed are notified.
- As a result the residents of a neighborhood have the opportunity to understand what is the nature and form of the change – a new commercial use, home or apartment – and then provide their opinion to Council before a decision is made.
- This has been the planning process in Barrie for five decades.
- Decisions are made by Council who listens to those impacted by the change

Draft 3 would change the planning culture

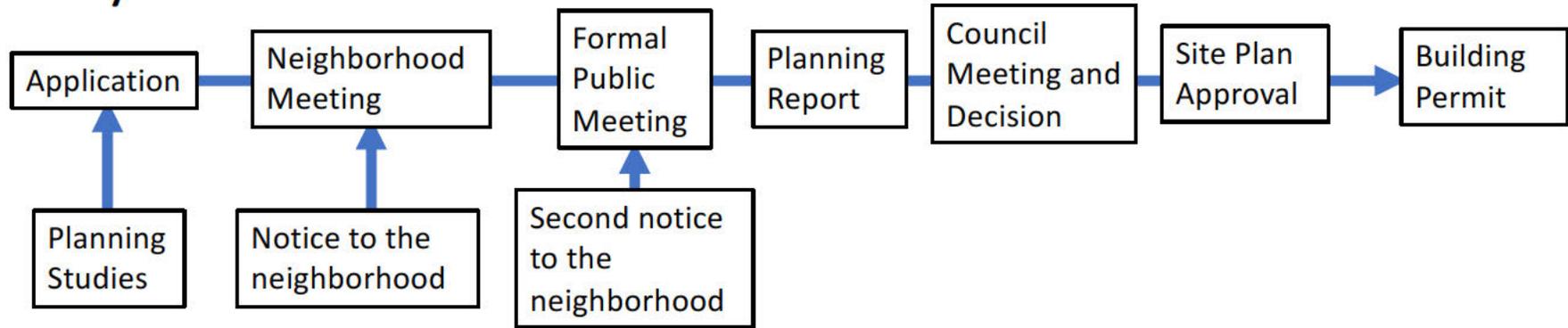
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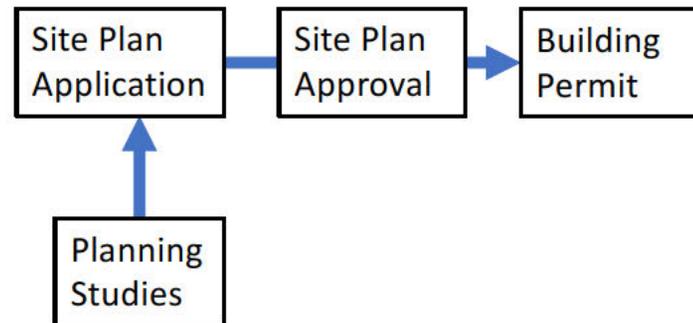
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- If the development of four storey apartments and townhomes are pre-zoned, pre-approved then the Plan’s policies cannot be implemented

City of Barrie
70 Collier Street
Barrie, ON
L4M 4T5

1 October 2024

Attention: NewZoningBylaw@barrie.ca

Jennifer Roberts

Manager of Strategic Initiatives, Policy and Analysis, Development Services

Re: Comment Letter – Draft 3 of the City of Barrie Zoning By-law

81 and 83 Little Lake Drive

12 Square Meter Common Amenity Area Requirement for Neighbourhood Mid-Rise (NMR) Zoning

I am writing to formally object to the current zoning by-law requirement of **12 square meters of common amenity area per dwelling unit** in the Neighbourhood Mid-Rise (NMR) zone. While community spaces are vital for a vibrant residential environment, I believe this requirement is excessive and could have unintended negative consequences. My concerns are as follows:

1. Comparison to Other Municipalities:

Nearby cities such as Toronto, Markham, and Richmond Hill have much lower common amenity space requirements. For example, Toronto requires only **2 square meters per dwelling unit**, while Markham's requirements can be as low as **1 square meter per unit**. Richmond Hill follows similar standards, ranging between **2-5 square meters**. The **12 square meters** required in Barrie significantly exceeds these norms and creates an unnecessary burden on developers.

2. Impact on Housing Affordability:

The Ontario government, through the More Homes Built Faster Act (Bill 23), has set a target of building 1.5 million homes over the next 10 years to address the housing supply crisis. A key aspect of this initiative is reducing the costs associated with development to make housing more affordable. Requiring large common amenity spaces increases construction costs, making it harder to build affordable housing. Excessive amenity space, which may not align with the actual needs of residents, particularly in mid-rise developments, contradicts the province's goal of promoting affordability.

3. Design Flexibility:

Developers need greater flexibility to create spaces that cater to the preferences of residents. Many residents prefer **private amenity spaces** such as balconies or terraces. By imposing a large common amenity area requirement, developments lose flexibility, which could lead to less efficient use of space. A more balanced requirement would encourage better design that meets both community needs and market realities.

4. Efficiency in Land Use and Environmental Considerations:

According to the comparison of parkland in various cities, Barrie already offers **7.8 square meters of parkland per resident**, which is significantly higher than Richmond Hill (**3.4 sqm per resident**) and Markham (**2.3 sqm per resident**). This ample access to outdoor spaces further reduces the necessity for such large private amenity spaces in new developments. Imposing a **12 square meter** requirement for common amenity areas risks inefficient use of land, especially when outdoor recreational options are abundant. Instead, a more balanced approach would promote sustainable and efficient land use while meeting resident needs.

Given these factors, I respectfully urge the City of Barrie to reconsider the common amenity space requirement for the NMR zone and bring it in line with other municipalities to promote more affordable housing and efficient land use.

Thank you for considering this objection. I look forward to the opportunity to discuss these concerns in more detail.

Sasid Amini

Sincerely,

S. Amini

From: Sean Mason <
Sent: Tuesday, October 1, 2024 11:33 AM
To: Celeste Kitsemetry <Celeste.Kitsemetry@barrie.ca>
Cc: cityclerks <cityclerks@barrie.ca>
Subject: Draft 3 ZBL review Sean.ca Inc. comments

Good morning,

I am writing to register Sean.ca Inc.'s (Sean Mason Homes and associated land ownership companies) comments on the draft zoning by law in advance of the public meeting October 1 2024.

All of these comments have previously been put to Tomas Wiersba via email and in person on site walks over the past two years prior to his departure.

1 - 427&431 Little Ave. - Little avenue is designated as arterial road in OP. The new zoning bylaw designates these two properties as NL3, which allow low rise. As discussed on site with Tomas and in seeming agreement, we believe higher density and height towards the railway track corridor as the grade going east slopes down considerably is appropriate and we request accommodation. We appreciate the City's suggestion to utilize a committee of adjustment minor variance in the future.

2-580-586 Yonge St is designated as MR2 in the new zoning bylaw and we note prior discussions to allow for transition of height and density through the design process to the EP lands and Lovers' Creek to the west (rear of property) as the grade falls to the water course.

Regards,
Sean

Sean Mason
Sign up @ sean.ca
Insta sean.homes
F/b @sean.cahomes
E1: sean@seanmasonhomes.com

To: Wendy Cook, City Clerk, City of Barrie
Re: comments on New Zoning By-Law Proposed Changes
Affordability Committee meeting, October 1st, 2024
Allandale Station Park and Gables Park Naturalization areas Zoning.

Mayor Nuttall and Members of Council:

In the proposed Zoning Map, Allandale Station Park and Gables Park have just Green Space Zoning.

The Naturalization areas which include the proposed Eco-Park in Allandale, and the woods and trails of the Gables Park should have the Zoning increased from Green Space to the extra Environmental Protection.

Environmental Protection Zoning allows no building nor structures. The permitted uses are conservation uses, ecological management measures, environmental monitoring, low impact recreational facilities, a naturalized buffer, natural restoration, outdoor recreation and recreation trails.

Barrie's Kempenfelt Bay is THE tourist draw for visitors. Keeping the bay healthy by cooling and protecting from pollution the creeks that drain into Lake Simcoe, will help keep the beaches from being closed due to algae blooms, as happened in 2 beaches in Innisfil this past July. A healthy bay and lake mean the fish are safe for eating, the water safe for drinking and for water sports. It also promotes a healthy ecosystem for the birds and wildlife that entertain visitors and citizens of Barrie.

So thank you for your foresight in having Environmental Protection Zoning for our creek areas, like Lovers Creek, and Hewitt's Creek.

The Allandale Station Park, and Gables areas are inhabited by many fascinating creatures like foxes, and nesting migratory birds like Savanna Sparrows, Wood ducks, Coopers Hawk, and at one time the Eastern Meadowlark, an Ont species at risk. Our Barrie City Bird, the Belted Kingfisher is often seen there, and many species of warbler are migrating through this week. Barrie is unique that we can see such animals right within city limits!! So please give Environmental Protection to Allandale Station Park Naturalization area, and the Gables woods.

In future we may be able to get Barrie the rare status of containing Near Urban Protected Areas as determined by Ontario Nature, the Ontario Greenbelt Coalition, and the Ontario Ministry of Environment, Conservation and Parks, and adding to Canada's target of 30% lands protected by 2030. Only 5 municipalities in Ontario have that status - Kitchener, Toronto, Town of Ajax, and the counties of Northumberland and Lambton.

Thank you for your time and consideration!

Dorothy McKeown
Co-founder of Barrie Bird friendly city certification team
Former Ontario Nature Regional Director for Simcoe Muskoka

From: Dorothy Mckeown <

Sent: Tuesday, October 1, 2024 12:47 PM

To: cityclerks <cityclerks@barrie.ca>; New Zoning Bylaw <newzoningbylaw@barrie.ca>

Subject: Seniors, starter home Affordability and new Zoning

Good morning Mayor Nuttall, and members of Council,

I hope the Built Forms zoning for on-street rowhouses include 2 bedroom bungalows on smaller lots for seniors and starter homes, for middle income people, in the \$300,000's range? And do detached houses include pre-fabricated, modular homes on smaller lots? Perhaps in the appropriated lands from Innisfil, more of these types of homes could be promoted to developers.

I am a retired senior with some mobility issues due to arthritis in my knees. I have a pretty good income, [REDACTED] per year when including the government pensions. I am still paying a mortgage due to house maintenance issues, and my previous working income.

My house is a bungalow with 4 bedrooms, and 2 bathrooms if the basement is included. If I look down my small street, there are 5 other houses with one person, or 1 couple in them. If we could find smaller, affordable homes, we could free up ours for families!!

But I can't afford to move, and pay rent. Or buy a condo townhouse of 2 stories due to the stairs and my arthritis.

There are trailer, modular home parks near Midland and Orillia, that are affordable, but none near Barrie.

Thanks for your consideration,



Allandale Neighbourhood Association

October 1, 2024
Wendy Cooke
City Clerk
City of Barrie

Ms Cooke
Mayor Nuttall and Members of Council

Re: Draft 3 Zoning Comments

We are commenting on behalf of the ANA, Listed and Designated property owners, Heritage homeowners and a brief statement on behalf of the Friends of Allandale Station Park.

First comment I will make is for the average resident with no planning experience have no idea how these potential changes will impact their community until it affects them personally.

The current environment of all of these changes whether updated, constantly modified, approved/pending or not approved make it difficult to understand for all involved including planning staff.

Current approved Official Plan - recognizes Cultural City Features (Map 8) Historic Neighbourhood Boundary, however there are no policies in place in the by-laws. Please include this mapping in the next draft.

Updated urban design guidelines (not yet approved) section 4.4 of that document recognize Historic Neighbourhoods with what we believe should be polices rather than guidelines.

Draft #3 zoning bylaws do not include special provisions associated with Allandale specific and other historic neighbourhoods. In April 2023 during a meeting with planning staff Bill Scott and myself discussed rolling out the same guidelines that Allandale has, across all recognized historic neighbourhoods. It doesn't appear this has been considered. Please consider these policies across all identified historic neighbourhoods.

New Mapping in Draft 3 - does not include all other Historic Streets as it should.

OHA Protection - There is reference to following protections under Ontario Heritage Act for Designated Properties in Urban Design Guidelines but for those not yet evaluated, listed or designated how are we protecting all cultural heritage resources that have not yet been evaluated? HCIA & HIA (does this include individual homes, infill etc.)

Demolition Control By-law - There is reference to a demolition control by-law in the Urban Design Guidelines, when will this be completed?

**AllandaleCommunity@gmail.com *Facebook.com/AllandaleCommunity *Twitter.com/ANABarrie *Instagram.com/AllandaleCommunity*

...preserving, improving, promoting, and educating our community

“Think Pink Building” demolished with-out evaluation or Heritage Committee knowledge. Our Heritage Advisory Committee needs to be advised and involved when demolition permits in historic neighbourhoods are being considered. We need to protect our heritage resources as adaptive reuse spaces.

As of right permissions for 4 story apartments across all NL1,2,3, neighbourhoods, as we understand it removes the ability for the community to engage in the planning process. We have already had issues around applications going to COA to increase height and density in our existing neighbourhoods. These decisions are impacting residents’ quality of life. We have no say in our own community. The existing policies allow for continued engagement.

Committee of Adjustment - why bother with zoning by-laws when developers can simply go to COA for variances. Variances requested at COA are not necessarily small in nature.

Air B&B’s - As indicated in the most recent Sport Tourism study made public, the City has 600 plus Air B&B's yet nothing in Zoning around these properties or their locations. How are they being regulated?

Setbacks - Backyard setbacks in Historic Neighbourhoods where large boundary trees exist need to be consistent, at least 5 metres to protect boundary tree root systems (as per City Landscape Architect).

Increase front yard setbacks- would like to see in UT areas (front yard set backs increased from 0.5 metres to at least 2 metres. Think Lakhouse, Gowan St homes when Gowan St was widened, Yonge St, homes so close to sidewalks and roadways. These minimum setbacks create unsafe conditions for pedestrians.

District 1 - Parking (no parking requirement) MTSA, this is absurd. No parking allowed on Essa Rd, Gowan St, Innisfil St, Burton Ave, etc. Where will new residence once towers are built park? You will be creating issues down the road.

Our public transit infrastructure does not include subways, streetcars, or timely meaningful routes to get most residents around. We should be requesting at least 1 parking spot per unit in the MTSA.

Greenspace Section -create specific zone standards similar to North Shore Trail for Allandale Station Park Friends of Allandale Station Park have been actively engaged as residents of the community on protecting this section of our waterfront as a passive nature area to include such things as accessible trails, meadow area, indigenous and native plantings, creating and Oak Savanna with Prairie Grasses. We need to protect our birds, pollinators, wildlife, trees and existing biodiversity with-in this area. We are all looking for a designation that will continue to protect this area in perpetuity for existing and future generations. This is after all part of our Heritage Waterfront Trail. Mayor Nuttall this past summer mentioned creating a land trust, we would be interested in learning more.

Hen Coops - will you do a public education campaign on this piece? reduce height from 4 metres (why do chickens require a coop over 13 ft tall?) to 2 metres if approved. Most backyard fencing is 2 metres. Don't really want to be stared at by Hens while eating my BBQ. However, given the current coyote, rat, & mice problems in Barrie, should we really be approving a Hen by-law. Review Mississauga (pilot project cancelled after two years).

Looking forward to continuing dialog on these issues.

Sincerely
Cathy Colebatch and Barbara Mackie

**AllandaleCommunity@gmail.com *Facebook.com/AllandaleCommunity *Twitter.com/ANABarrie *Instagram.com/AllandaleCommunity*

...preserving, improving, promoting, and educating our community

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October 1, 2024

By Email Only to:
cityclerks@barrie.ca

Ms. Wendy Cooke, City Clerk
Barrie City Hall
70 Collier Street, Barrie, ON L4M 4T5

**Attention: Mayor Alex Nuttall and
Members of Council**

Dear Mayor Nuttall and Members of Council:

Re: Mattamy (Lockhart) Limited
Comments on 3rd Draft of Barrie's New Comprehensive City-Wide Zoning By-law
City File: D30-016-2024
Jones Consulting File: Mat-20542

I am writing to you on behalf Mattamy (Lockhart) Limited who owns land within the former Hewitt's Secondary Plan area. Our client has reviewed the draft new Comprehensive City-Wide Zoning By-law and offers the following background and comments for your consideration:

A. Background:

The lands were originally known as 620 Lockhart Road; however, as a result of various approvals, hundreds of new addresses have been assigned to various lots and blocks. The lands have been subject to extensive approvals including:

- A1. Draft approved plan of subdivision containing 596 single detached, street townhouse, back-to-back townhouses, and a small mixed use block. Draft plan approval was originally granted in 2022 and an application for redline revision was approved January 31, 2024. .
- A2. A Zoning By-law Amendment application was approved in 2022 (By-laws 2022-027) to implement the Hewitt's/Salem Zoning framework approved by Council in 2017.
- A3. Two phases of the draft plan of subdivision have received final approval and have been registered. This includes the registration of 490 single detached and townhouse lots (both street and back-to-back townhouses) and a mixed use block. Construction of hundreds of homes have occurred, while numerous lots are vacant but will be subject to home construction in the future.

B. Draft By-law Comments:

Our client has reviewed the draft By-law in the context of the approvals noted in Section A above, and the changes in the By-law that would impact on the ability to complete the development of this subdivision as planned.

- B1. **Subdivision Transition:** Section 1.10 a) of the proposed By-law contains a subdivision transition provision. Unfortunately, this provision lacks implementation clarity and is a concern for the reasons outlined below:
 - a. 1.10 a) states that the only subdivision transition is for an "approved Draft Plan of Subdivision" that has "not yet started construction". In this case, the

subdivision has started construction. Does this mean it is not transitioned? Furthermore, the site has proceeded beyond a draft plan of subdivision because two phases have received final approved and have been registered. Are vacant registered lots transitioned?

- b. Registered vacant lots in this subdivision are subject to a 118 provision. Are they transitioned or subject to the new By-law requirements?
- c. The subdivision contains 1 registered medium density/mixed use block. Are they transitioned or subject to the new By-law requirements?
- d. For large development parcels it is typical that redline revisions or draft plan approval extensions, or other implementing approvals are required prior to final approval and registration. The 3-year transition window simply does not provide for the time it takes to deliver large subdivision projects.

Request #1: In order to provide an appropriate transition for subdivisions, we recommend that Section 1.10a) be revised as shown in red below:

1.10 a) ~~Lots/blocks within If-owner/applicants have~~ an approved Draft Plan of Subdivision and/or registered plan without a building permit, will be transitioned from this By-law and remain subject to the provisions of By-law 2009-141. In accordance with Section 2.5.6 and 2.5.7 of the Official Plan, this transition continues in the event that subsequent implementing approvals are required such as, but not limited to, redline approvals of the subdivision, extensions of draft plan approval, applications for release of Part Lot Control approval, lifting Holding Provisions, or site plan control approval. ~~but have not yet started construction when the new By-law comes into effect, a transition window of three (3) years will apply to the zoning review for new Building Permit applications, after which time the new By-law standards will apply to all new construction.~~

B2. Neighbourhood Low (NL2) Zone and other related provisions: If not appropriately transitioned, the proposed new By-law contains provisions that would impact on the construction of the remainder of this subdivision. Examples include the following:

- a. Table 23 prohibits detached, semi-detached, and street townhouses from fronting onto a Collector Road. Every subdivision in Hewitt's and Salem, including this subdivision, have lots fronting onto Collector Roads. The yield and construction cost impacts of this change are staggering.
- b. Section 3.3.1 requires front yard landscaping when that yard is not used for other purposes. More specifically, 50% of all landscaped areas in the front yard are to be soft landscaping. In addition, a driveway requires a 1m landscaped area on one side, of which 50% is soft landscaping.

This section requires clarification including:

- i. What does the term "any other purpose" mean in 3.3.1 a)? Does any other purpose include a walkway, driveway, and porch/patio? If so, then the 50% of the remaining landscaped area would be soft. If not, then this clause would prohibit the normal development of ground oriented lots.
- ii. Concerning 3.3.1d), we are not clear how this requirement is calculated. Please consider that one side of the driveway is 0.6m to the property line, and the other side of the driveway may be recessed up to 2.5m beyond the face of the house. Therefore is d) calculated to mean that 50% of the area between the front of the house to the property line adjacent to the driveway needs to be

landscaped area, or does this provision require 50% of the entire driveway length (which would include a portion of the abutting house) to be soft landscaping? If the latter, then there would be no room for a walkway to the front of the house.

- c. Section 3.3.4 a) iii) requires a 3m wide planting buffer for all lot lines abutting the environmental protection zone.

The limits of environmental protection lands includes the core feature and a vegetated buffer. For example, a woodlot would be protected to the dripline plus a buffer. The requirement for an additional 3m buffer, which would be on private land behind a fence, would impact on drainage/grading, and require deeper lots. This is an unnecessary and inappropriate zoning provision that should be removed.

- d. Section 3.3.8 a) requires a 3 x 3m sight triangle on either side of every driveway. Firstly, adjacent driveways may be located within 0.6m on either side of the joint lot line so a 3m x 3m site triangle is not possible. Furthermore, this triangle will significantly alter streetscape tree planting.
- e. Section 4.5 requires driveways to be 6 metres long, which conflicts with the 5.5 metres permitted in the NL2 zone.
- f. Section 4.6.1 governs parking structures and Table 11 requires an interior side yard setback of 3m, front yard setback of 6m and an exterior side yard of 4m, all of which conflict with the proposed NL2 standards.
- g. Section 5.7 establishes the maximum elevation for primary entrances and location of pedestrian entrances, which is a matter that should be subject to City Engineering Standards, not a Zoning provision. Site grading, stormwater management, servicing, and overall subdivision design are highly complex tasks that should not be governed by blunt tools like a zoning by-law. The cost and yield implications of this section is significant and we ask you to consider the following:
 - i. The requirement for a residential entrance to be 1.2m from finished grade could result in untold amounts of additional fill to be brought into a site.
 - ii. The requirement that pedestrian entrances must be located facing the front or exterior side yard would eliminate second suite entrances in the interior side or rear which will reduce the ability to deliver additional dwelling units.
- h. Table 4 requires an attached garage to be a minimum of 22 square metres. This size is significantly larger than a standard parking space and larger than all townhouse and single car garages. This should be removed.
- i. Table 4 states that the front yard setback to an attached garage is 5.5m, but this conflicts with Section 4.5 which requires 6m. Furthermore, Table 4 requires exterior side yard setback of 3m which conflicts with the 2m exterior side yard in the NL2 zone.
- j. Table 26 requires the front yard setback to be an average of adjacent building setbacks (+/- 20%) or 3m of those lots are vacant.

The problem with this requirement is that Mattamy Homes deliberately varies the front setback by approximately 2.5m depending on house and model type, porch sizes, and whether the units have cantilevered second floors. This proposed provision would then restrict the ability to vary product along

the streetscape. This is an unnecessary and inappropriate requirement in greenfield development locations and a special provision in this Table should be added to ensure this is not required in greenfield locations.

- k. Table 26 also establishes a maximum townhouse block length of 60 metres. Where larger townhouse widths are proposed, the 60 metre standard would prohibit 8 townhouses in a row. This 60 metre length should be increased to 70 metres to encourage the widest variety of townhouses to provide additional housing options without creating inefficiencies associated with extra side yards.

B3. Mid-Rise (MR1 & MR2) Zone and other related provisions: The By-law proposes to change the zoning on the mixed use block from Neighbourhood Mixed Use (NMU) to Mid-Rise (MR1). If not appropriately transitioned as discussed above, then the proposed new By-law contains use restrictions and urban design 'form-based code' zoning provisions that would restrict the design and construction of the small mixed use block on the subdivision. Examples include the following:

- a. The MR1 zone only permits mid-rise buildings 5-8 storeys (MR1). The block is small, at only 0.35 hectares and was planned and designed to accommodate ground oriented development, not a 5 + storey mid-rise building.
- b. The permitted uses in the MR1 zone have changed, and would no longer permit stand-alone ground oriented residential or commercial uses that are currently permitted in the Neighbourhood Mixed Use (NMU) zone.
- c. Section 3.2.5 provides a limited amount of cluster townhouses as a transition but the language in that section lacks clarity and creates development challenges. Examples include:
 - i. Where exactly does the yard adjacent to NL start/stop), particularly on a small lot like this.
 - ii. This section does not permit street townhouse; however, this block was designed (in terms of size and layout) to accommodate street townhouse in the event a small commercial use was not desired.
 - iii. Table 5 establishes a rear yard setback of 6m; whereas, throughout Hewitt's, and including in the new NL2 zone, a 5m rear yard is permitted.
 - iv. Table 6 requires townhouses to have a minimum width of 6m; whereas, 4.5m is permitted elsewhere in Hewitt's.

This Section could be substantially improved by simply permitting lower built forms on sites adjacent to Neighbourhood low zones.

- d. Section 6.7 establishes the maximum elevation for primary entrances and location of pedestrian entrances, which is a matter that should be subject to City Engineering Standards, not a Zoning provision. Site grading, stormwater management, servicing, and overall subdivision design are highly complex tasks that should not be governed by blunt tools like a zoning by-law. The cost and yield implications of this section is significant and we ask you to consider the following:
 - i. The requirement for a residential entrance must be 1.2m from finished grade could result in untold amounts of additional fill to be brought into a site.

- ii. The requirement that pedestrian entrances must be located facing the front or exterior side yard would eliminate many interior residential access points on a site plan and the restrictions may conflict with the building code.
- e. Table 39 also establishes a maximum block length of 65 metres. The Owners feel that this is an unnecessary standard, and should be removed from the MR1 standards.

Request #2: That Block 180 on Registered Plan 51M-1265 be zoned Neighbourhood Low 2 (NL2) in the next draft of the new City-Wide Comprehensive Zoning By-law.

We kindly ask that you bring this letter to the attention of the Mayor and Members of Council prior to the public meeting scheduled for October 1, 2024. We appreciate the opportunity to provide comments on the draft By-law and look forward to meeting with and working with staff to address the inconsistencies and concerns noted above and any further concerns noted as we continue to review and understand this draft by-law. We also request notification of all future meeting dates where this matter will be discussed and any decisions rendered.

Sincerely,



Ray Duhamel, M.C.P., MCIP, RPP
Partner

- c. Liam Munnoch, Planner
Celeste Kitsemetry, Supervisor of Growth Management
Michelle Banfield, Executive Director of Development Services
Mattamy Homes [REDACTED]



October 1, 2024

By Email Only to:
cityclerks@barrie.ca

Ms. Wendy Cooke, City Clerk
Barrie City Hall
70 Collier Street, Barrie, ON L4M 4T5

**Attention: Mayor Alex Nuttall and
Members of Council**

Dear Mayor Nuttall and Members of Council:

Re: Mattamy (Salem) Limited
Comments on 3rd Draft of Barrie's New Comprehensive City-Wide Zoning By-law
City File: D30-016-2024
Jones Consulting File: Mat-21045

I am writing to you on behalf Mattamy (Salem) Limited who owns land within the former Salem Secondary Plan area. Our client has reviewed the draft new Comprehensive City-Wide Zoning By-law and offers the following background and comments for your consideration:

A. Background:

The lands were originally known as 124, 180 and 228 McKay Road; however, as a result of various approvals, hundreds of new addresses have been assigned to various lots and blocks. The lands have been subject to extensive approvals including:

- A1. Draft approved plan of subdivision containing 731 single detached, street townhouse, and back-to-back townhouses. Draft plan approval was originally granted in 2019, and revised in 2021.
- A2. A Zoning By-law Amendment application was approved in 2019 (By-law 2019-069) to implement the Hewitt's/Salem Zoning framework approved by Council in 2017.
- A3. One phase of the draft plan of subdivision has received final approval and have been registered. This includes the registration of several hundred single detached and townhouse lots and a mixed use block. Construction of hundreds of homes have occurred, while numerous lots are vacant and homes will be constructed on same in the future.
- A4. A current application for redline revision and rezoning are in process that would add 20 additional lots and a stormwater management area. A public meeting was held in August 2024 with redline approval targeted this fall, 2024.

B. Draft By-law Comments:

Our client has reviewed the draft By-law in the context of the approvals noted in Section A above, and the changes in the By-law that would impact on the ability to complete the development of this subdivision as planned.

- B1. Subdivision Transition:** Section 1.10 a) of the proposed By-law contains a subdivision transition provision. Unfortunately, this provision lacks implementation clarity and is a concern for the reasons outlined below:

- a. 1.10 a) states that the only subdivision transition if for an “approved Draft Plan of Subdivision” that has “not yet started construction”. In this case, the subdivision has started construction. Does this mean it is not transitioned? Furthermore, the site has proceeded beyond a draft plan of subdivision because one phase has received final approved and have been registered. Are vacant registered lots transitioned?
- b. Registered vacant lots in this subdivision are subject to a 118 provision. Are they transitioned or subject to the new By-law requirements?
- c. The subdivision contains 21 registered Neighbourhood Mixed Use (NMU) blocks. Are they transitioned or subject to the new By-law requirements.
- d. For large development parcels it is typical that redline revisions or draft plan approval extensions, or other implementing approvals are required prior to final approval and registration. The 3-year transition window simply does not provide for the time it takes to deliver large subdivision projects.

Request #1: In order to provide an appropriate transition for subdivisions, we recommend that Section 1.10a) be revised as shown in red below:

1.10 a) ~~Lots/blocks within If-owner/applicants have~~ an approved Draft Plan of Subdivision and/or registered plan without a building permit, will be transitioned from this By-law and remain subject to the provisions of By-law 2009-141. In accordance with Section 2.5.6 and 2.5.7 of the Official Plan, this transition continues in the event that subsequent implementing approvals are required such as, but not limited to, redline approvals of the subdivision, extensions of draft plan approval, applications for release of Part Lot Control approval, lifting Holding Provisions, or site plan control approval. ~~but have not yet started construction when the new By-law comes into effect, a transition window of three (3) years will apply to the zoning review for new Building Permit applications, after which time the new By-law standards will apply to all new construction.~~

B2. Special Provision Transition: Section 1.10 c) notes that where special zoning provisions were granted as part of a formal planning process, they will continue to apply, but **only** as varied by the special provision. There are several implementation problems with this section as outlined below:

- a. Special Provisions were granted for portions of my clients lands including the Neighbourhood Mixed Use Zone (NMU SP-571, 572 and 573) and the Institutional-Educational Zone (I-E SP-574). However, as per Section 1.10 c) the former zoning standard would only apply to the standard that was varied by the special provision.

This approach would work in some instances if the special provision was a stand-alone standard. For example, if the special provision added or removed a use, or established a specific standard such as height.

However, this approach is problematic when a special provision relies on one or more standards in By-law 2009-141. This is more often than not, the case with how special provisions were developed. There are hundreds of special provisions in Barrie, but specific to this site I have provided examples below:

- i. Special provision 572 permits the height of a street townhouse to be 3 storeys; however, the new MR1 Zone does not permit townhouses. How is it possible to apply only height, if the use is not permitted in the new By-law?

- ii. Special provision 574 states that on the school block, the standards of the current R5 zone would apply and refers to several sections of By-law 2009-141. Does this mean that the current R5 zone standards apply, but all other standards in the new by-law also apply? The school block is proposed to be zoned Community Hub Neighbourhood (CHN). Refer to additional comments in Section B5 on this proposed CHN zone.
- iii. Special provision 574 also states that the Landscape Open Space requirements of Section 8.3.5.2 do not apply. Does this mean that the Landscaped Area requirements, which is a different term than Landscape Open Space, and in a different section of the proposed new By-law apply?

The site specific examples for the Mattamy property listed above need to be addressed as part of revisions to the proposed By-law.

Request #2: In order to provide an appropriate transition for special provisions, we recommend that Section 1.10 c) be revised as shown in red below:

1.10 c) *Where lands have been subject to ~~if owner/applicants have completed~~ a formal planning process to rezone under Comprehensive Zoning By-law 2009-141 which granted a Special Provision (SP) that is carried over to the new By-law, the zoning review for new Building Permit applications will continue to apply the former By-law standards. ~~only as varied by the SP.~~*

The alternative to the suggestion above, is for staff to work through each special provision listed in By-law 2009-141 and determine one-by-one, the method in which it can be implemented as originally intended.

B3. Neighbourhood Low (NL2) Zone and other related provisions: If not appropriately transitioned, the proposed new By-law contains provisions that would impact on the construction of the remainder of this subdivision. Examples include the following:

- a. Table 23 prohibits detached, semi-detached, and street townhouses from fronting onto a Collector Road. Every subdivision in Hewitt's and Salem, including this subdivision, have lots fronting onto Collector Roads. The yield and construction cost impacts of this change are staggering.
- b. Section 3.3.1 requires front yard landscaping when that yard is not used for other purposes. More specifically, 50% of all landscaped areas in the front yard are to be soft landscaping. In addition, a driveway requires a 1m landscaped area on one side, of which 50% is soft landscaping.

This section requires clarification including:

- i. What does the term "any other purpose" mean in 3.3.1 a)? Does any other purpose include a walkway, driveway, and porch/patio? If so, then the 50% of the remaining landscaped area would be soft. If not, then this clause would prohibit the normal development of ground oriented lots.
- ii. Concerning 3.3.1d), we are not clear how this requirement is calculated. Please consider that one side of the driveway is 0.6m to the property line, and the other side of the driveway may be recessed up to 2.5m beyond the front face of the house. Therefore is d) calculated to mean that 50% of the area between the front of the house to the property line adjacent to the driveway needs to be landscaped area, or does this provision require 50% of the entire

driveway length (which would include a portion of the abutting house) to be soft landscaping? If the latter, then there would be no room for a walkway to the front of the house.

- c. Section 3.3.4 a) iii) requires a 3m wide planting buffer for all lot lines abutting the environmental protection zone.

The limits of environmental protection lands includes the core feature and a vegetated buffer. For example, a woodlot would be protected to the dripline plus a buffer. The requirement for an additional 3m buffer, which would be on private land behind a fence, would impact on drainage/grading, and require deeper lots. This is an unnecessary and inappropriate zoning provision that should be removed.

- d. Section 3.3.8 a) requires a 3 x 3m sight triangle on either side of every driveway. Firstly, adjacent driveways may be located within 0.6m on either side of the joint lot line so a 3m x 3m site triangle is not possible. Furthermore, this triangle will significantly alter streetscape tree planting.
- e. Section 4.6.1 governs parking structures and Table 11 requires an interior side yard setback of 3m, front yard setback of 6m and an exterior side yard of 4m, all of which conflict with the proposed NL2 standards.
- f. Section 5.7 establishes the maximum elevation for primary entrances and location of pedestrian entrances, which is a matter that should be subject to City Engineering Standards, not a Zoning provision. Site grading, stormwater management, servicing, and overall subdivision design are highly complex tasks that should not be governed by blunt tools like a zoning by-law. The cost and yield implications of this section is significant and we ask you to consider the following:
 - i. The requirement for a residential entrance to be 1.2m from finished grade could result in untold amounts of additional fill to be brought into a site.
 - ii. The requirement that pedestrian entrances must be located facing the front or exterior side yard would eliminate second suite entrances in the interior side or rear which will reduce the ability to deliver additional dwelling units.
- g. Table 4 requires an attached garage to be a minimum of 22 square metres. This size is significantly larger than a standard parking space and larger than all townhouse and single car garages. This should be removed.
- h. Table 4 states that the front yard setback to an attached garage is 5.5m, but this conflicts with Section 4.5 which requires 6m. Furthermore, Table 4 requires exterior side yard setback of 3m which conflicts with the 2m exterior side yard in the NL2 zone.
- i. Table 26 requires the front yard setback to be an average of adjacent building setbacks (+/- 20%) or 3m if those lots are vacant.

The problem with this requirement is that Mattamy Homes deliberately varies the front setback by approximately 2.5m depending on house and model type, porch sizes, and whether the units have cantilevered second floors. This proposed provision would then restrict the ability to vary product along the streetscape. This is an unnecessary and inappropriate requirement in greenfield development locations and a special provision in this Table should be added to ensure this is not required in greenfield locations.

- j. Table 26 also establishes a maximum townhouse block length of 60 metres. Where larger townhouse widths are proposed, the 60 metre standard would prohibit 8 townhouses in a row. This 60 metre length should be increased to 70 metres to encourage the widest variety of townhouses to provide additional housing options without creating inefficiencies associated with extra side yards.

B4. Mid-Rise (MR1) Zone and other related provisions: The By-law proposes to change the zoning on the mixed use block from Neighbourhood Mixed Use (NMU) to Mid-Rise (MR1). If not appropriately transitioned as discussed above, then the proposed new By-law contains use restrictions and urban design 'form-based code' zoning provisions that would restrict the design and construction of the small mixed use block on the subdivision. Examples include the following:

- a. The MR1 zone only permits mid-rise buildings 5-8 storeys in height(MR1). The problem of course is that the registered plan of subdivision contains 21 Neighbourhood Mixed Use (NMU) blocks. These blocks were specifically designed, in terms of size and shape, for laneway townhouses and back-to-back townhouses. There is no ability whatsoever, to deliver 6+ storey mid-rise product on these blocks.
- b. The permitted uses in the MR1 zone have changed, and would no longer permit stand-alone ground oriented residential or commercial uses that are currently permitted in the Neighbourhood Mixed Use (NMU) zone.
- c. Section 3.2.5 provides a limited amount of cluster townhouses as a transition but the language in that section lacks clarity and creates development challenges. Examples include:
 - i. Where exactly does the yard adjacent to NL start/stop, particularly on a small lot like this?
 - ii. This section does not permit street townhouse; however, these blocks were designed, draft plan approved and registered to accommodate street townhouses and back-to-back townhouses.
 - iii. Table 5 establishes a rear yard setback of 6m; whereas, throughout Hewitt's, and including in the new NL2 zone, a 5m rear yard is permitted.
 - iv. Table 6 requires townhouses to have a minimum width of 6m; whereas, 4.5m is permitted elsewhere in Hewitt's.

This Section could be substantially improved by simply permitting lower built forms on sites adjacent to Neighbourhood low zones.

- d. Section 6.7 establishes the maximum elevation for primary entrances and location of pedestrian entrances, which is a matter that should be subject to City Engineering Standards, not a Zoning provision. Site grading, stormwater management, servicing, and overall subdivision design are highly complex tasks that should not be governed by blunt tools like a zoning by-law. The cost and yield implications of this section is significant and we ask you to consider the following:
 - i. The requirement for a residential entrance must be 1.2m from finished grade could result in untold amounts of additional fill to be brought into a site.
 - ii. The requirement that pedestrian entrances must be located facing the front or exterior side yard would eliminate many interior

residential access points on a site plan and the restrictions may conflict with the building code.

- e. Table 39 also establishes a maximum block length of 65 metres. The Owners feel that this is an unnecessary standard, and should be removed from the MR1 standards.

B5. Community Hub Neighbourhood (CHN) Provisions: The school block within this registered plan of subdivision was site specifically zoned to permit residential uses in the event that the School Board decides not to purchase the block. As per special provision 574, any future residential use of the school block was to be subject to the current R5 zone requirements.

The new By-law proposes to zone the lands Community Hub Neighbourhood (CHN). According to Table 69, neither single detached nor townhouse buildings are permitted, which is contrary to the planned future use of these lands if the school site is not developed. Also, In accordance with Official Plan policy 2.6.4.3 b)i) residential use of any form is permitted on Community Hub lands provided the development meets the minimum density requirement of 50 units per hectare.

We kindly ask that you bring this letter to the attention of the Mayor and Members of Council prior to the public meeting scheduled for October 1, 2024. We appreciate the opportunity to provide comments on the draft By-law and look forward to meeting with and working with staff to address the inconsistencies and concerns noted above and any further concerns noted as we continue to review and understand this draft by-law. We also request notification of all future meeting dates where this matter will be discussed and any decisions rendered.

Sincerely,



Ray Duhamel, M.C.P., MCIP, RPP
Partner

- c. Liam Munnoch, Planner
Celeste Kitsemetry, Supervisor of Growth Management
Michelle Banfield, Executive Director of Development Services
Mattamy Homes [REDACTED]

From: Gary Bell
Sent: Tuesday, October 1, 2024 3:06 PM
To: cityclerks <cityclerks@barrie.ca>
Subject: Fwd: Proposed Draft Comprehensive Zoning By-law for Barrie

----- Forwarded message -----

From: **Gary Bell** <garybell@barrie.ca>
Date: Tue, Oct 1, 2024, 10:25 a.m.
Subject: Proposed Draft Comprehensive Zoning By-law for Barrie
To: <newzoningbylaw@barrie.ca>
Cc: Michelle Banfield <Michelle.Banfield@barrie.ca>

Hello Mayor Nuttall and Council

The draft new comprehensive Zoning By-law proposes a fundamental shift in the way that new Neighbourhood residential development or redevelopment would be managed.

There are many concerns with the proposed changes:

1. The permission as of right for four storey residential buildings in the NL zones, is a significant departure in use and process for most of the City.
2. The web page advises " *The City of Barrie is creating a new comprehensive Zoning By-law, which will be designed to implement the vision and policies of Barrie's recently adopted [Official Plan](#).*"
3. There is little or no indication in the Official Plan of the vision that would create neighbourhoods of four storey buildings with no further local input to compatibility, amenity, fit etc.
4. This extent of change should have workshop input from knowledgeable and affected professionals and groups such as local Planners, Realtors, Appraisers and Builders and School Boards and the utilities.
5. The consequences, intended and unintended, of this across the board change need much further careful assessment.
6. One specific observation- a Low rise building of 4 storeys in the NL zones would at 60% coverage maximum be a building of 240% gross floor area. That is overly intense for traditional, but of course changing, neighbourhoods.

The same building in an NI zone would at 4 storeys with a maximum lot coverage of 50 % be 200 % gross floor area which is less than in NL

Please consider this much more before final planning advice is formulated and decisions are made.

Yours truly

Gary Bell

*Gary Bell, RPP
Consulting Planner*



October 1, 2024

By Email Only to:
cityclerks@barrie.ca

Ms. Wendy Cooke, City Clerk
Barrie City Hall
70 Collier Street, Barrie, ON L4M 4T5

**Attention: Mayor Alex Nuttall and
Members of Council**

Dear Mayor Nuttall and Members of Council:

Re: 2619018 Ontario Inc.
Comments on 3rd Draft of Barrie's New Comprehensive City-Wide Zoning By-law
City File: D30-016-2024
Jones Consulting File: Sti-19020

I am writing to you on behalf of 2619018 Ontario Inc. who owns land in Barrie known municipally as 145 Bradford Street and 48 Ellen Street. The lands are designated High Density in the Official Plan and proposed to be zoned Urban Core (UC) in the proposed new City-Wide Zoning By-law. The property is located within the Urban Growth Centre and fronts onto an intensification corridor. The City's plan for Bradford Street is to see the redevelopment of this corridor with mid and high-rise mixed use buildings.

My client has retained a development consulting team to work together towards the submission of Zoning By-law Amendment and Site Plan Control approval applications to permit high density mixed use development on the site.

My client has reviewed the draft new Comprehensive City-Wide Zoning By-law and we offer the following background and comments for your consideration:

1. Urban Zone Standards: Section 7 of the by-law contains standards for urban zones, and several of the standards are of concern including:

- a. Section 7.7.1 requires active building entrances to the first floor every 15 metres of building façade along the front or exterior side yard. This section also requires all of these entrances to be at or within 0.2m of finished grade.

The concern with these requirements generally, is that they do not consider and allow for changes in property elevation, the amount of street exposure of the property or other detailed design constraints such as a high water table,

The subject lands have frontage or an exterior side yard along John Street, Ellen Street and Bradford Street totaling approximately 365 metres. The site also slopes down from Bradford Street to Ellen Street. We anticipate that the design of this site will include multiple buildings with podium's that occupy the majority of the site. As a result, the Section 7.7.1 requirements would necessitate upwards of 25 separate active entrances, all within 0.2m of finished grade. Compliance with this provision is not feasible.

b.

- 2. Urban Design By-law Requirements:** The urban design provisions included in the proposed by-law are overly restrictive and extend well beyond the level of proscriptive standards that are appropriately regulated through zoning. Many of the City of Barrie's most well known recent high density developments, are likely to not meet the restrictive urban design regulations proposed to be included in the draft by-law.

These types of urban design matters are more appropriately addressed in guideline documents, and not zoning. The result of codifying such restrictive requirements in the Zoning By-law will be to discourage or create new challenges for new development by failing to allow new buildings to appropriately respond to their surrounding context and constraints. The City should be looking at ways to encourage new development, particularly in the Urban Growth Centre.

We kindly ask that you bring this letter to the attention of the Mayor and Members of Council prior to the public meeting scheduled for October 1, 2024. We appreciate the opportunity to provide comments on the draft By-law and we request notification of all future meeting dates where this matter will be discussed and any decisions rendered.

Sincerely,



Ray Duhamel, M.C.P., MCIP, RPP
Partner

- c. Liam Munnoch, Planner
Celeste Kitsemetry, Supervisor of Growth Management
Michelle Banfield, Executive Director of Development Services
[REDACTED] Alumi/Piveon Developments



October 1, 2024

By Email Only to:
cityclerks@barrie.ca

Ms. Wendy Cooke, City Clerk
Barrie City Hall
70 Collier Street, Barrie, ON L4M 4T5

**Attention: Mayor Alex Nuttall and
Members of Council**

Dear Mayor Nuttall and Members of Council:

**Re: Lockhart Innisfil Investments Limited (560 Lockhart Road)
Lockhart Innisfil Investments II Limited (460 Lockhart Road)
Comments on 3rd Draft of Barrie's New Comprehensive City-Wide Zoning By-law
City File: D30-016-2024
Jones Consulting Files: Gol-14193 & Gol-20538**

I am writing to you on behalf Lockhart Innisfil Investments Limited and Lockhart Innisfil Investments II Limited who own two properties subject to plan of subdivision applications within the former Hewitt's Secondary Plan area. Our clients have reviewed the draft new Comprehensive City-Wide Zoning By-law and offer the following background and comments for your consideration:

A. Background:

The lands known municipally as 460 and 560 Lockhart Road. The lands have been subject to extensive approvals including:

- A1. 460 Lockhart Road received approval of a Zoning By-law Amendment in August of this year (By-law 2024-083).
- A2. 560 Lockhart Road received approval of a Zoning By-law Amendment in August of this year (By-law 2024-084).
- A3. 460 Lockhart Road is the subject of a proposed draft plan of subdivision comprising 395 single detached, street townhouses and back-to-back townhouse lots/blocks. Draft Plan of subdivision approval is imminent.

The property contains a stormwater management pond and access road that services 460 Lockhart and the adjacent property owned by Barrie Lockhart Road GP Inc. Barrie Lockhart Road GP Inc. advanced the construction of the pond and new Collector Road Ball Gate, on the 460 Lockhart lands to facilitate the advanced construction of their site.

- A4. 560 Lockhart Road is the subject of a proposed draft plan of subdivision comprising 199 single detached lots. Draft Plan of subdivision approval is imminent.

Mattamy (Lockhart) Limited has constructed one of the stormwater ponds on this site.

- A5. The new By-law proposes to zone the developable portion of the property to Neighbourhood Low 2 (NL2).

B. Draft By-law Comments:

Our client has reviewed the draft By-law in the context of the approvals noted in Section A above, and the changes in the By-law that would impact on the ability to complete the development of this subdivision as planned.

B1. Subdivision Transition: Section 1.10 a) of the proposed By-law contains a subdivision transition provision. Unfortunately, this provision lacks implementation clarity and is a concern for the reasons outlined below:

- a. 1.10 a) states that the only subdivision transition is for an “approved Draft Plan of Subdivision” that has “not yet started construction”.

In this case, the subdivisions are not yet draft plan, but they are expected to be approved prior to adoption of the new By-law. However, construction has already commenced as a result of the adjacent developer constructing the stormwater management pond and the access road to same. Does this mean it is not transitioned?

- b. The lots/blocks were designed, zoned and on the verge of approval based on the current zoning framework, and house designs are being developed under that zoning framework. The proposed changes to that zoning framework, as proposed in the new By-law, will negatively impact on sales and house construction, unless these lots/blocks are transitioned from the requirements of the new By-law.
- c. For large development parcels it is typical that redline revisions or draft plan approval extensions, or other implementing approvals are required prior to final approval and registration. The 3-year transition window simply does not provide for the time it takes to deliver large subdivision projects.

Request: In order to provide an appropriate transition for subdivisions, we recommend that Section 1.10a) be revised as shown in red below:

1.10 a) ~~Lots/blocks within if owner/applicants have~~ an approved Draft Plan of Subdivision and/or registered plan without a building permit, will be transitioned from this By-law and remain subject to the provisions of By-law 2009-141. In accordance with Section 2.5.6 and 2.5.7 of the Official Plan, this transition continues in the event that subsequent implementing approvals are required such as, but not limited to, redline approvals of the subdivision, extensions of draft plan approval, applications for release of Part Lot Control approval, lifting Holding Provisions, or site plan control approval. ~~but have not yet started construction when the new By-law comes into effect, a transition window of three (3) years will apply to the zoning review for new Building Permit applications, after which time the new By-law standards will apply to all new construction.~~

B2. Neighbourhood Low (NL2) Zone and other related provisions: If not appropriately transitioned, the proposed new By-law contains provisions that would impact on the implementation of this subdivision. Examples include the following:

- a. Table 23 of the proposed new By-law prohibits detached, semi-detached, and street townhouses from fronting onto a Collector Road. Every subdivision in Hewitt's and Salem, including this subdivision, have lots fronting onto Collector Roads. The yield and construction cost impacts of this change are significant.
- b. Section 3.3.4 a) iii) of the proposed new By-law requires a 3m wide planting buffer for all lot lines abutting the environmental protection zone. The limits of environmental protection lands includes the core feature and a

vegetated buffer. For example, a woodlot would be protected to the dripline plus a buffer. The requirement for an additional 3m buffer, which would be on private land behind a fence, would impact on drainage/grading, and require deeper lots. This is an unnecessary and inappropriate zoning provision that should be removed.

- c. Section 3.3.8 a) of the proposed new By-law requires a 3 x 3m sight triangle on either side of every driveway. Firstly, adjacent driveways may be located within 0.6m on either side of the joint lot line so a 3m x 3m site triangle is not possible. Furthermore, this triangle will significantly alter streetscape tree planting.
- d. Section 4.5 of the proposed new By-law requires driveways to be 6 metres long, which conflicts with the 5.5 metres permitted in the NL2 zone.
- e. Section 4.6.1 of the proposed new By-law governs parking structures and Table 11 requires an interior side yard setback of 3m, front yard setback of 6m and an exterior side yard of 4m, all of which conflict with the proposed NL2 standards.
- f. Section 5.7 of the proposed new By-law establishes the maximum elevation for primary entrances and location of pedestrian entrances, which is a matter that should be subject to City Engineering Standards, not a Zoning provision. Site grading, stormwater management, servicing, and overall subdivision design are highly complex tasks that should not be governed by blunt tools like a zoning by-law. The cost and yield implications of this section is significant and we ask you to consider the following:
 - i. The requirement for a residential entrance to be 1.2m from finished grade could result in untold amounts of additional fill to be brought into a site.
 - ii. The requirement that pedestrian entrances must be located facing the front or exterior side yard would eliminate second suite entrances in the interior side or rear which will reduce the ability to deliver additional dwelling units.
- g. Table 4 of the proposed new By-law requires an attached garage to be a minimum of 22 square metres. This size is significantly larger than a standard parking space and larger than all townhouse and single car garages. This should be removed.
- h. Table 4 of the proposed new By-law states that the front yard setback to an attached garage is 5.5m, but this conflicts with Section 4.5 which requires 6m. Furthermore, Table 4 requires exterior side yard setback of 3m which conflicts with the 2m exterior side yard in the NL2 zone.
- i. Table 26 of the proposed new By-law requires the front yard setback to be an average of adjacent building setbacks (+/- 20%) or 3m if those lots are vacant. This is an unnecessary and inappropriate requirement in greenfield development locations.
- j. Table 26 of the proposed new By-law establishes a maximum townhouse block length of 60 metres. Where larger townhouse widths are proposed, the 60 metre standard would prohibit 8 townhouses in a row. This 60 metre length should be increased to 70 metres to encourage the widest variety of townhouses to provide additional housing options without creating inefficiencies associated with extra side yards.

We kindly ask that you bring this letter to the attention of the Mayor and Members of Council prior to the public meeting scheduled for October 1, 2024. We appreciate the opportunity to provide comments on the draft By-law and we request notification of all future meeting dates where this matter will be discussed and any decisions rendered.

Sincerely,



Ray Duhamel, M.C.P., MCIP, RPP
Partner

- c. Liam Munnoch, Planner
Celeste Kitsemetry, Supervisor of Growth Management
Michelle Banfield, Executive Director of Development Services
Lockhart Innisfil Investments Ltd & Lockhart Innisfil Investments II Ltd, [REDACTED]



64 JARDIN DRIVE, UNIT 1B
CONCORD, ONTARIO L4K 3P3

T 905.669.4055
KLMPLANNING.COM

File: P-2442

October 1, 2024

City of Barrie
70 Collier Street
Barrie, ON
L4M 4T5

Attention: Mayor Nuttal and Members of Affordability Committee

**Re: City of Barrie Zoning By-law Draft #3
October 1, 2024 Public Meeting
Salem Landowners Group Inc. Comments**

Dear Mayor Nuttal and Members of Affordability Committee,

On behalf of our client, Salem Landowners Group Inc., which consist of the following participating landowners:

- Crisdawn Construction Inc. (Pratt Homes)
- Countrywide Homes at Berczy Inc. (Countrywide Homes)
- 2431805 and 2528286 Ontario Inc.
- Centreville Vetmack GP Inc. (Centreville Homes)
- Mattamy (Salem) Limited (Mattamy Homes)
- H&H Capital Group Inc.
- Honeywood Land Corporation
- Perthshire Investment Inc. (DG Group)
- Watersand Construction Limited (DG Group)
- Wormwood Developments Inc. (DG Group)
- Ruby Red Maple Development Inc. (Great Gulf)

We are pleased to provide you with our comments related to draft #3 of the proposed City of Barrie Zoning By-law. Firstly, we are disappointed a track change version of the document has not been provided which has made it difficult to understand what, if any, changes have been made that we requested in our previous two submissions.

In addition and as noted in our correspondence dated July 28, 2023, the City requires a comment response matrix that outlines how each comment or concern has been addressed when resubmitting development applications yet one has not been provided for either the previous or the most recent draft of the by-law. Surely, this could have and should have been provided to help ease those that are interested in this document to clearly understand how their previous comments and concerns have or have not been addressed.

Our concerns with the current draft are as follows:

- Section 1.10 provides timelines associated with transition to the new by-law based on the type of development application. We have never come across a transition provision such as this one being proposed. To suggest that a developer that has taken the time, effort and money to undertake a planning approval process with by-law standards that are tailored to that specific development will then be required to adhere to the new by-law should they not meet the timelines noted in this Section. Fundamentally, we feel this is inappropriate. If a developer has been successful in obtaining a site-specific zoning by-law amendment for their lands, those standards should continue to apply for as long as it takes to construct the project.
- Section 3.1.1 Table 4. The current exterior sideyard setback within the R5 Zone category is 2.0 metres whereas this proposes 3.0 metres. We recommend the 2.0 metres standard be carried forward.
- Section 3.1.1 Table 4 requires a minimum building area for an attached or detached garage of 22 square metres. This is too large for a single car garage. We recommend the minimum requirement be removed.
- Section 3.2.1.a) requires a minimum 25% of the GFA of the ground floor to consist of non-residential uses for low and mid-rise buildings fronting onto an intensification corridor or arterial street. Given the number of arterial streets within the Salem area, this would result in a significant amount of non-residential floor space that would oversaturate the market. In our view, the 25% requirement should be removed.
- Section 3.2.2 requires a 45-degree angular plane for mid and high rise buildings when sharing a lot line to a neighbourhood low zone. Many municipalities are removing 45-degree angular plane requirements since it places a significant burden on the ability to provide much needed housing and we therefore suggest this be removed.
- Section 3.2.5. This is very confusing how this will apply and should be removed.
- Section 3.2.5 Table 5 sets out a rear yard setback of 6 metres whereas the current rear yard setback within the R5 Zone is 5 metres. This should be revised to reflect a 5 metre rear yard setback to ensure consistency within the Salem Secondary Plan community.
- Section 3.2.5 Table 6 requires a Rowhouse Cluster to have a minimum dwelling width of 6 metres whereas the Neighbourhood Low zone permit a minimum dwelling width of 4.5 metres. This should be revised to reflect a minimum width of 4.5 metres.
- Section 3.2.7 sets out facing distances. Why is this required for anything below six storeys?
- Section 3.3.1.b requires 50% landscaping within the front yard in the NL Zones. How will this apply to units with small lot frontages and a driveway?
- Section 3.3.4. requires a continuous 3 metre planting buffer adjacent to various zones, including an EP Zone. A 3 metre planting buffer should not be required next to an EP Zone as in most cases those areas already have a 10 metre buffer or greater, depending on the feature being protected. As an example, a typical woodlot would be staked at the dripline and then it would be protected by a 10 metre buffer. The requirement to add a 3 metre continuous landscape strip in addition to the 10 metre buffer, is not reasonable as this then becomes a 13 metre wide buffer. This is not fair nor feasible and should be removed.
- Section 3.3.8 requires all driveways to provide a sight triangle of 3m by 3m which cannot be provided on small lot frontages.
- Section 4.5 requires a driveway size of 2.7 metres by 6 metres long. In our opinion, the driveway size should reflect the parking space size of 2.7 metres by 5.5 metres.
- Section 4.6.1.b within Table 11 requires a parking structure in all zones to be a minimum of 3 metres from an exterior sideyard whereas the current setback is 2 metres. 6 metres is required for the frontyard whereas 5.5 metres is currently permitted. 3 metres is required for an interior sideyard

whereas 0.6 metres is permitted and 6 metres for a rearyard whereas 5 metres is currently permitted. We recommend these setbacks be revised accordingly.

- Section 4.6.4.b) requires all parking spaces to be EV Ready Park (EVRP) which is unreasonable as this will add significant costs to each dwelling type in order to provide them as EVRP. In our view, this should be left to the marketplace to determine when and where it is required and not within a Zoning By-law.
- Table 23 notes that detached, semi-detached, rowhouse, on-street and back-to-back buildings are only permitted when fronting onto local roads. Currently these dwelling typologies are permitted to front onto collector roads of which this permission should continue. We could appreciate why this may not be permitted on arterial roads however there is no reason they cannot front onto a collector road.
- Section 5.7.a) does not permit residential entrances to exceed 1.2 metres from finished grade of the front yard. This is very restrictive, especially on sites that have significant grading challenges. In our view, this should be removed.
- Section 5.9, Table 26 requires a 3 metre exterior sideyard for cluster townhouses whereas the current standard is 2 metres. This should be revised accordingly.
- Section 6.7.a) also requires residential entrances to not exceed 1.2 metres, which as noted above is difficult with challenging grading sites. This should be removed.
- Section 11.2, Table 69 permits low-rise buildings within the Community Hub Neighbourhood (CHN) zone. This zone is what is used for school sites in particular, which is problematic should the school board decide not to purchase and construct a school, these blocks cannot be developed with the surrounding low density residential uses and instead will be required to have buildings constructed. In our opinion, ground related housing should also be permitted within the CHN zone category using the same standards afforded by the R5 Zone, to ensure consistency with the adjoining lands.

Fundamentally we are not sure why the City has chosen the path to create a new form based Zoning By-law from scratch. By-law 2009-141, as amended, has worked reasonably well and with some modifications could have been updated to a limited extent thereby reducing the potential costly impact of changes to existing and future developments within the City.

Lastly, as noted in our previous correspondence, we request the next draft include a track change version along with a comment response matrix. In addition, we wish to receive notice of any decision made on this matter.

Yours truly,

KLM PLANNING PARTNERS INC.



Keith MacKinnon BA, MCIP, RPP
Partner

cc. Salem Landowners Group Inc.
cc. City of Barrie

From: Craig Mathieson
Sent: Tuesday, October 1, 2024 5:46 PM
To: cityclerks <cityclerks@barrie.ca>
Subject: Concern by new Zoning Bylaw

To Whom this may concern.

I have recently moved to Barrie and have purchased a home on the . We chose to live in this area due to the proximity to the water, and because of the unique character of the neighborhood. We visited a number of neighborhoods throughout Barrie, but the east end was unique, it had community feel, unique style of housing and charm, and was a location we wanted to raise a family in.

I acknowledge that Barrie is subject to grow substantially over the next few years, anticipated to double in size by 2050. I am an urban planner by trade, and I am all for intensification, however, this intensification needs to occur in the right locations. Intensification needs to occur along transportation corridors which offer opportunities for public transit. Intensification needs to occur close to amenities to enable opportunities for active modes of travel (i.e allowing people to walk to shops etc.). This is not achieved in the east end of Barrie.

Blanket rezoning represents a shotgun approach to re-development in established areas and will not achieve the volume or type of development the city desires. This is best accomplished through comprehensive and contextually appropriate planning.

I have seen this first hand in my home City [REDACTED]. A blanket shot gun approach was applied to zoning throughout the city, and resulted in undesirable outcomes. If you do not have the infrastructure or local amenities to support intensification in a certain locality, there will be a raft of issues, namely the ability to get around and infrastructure capacity to name a few.

Smart growth, focused intensification is the most appropriate way forward. It will provide the outcomes the city seeks to achieve with respect to provision of housing, and will provide existing home owners with surety that their neighbourhoods will not change for the worse.

I would like to reiterate that I am for intensification, it needs to happen to cater for forecasted population growth, but this intensification needs to be targeted in the right areas. The east end of Barrie, in my opinion, is not the right location for this type of growth.

Kind regards,
Craig - [REDACTED]