

COBOURG ZONING BY-LAW REVIEW

ISSUES & OPTIONS STUDY

Rehabilitation Treatment Centres

Crisis Care Centres

Cobourg Planning and Development Committee

June 8, 2021

Council Committee of the Whole

July 19, 2021



Purpose of the Study

The key objectives of this study are to better understand:

- i) the link between rehabilitation treatment centres and crisis care centres and the needs of the community as a whole;
- ii) how these facilities operate and function;
- iii) where these facilities should locate in the community; and,
- iv) whether there are any land use compatibility issues that may impact public safety and quality of life.



What is a Rehabilitation Treatment Centre?

Rehabilitation Treatment Centre - these facilities offer in-patient and/or out-patient care as well as treatment and/or rehabilitation services for persons addicted to drugs or alcohol and include as a component, 24-hour accommodation where meals may/may not be served to residents. These uses may also have offices, lounges and meeting rooms and would be open to visitors and are generally not accessible at all hours of the day.

The primary activity and purpose of this use is to provide medical treatment and counselling services to those who are suffering from drug or alcohol addiction. While residential accommodation is being offered, it is in support of the primary activity of treatment and rehabilitation services.

What is a Crisis Care Centre?

Crisis Care Centre - these facilities provide shelter for individuals in a crisis situation over short periods of time in a highly secure setting and would include 24-hour accommodation where meals may/may not be served to residents in a common area. These uses may also have offices, lounges and meeting rooms and would not generally be open to visitors but would be accessible at all hours to those who are experiencing a personal crisis.

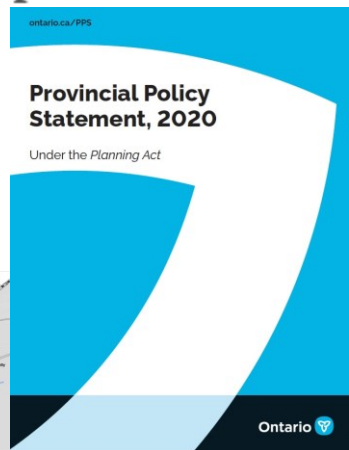
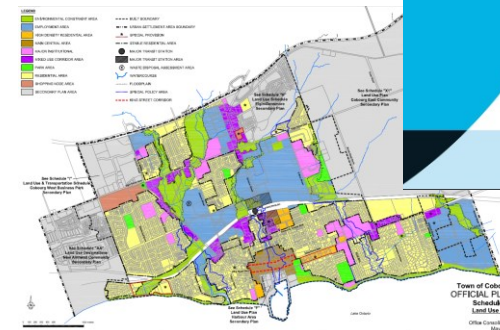
A crisis care centre is considered to be primarily an institutional use, even though the primary activity and purpose of the use is to provide temporary living accommodation to those who are experiencing a personal crisis. However, this use is intended to be accessed in a crisis situation 24 hours per day in some circumstances and as a consequence, such a use may not be appropriate in all residential settings.

Policy Framework

- Health and safety of communities is an essential component of the community fabric supported by Provincial and municipal policy directives
- Rehabilitation treatment centres and crisis care centres are two of the social supports that work to respond to community needs in keeping with these Provincial priorities
- These policy directives are framed by the Ontario Human Rights Code and upheld by the Local Planning Appeal Tribunal (LPAT) which as of June 1st was replaced by the new Ontario Land Tribunal (OLT)
- In this regard, by-laws that characterize a use by the type of user or that include provisions that effectively control the user have been determined to be invalid by the courts.



**Ontario
Human Rights Commission**
**Commission ontarienne des
droits de la personne**



Current Zoning



TOWN OF COBOURG

OCTOBER 2003

ZONING BY-LAW NO # 85-2003

Passage: October 14, 2003
Revised: March 8, 2004

Important Note: This document is for reference purposes only and contains only those amendments approved prior to and including March 8, 2004. Always confirm the accuracy of any data retrieved from this document with the Planning Department.

Use	Residential Zones	Institutional Zones	Main Central Commercial Zone	Rural Zone
Group Home Type 1	✓	✓	✓	✓
Group Home Type 2		✓	✓	✓
Emergency Care Establishment		✓		

*“An institutional use that provides a means of immediate, temporary accommodation and assistance for a short term period, generally less than one week for the majority of the residents. **Emergency Care Establishments** are distinct from Group Homes in that the former has a shorter length of stay, and that their capacity usually exceeds ten (10) residents (excluding staff or the receiving family).”*

Best Practices Review

Case Studies

- As part of this study, the regulation of rehabilitation treatment centres and crisis care centres in other comparable municipalities were reviewed under the broader banner of 'residential care facilities.'
- The case study municipalities included:
 - Port Hope
 - Oshawa
 - Whitby
 - Burlington
 - Kingston
 - Belleville
 - Brockville



Best Practices Review Continued

- As part of the best practice review, the case study municipalities were compared against a number of common zoning elements included within each of the applicable Zoning By-laws.
- Terminology and Zoning Permissions
- Definitions
- Capacity
- Minimum Distance Separation
- Frontage on a Specified Road Classification
- Minimum Parking Requirements
- Occupancy of Whole Building
- Minimum floor area and minimum amenity area
- Landscaping, buffering, fencing



Best Practices Review Continued

- The overall finding of the review of case studies indicates that this is an area of zoning that is evolving in tandem with these uses. Some municipalities have opted for a broader approach that is less prescriptive, while others such as the City of Kingston, have provided a very detailed zoning framework to regulate these uses.



Recommendations

Term/Definition	Residential or Institutional Use	As-of-Right Zoning - Yes/No	Suggested Setbacks or Restrictions
<p>Group Home Type I: Means a premises used to provide supervised living accommodation, licensed or funded under Province of Ontario or Government of Canada legislation, for up to ten persons, exclusive of staff, living together in a single housekeeping unit because they require a supervised group living arrangement. A Group Home Type I may locate:</p> <p>a) in a single detached dwelling; or,</p> <p>b) in a two-unit building (duplex or semi-detached) if the group home is the sole occupant of both units of the two-unit building and the total number of residents in the entire building does not exceed ten (10) residents.</p>	Residential	Yes - Within any Zone that permits single detached, semi-detached and duplex dwellings	None

Recommendations

Term/Definition	Residential or Institutional Use	As-of-Right Zoning - Yes/No	Suggested Setbacks or Restrictions
Group Home Type II: Means a premises used to provide supervised living accommodation, licensed or funded under Province of Ontario or Government of Canada legislation, for more than ten persons, exclusive of staff, living together in a single housekeeping unit because they require a supervised group living arrangement. A Group Home Type II may only be located in a single detached dwelling.	Residential	No	None

Recommendations

Term/Definition	Residential or Institutional Use	As-of-Right Zoning - Yes/No	Suggested Setbacks or Restrictions
<p>Crisis Care Centre I - Means an establishment that provides shelter in a highly secure setting for persons who require intervening shelter, protection, counselling or support from their existing place of residence. As a component, the establishment includes 24-hour accommodation where meals may be served. The premises may be accessible at all hours of the day and may contain offices, lounges and meeting rooms.</p> <p>A Crisis Care Centre I shall not include a Medical Clinic, a Group Home I or II, an Emergency Care Centre, a Crisis Care Centre II, or a Rehabilitation Treatment Centre.</p>	<p>Institutional - <i>but it has residential elements as well</i></p>	<p>Yes - Wherever institutional uses are permitted</p> <p><i>Could also be permitted in residential areas subject to re-zoning</i></p>	<p>None</p>

Recommendations

Term/Definition	Residential or Institutional Use	As-of-Right Zoning - Yes/No	Suggested Setbacks or Restrictions
<p>Crisis Care Centre II - Means a supervised establishment operated by or for a public authority, non-profit community group, or place of worship that provides shelter, specialized programming or other support services for individuals who are facing homelessness or are in need of emotional, mental, social or physical support. The premises may be accessible at all hours of the day and may include offices, lounges and meeting rooms.</p> <p>A Crisis Care Centre II shall not include a Medical Clinic, a Group Home I or II, a Crisis Care Centre I, or a Rehabilitation Treatment Centre.</p>	Institutional	<p>No - subject to a re-zoning and could be permitted in commercial areas only</p> <p>Use could also be considered on lands that are zoned for institutional uses subject to re-zoning</p>	<p>Yes -</p> <p>Use should be setback some distance (to be determined on case by case basis) from schools, childcare centres and parks.</p> <p>Also recommended that use be in self-contained building</p>

Recommendations

Term/Definition	Residential or Institutional Use	As-of-Right Zoning - Yes/No	Suggested Setbacks or Restrictions
Rehabilitation Treatment Centre – Means a facility providing secure, supervised specialized care, treatment and/or rehabilitation services on an in-patient or out-patient basis for individuals who are addicted to chemical substances and/or alcohol. Services generally include 24-hour accommodation for a period equal to or greater than seven (7) consecutive days where meals may also be prepared on site and served to patrons. The premises may also include accessory offices, lounges and meeting rooms. For the purposes of this use, 'secure' shall mean monitored and controlled ingress and egress to the facility at all times.	Institutional	No - subject to a rezoning and could be permitted where institutional or commercial uses are permitted	Yes - Use should be setback some distance (to be determined on case by case basis) from schools, childcare centres and parks. Also recommended that use be in self-contained building

Other Zoning Considerations

Minimum Distance Separation – not supportable and not recommended

Minimum Parking Requirements - Generally 0.25 parking spaces per bed has been found to be commonplace in the scan of best practices. The parking standard applied to the use conversion at 420 Division Street is 0.5 parking spaces per bed. However, it is recommended that any parking standards be based on a unit of measurement that is not dynamic such as occupancy or beds. It is recommended that gross or net floor area is a more static metric upon which to base parking standards.

Minimum Size – minimum floor area per patient/client (Kingston 18 m² per patient/client)

Minimum Amenity Area – minimum outdoor amenity area per patient/client in side or rear yard (Kingston 18.5 m² per patient/client in rear yard)

Buffering, fencing, screening when adjacent to residential uses (also required by Kingston)

Next Steps

- Prepare a Draft Zoning By-law in line with the recommendations in the report and any input provided by Council.
- Issue a Notice of Public Meeting related to the proposed Zoning By-law Amendment.
- Hold a Public Meeting to consider the Zoning By-law Amendment.
- Prepare a Final Draft Zoning By-law to be brought forward to Council for approval.

Discussion

