

	<b>THE CORPORATION OF THE TOWN OF COBOURG</b>	
	<b>COUNCIL STAFF REPORT</b>	
TO:	Mayor and Council Members	
FROM:	Glenn McGlashon, MCIP, RPP Director, Planning and Development	
DATE OF MEETING:	July 27, 2020	
REPORT TITLE/SUBJECT:	Rehabilitation/Treatment Centres	
REPORT DATE:	July 22, 2020	File # N/A

**1.0 CORPORATE STRATEGIC PLAN OBJECTIVE**

Pillar: People -- the Town supports and cares for the social and physical well-being of its citizens.

**2.0 RECOMMENDATION**

THAT Council receive the Report from the Director of Planning and Development for information purposes; and,

FURTHER THAT Council approve **Option 1** to refer the matter of rehabilitation/treatment centres and emergency care establishments to the Comprehensive Zoning By-law Update process now underway to add this issue as a special study component; and,

FURTHER THAT Meridian Planning Consultants Inc. be approved as a sole-source consultant to undertake the planning review of rehabilitation/treatment centres and emergency care establishments as a special study as part of the Comprehensive Zoning By-law process for an estimated cost of \$30,000.00 which will form a pre-commitment to the 2021 municipal budget.

-OR-

FURTHER THAT Council approve **Option 2** to direct that a planning review or study be undertaken of rehabilitation/treatment centres and emergency care establishments as specified in the Director's Report; and,

FURTHER THAT the draft Interim Control By-law attached as Schedule "A" to the Director's Report be endorsed and presented to Council for adoption; and,

FURTHER THAT Meridian Planning Consultants Inc. be approved as a sole-source consultant to undertake the planning review of rehabilitation/treatment centres and emergency care establishments as a special study in accordance with Interim Control By-law for an estimated cost of \$40,000.00 which will form a pre-commitment to the 2021 municipal budget.

### **3.0 PUBLIC ENGAGEMENT**

This Report is being provided to Council as part of its regular published Agenda at least 72 hours in advance of the Regular Council meeting and is public information. There is no Statutory requirement to provide notice of this Report or engage the public for the purpose of consultation.

### **4.0 ORIGIN**

On July 20, 2020, Council directed that a report be prepared in response to a legal opinion provided to Council by its solicitor in Closed Session regarding the interpretation of the Zoning By-law pertaining to rehabilitation/treatment centres and similar uses, and the options available to Council for considering the land use implications of such uses in existing neighbourhoods specifically and on the community as a whole. This staff report is written in response to Council's direction.

### **5.0 BACKGROUND**

A number of enquiries and concerns have been received in recent weeks from members of the public, Council and the KPRD School Board regarding the possible use of one or more properties in the Town of Cobourg for residential rehabilitation/treatment centres. Furthermore, the Planning Department has been approached by a number of proponents investigating various sites throughout the municipality for these facilities.

The information available from proponents is that these facilities would offer in-patient and/or out-patient care, treatment and/or rehabilitation services for persons addicted to drugs or alcohol. While many support the need for rehabilitation/treatment centres in the community, concerns have been expressed about land use compatibility, particularly the proximity of such facilities to sensitive uses, such as schools, daycares, playgrounds and other community facilities, and seniors/nursing homes.

Of these sites, one site in particular, 316 King Street East, is the subject of an application for a Building Permit to renovate a portion of the existing building into such a facility. This particular property is occupied by a building which has historically been operated as a medical clinic since the mid-1990's, with secondary uses including a pharmacy, offices, and a laboratory. These uses have recently vacated the premises and the building is currently vacant. The subject property is located directly across the road from (to the north of) Cobourg Collegiate Institute (a secondary school of approx. 1,700 students), within 50 metres south-west of C.R. Gummow Public School (an elementary school comprised of over 700 students), and immediately west of a multi-unit senior citizen's complex.

Following a review of the Zoning By-law and relevant background information, it is the opinion of the Town's solicitor that the use of 316 King Street East for a rehabilitation/treatment centre with overnight accommodation is not a permitted use and would not comply with the Institutional Exception 2 (I-2) Zone provisions. If the proposed rehabilitation/treatment facility did not include overnight accommodation and satisfied the definition of a medical clinic, it is possible that the use could be permitted on the subject property as-of-right.

Finally, concerns have been expressed by members of the public regarding the operation of an emergency care (transition) shelter in the downtown area in close proximity to established residential neighbourhoods. The concerns relate to the negative impacts area residents have experienced with the use, including noise, crime, nuisance and public safety. Some of these concerns were also noted by residents in the last several months when this shelter was temporarily re-located to the Cobourg Collegiate Institute high school due to the COVID-19 pandemic. The Town has not, however, received any enquiries from proponents investigating the establishment of this form of facility elsewhere in the municipality.

## **6.0 RELEVANT POLICIES**

### Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. In general, the relevant directives of the PPS include such matters as:

- fostering the development of complete communities which are strong, sustainable, liveable, healthy and vibrant;
- accommodating an appropriate range and mix of residential housing (including low, medium & high density residential, second units, affordable housing and seniors housing), employment, institutional, recreation, parks and open space and other uses to meet long term needs;
- promoting opportunities for economic development and community investment;
- planning for necessary infrastructure and public service facilities to meet current and projected needs;
- avoiding development and land use patterns which may cause environmental or public health and safety concerns;

## Cobourg Official Plan, 2017

The Official Plan is an important tool for integrating matters of provincial interest into local planning policies and, thus, implementing the PPS. The Official Plan is a broad policy document that establishes an overall planning framework or vision for the community, including policies for maintaining and enhancing the existing community structure and for managing change, and for guiding the municipality in implementing the planning process through a variety of mechanisms and approaches.

The Cobourg Official Plan supports the creation of healthy communities by promoting compact, mixed-use development that is connected, sustainable, transit-supportive, accessible, safe and liveable. One of the community development principles of the Plan specifies that decisions made with respect to the future of Cobourg will reflect the need to maintain and enhance the social and economic health of the community by, among other matters, ensuring that all changes to the community promote safety and security through the use of appropriate design strategies and minimizing conflict between sensitive development and potentially incompatible industrial, commercial and institutional land uses.

## Cobourg Zoning By-law 85-2003

The Zoning By-law is also an important regulatory tool for implementing provincial and local planning policies. It implements the policy direction set out in the municipal Official Plan by establishing the rules and regulations that control the use of land, buildings and structures. Municipalities are typically divided into different land use zones, with detailed maps (e.g. commercial, industrial, institutional, residential, etc.), which specify the types of permitted uses and the required standards (e.g. building size, location, setbacks) in each zone. Commonly-used land uses and terms are also defined in the By-law. The current Zoning By-law was passed in 2003 and is under review to conform to current policies and reflect modern trends in community planning.

## **7.0 RELEVANT LEGISLATION**

### Ontario Building Code Act, 1992, S.O. 1992, c. 23

The *Ontario Building Code Act* is the legislative framework governing the construction, renovation and change-of-use of buildings in the Province of Ontario. The Ontario Building Code is a regulation under the *Ontario Building Code Act* which establishes detailed technical and administrative requirements associated with building construction. The Ontario Building Code promotes public safety through the application of uniform building standards and adherence to “applicable laws”, including the *Planning Act*, the *Development Charges Act*, the *Environmental Protection Act*, and the *Heritage Act* (and municipal by-laws enacted thereunder). The municipal Chief Building Official administers and enforces the *Ontario Building Code Act and Building Code*. Chief Building Officials and inspectors are independent of municipal council when exercising these powers and duties.

## Planning Act, R.S.O. 1990, c.P. 13, as amended

The *Planning Act* sets out the roles and responsibilities that municipalities in Ontario must abide by when making land use planning decisions. The land use planning system is led by provincial policy, whereby local planning decisions shall be consistent with the PPS and conform to provincial plans, such as the Growth Plan. The Act contains numerous provisions and regulations which govern local decision-making affecting land use and development in a municipality, and are implemented by such documents as Official Plans and Zoning By-laws.

The Zoning By-law is a comprehensive regulatory tool enacted under Section 34 of the *Planning Act* which implements the policy direction set out in the municipal Official Plan.

An Interim Control By-law (ICBL) is a special regulatory instrument under Section 38 of the *Planning Act* which provides a local municipality with a reasonable period of time to undertake a review or study of land use policies and regulations within all or part of the municipality.

An ICBL may temporarily prohibit the use or development of land, buildings or structures for a particular use or uses while the municipality undertakes such a study and determines the appropriate policies and controls that it deems to be in the public interest. An ICBL may only be passed if Council directs that a land use planning review or study be undertaken. An ICBL provides some breathing room for a municipality to rethink its land use policies by suspending development that may conflict with any new policy. Thus, an ICBL can adversely affect or negate land use and development rights, and is seen as an extra-ordinary power. The ICBL does not impact land uses which were legally established prior to the passing of the By-law.

An ICBL is effective for one (1) year with a possible extension of one (1) additional year. There are no advanced notice requirements under the *Planning Act* and only the Minister of Municipal Affairs and Housing can appeal the enactment of an ICBL<sup>1</sup>. Once an ICBL ceases to be in effect, the municipality cannot enact another ICBL for the same area for a period of three (3) years.

## **8.0 ANALYSIS**

As indicated in Section 5.0 above, concerns have been expressed to the Town regarding the potential establishment of residential rehabilitation/treatment centres within the community, particularly relating to the proximity of such uses to existing schools, playgrounds, seniors facilities, and other sensitive land uses. Specifically, the concerns relate to public safety and, in particular, the appropriateness of this land use and the potential impacts that such facilities could have on the safety of school children and other vulnerable populations and residents in the immediate area. There have also been

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<sup>1</sup> Any person may appeal a one (1) year extension of an ICBL to the Local Planning Appeal Tribunal (LPAT).

concerns expressed by residents regarding changes to the use of a property in the downtown core (and its temporary re-location at CCI during the COVID-19 outbreak) for a low-barrier transitional housing shelter and its impacts on their property, safety and quality of life. This Report has included emergency care (transitional shelter) establishments given the recent emergence of similar issues and concerns.

Planning staff confirm that a number of enquiries have been received by the Planning Department from various proponents investigating the use of properties in town for rehabilitation/treatment centres. A Building Permit application has been submitted to the Building Department for a renovation to the medical building at 316 King Street East for such a facility.

### Zoning By-law 85-2003

The Town's Comprehensive Zoning By-law No. 85-2003 was passed by Council in 2003. A number of general and site specific zoning amendments have been passed in the years leading up to present day. In 2011, the Town retained Meridian Planning Consultants Inc. to assist planning staff undertake a review of the Zoning By-law in an effort to implement the latest provincial policy framework, conform to the Town's newly-adopted Official Plan and modernize the regulations consistent with current trends in community planning. The Official Plan was appealed in its entirety to the Ontario Municipal Board (now LPAT) and the Plan was not approved until mid-2017. The Zoning By-law review project was placed on hold pending the resolution of the appeals and, due to a combination of factors such as Statutory obligations associated with development files submitted under the *Planning Act*, special municipal projects and staffing levels, the Zoning By-law update has been active only when staff resources permit.

The following is a summary of key land use definitions from the Zoning By-law:

- 3.25 CLINIC** – shall mean a building or part thereof used by the health care professions, their staff and their patients for the purposes of consultation, diagnosis and office treatment.
  
- 3.26 CLINIC, MEDICAL** -- A building or structure where four (4) or more medical practitioners provide diagnosis and treatment to the general public without overnight accommodation. Practitioners include, but are not limited to; members of the medical profession, dentists, chiropractors, chiropodists, pediatricists, optometrists, osteopaths, and physio and/or occupational therapists. Secondary uses include, but are not limited to; reception areas, child care facilities for the children of the medical professionals and their patients in attendance in the clinic, coffee shop, ultra sound/radiology laboratory, dispensary for medications, a testing laboratory, audiologist, massage therapist, fitness center, and other uses supportive and incidental to the medical profession and providing that all such uses have access only from the interior of the building or structure, with the exception of a

dispensary for medications which may have one direct street front access.

**3.75 EMERGENCY CARE ESTABLISHMENT** shall mean 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).

**3.167 SERVICE USE, PERSONAL** shall mean the use of a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, such as a barber shop, registered massage therapist facility, dry cleaning distribution station, laundromat, domestic animal- grooming salon, hairdressing establishment, shoe shine shop and other similar services, but not including a body rub or massage parlour.

**3.194 WELLNESS CENTRE** shall mean an establishment, bed and breakfast, or place of business that caters to the health and overall well being of persons and may include, but not necessarily limited to the following: chiropractic service; massage therapist; hydro therapist; aroma therapist; manicurist and/or pedicurist, and other personal service uses.

**3.2 ACCESSORY USE** shall mean a use naturally and normally incidental to, subordinate to and exclusively devoted to a main use and located on the same lot therewith.

The Zoning By-law does not currently contain a definition of rehabilitation/treatment centre. It is the opinion of the Town's solicitor that a rehabilitation/treatment centre which provides overnight accommodation is not currently permitted under the definition of a medical clinic. In such cases, a proponent would need to obtain a Zoning By-law Amendment to permit the use as a medical clinic. However, if there is no overnight accommodation associated with the use it could be categorized as a medical clinic and be permitted as-of-right anywhere a medical clinic is permitted.

In addition, a rehabilitation/treatment centre could qualify as a *clinic* (having less than 4 practitioners), a *personal service use* or a *wellness centre* and be permitted as-of-right in many commercial and institutional zones throughout the municipality with no restriction on overnight accommodation. Emergency care establishments are defined in the Zoning By-law and are also permitted in many commercial and institutional zones, although there is only one such facility operating in Cobourg (in the downtown) and there have been no

enquiries received by the Planning Department about establishing new or additional facilities.

Substance addiction and abuse is an emerging problem in communities across Ontario and Canada. The Town of Cobourg is not immune to this issue but has few addiction treatment centres in the community and no residential rehabilitation/treatment operations which involve overnight accommodation. The emergence of rehabilitation/treatment centres aimed at responding to the needs of society is well-recognized, and is recently evidenced locally by the number of enquiries planning staff have received in recent months from proponents of such facilities.

It is apparent that the Town's Zoning By-law is quite dated and does not recognize or define rehabilitation/treatment centres nor does it appear well-equipped to address the nature of the use or the potential land use planning issues unique to these operations, including location, concentration, spatial separation, incompatibility (ie. to sensitive land uses, like schools, daycares and playgrounds), site planning and design, and public health and safety. Similarly, an understanding of the issues surrounding emergency care establishments (shelters) and how land use planning can play a role in their location and operation in the community appears to be lacking.

It is the opinion of planning staff that further review is required to better understand: the link between rehabilitation/treatment centres and emergency care establishments and the needs of the community; how they operate and function; where they should locate in the community; and, whether there are any land use compatibility issues (ie. negative impacts on adjacent land uses, concentrations of similar uses, size of operation) that may impact public safety and quality of life. It is felt that this is a comprehensive, proactive approach to addressing and responding to an emerging issue of great importance to the community and is based on sound planning principles.

The Province of Ontario, for example, enacted cannabis retail regulations which specify that no cannabis retail store may locate within 150 m of a school to act as a measure of ensuring land use compatibility and public safety. Similar separation buffers for residential/treatment centres, emergency care establishments and similar uses may be investigated as part of the planning study.

In light of the above, the following are two (2) options intended to provide Council with a mechanism to further explore residential/treatment centres, emergency care establishments and/or similar uses:

**Option 1 – Refer the matter to the Comprehensive Zoning By-law Update process now underway**

The matter of reviewing rehabilitation/treatment centres, emergency care establishments and/or similar uses can be accomplished through the Zoning By-law update process. Given the sensitive, complex and unique nature of the subject matter, the process may benefit from being separated from the balance of the broader Zoning By-law review

process to better focus on the issues at hand and provide a fair opportunity for input into this important issue. A robust consultation and facilitation program specific to this task will form a major role in this process.

It does need to be noted that this process does have its limitations in that these uses could, in the interim, establish themselves throughout the community as a medical clinic, a clinic, a personal service use or a wellness centre without restriction so long as they comply with the relevant regulations of the existing Zoning By-law. Similarly, new emergency care establishments could be set up in the community in areas where permitted. In these instances, the Town would be unable to conduct an evaluation of the land use planning implications or compose regulations to govern the use unless a re-zoning was applied for or required by the Town. While some facilities would not comply with the Zoning By-law based on their specific organizational structure or operations and would require a re-zoning, there is the potential that these uses or some variation could be structured to fit within existing land use definitions and therefore only be subject to a Building Permit under the *Ontario Building Code Act*.

### **Option 2 – Direct that a study be undertaken and enact an Interim Control By-law**

If Council feels that the issue is urgent, requires more immediate attention and should not wait until the Comprehensive Zoning By-law process concludes, Council could direct that a study be undertaken as part of an Interim Control By-law (ICBL) passed under Section 38 of the *Planning Act* as outlined in Section 7.0 above. This action would prohibit the establishment of such uses until the review or study is undertaken and new policies and/or regulations are enacted by Council to govern their use, location and operation in the community. A review of special municipal licensing by-law measures could also be undertaken to govern operational matters. In both cases, a substantial consultation and facilitation program is essential to the success of the process.

With respect to potential concerns regarding the possible need to re-establish a temporary emergency care (transition) shelter in the event of a 2<sup>nd</sup> wave COVID shutdown if an ICBL was enacted by Council, it is the opinion of municipal staff and the Town solicitor that the By-law would need to include a specific exemption for this possibility.

A copy of a draft ICBL is attached as **Schedule “A”**. The by-law would apply to all lands within the municipal boundary of the Town of Cobourg, given that it is an issue of significance to the entire community. The ICBL would place a moratorium on the use of any land, building or structure as a residential or institutional rehabilitation/treatment centre or emergency care establishment with the exception of those already in existence at the time of the passage of the by-law.

A special exception has been included in the ICBL to permit the establishment of new emergency care establishments in the case of a second wave of COVID-19 if the ICBL was enacted prohibiting this use. Council has the discretion to exclude emergency care establishments from the ICBL if it so desires. While important, this may not be as urgent given there is only one such facility in Cobourg and there have been no enquiries received

by the Planning Department about establishing additional facilities in the community. To reiterate, an ICBL does not affect uses existing at the time the By-law is passed.

## **9.0 FINANCIAL IMPLICATION/STAFFING/BUDGET IMPACT**

The implementation of **Option 1** in Section 8.0 above would involve adding the review of rehabilitation/treatment centres, emergency care establishments and any other similar uses as directed by Council to the Comprehensive Zoning By-law Review process currently underway. The Zoning By-law review project encompasses a wide range of issues affecting all properties across the municipality, and includes definitions, general provisions, parking, land use categories and regulations, and zone mapping.

In discussions with Meridian Planning Consultants Inc. (the planning consultant retained by the Town in 2011 to assist in this project), it should be noted that the bulk of the Zoning By-law review has already occurred and the process is in the latter stages of the workplan, therefore the addition of a comprehensive review of this special subject matter will involve additional examination. Given the sensitive, complex and unique nature of the subject matter, a robust consultation and facilitation program specific to this task will also form an important component of this additional review.

Accordingly, it is expected that the addition of this special subject matter to the Comprehensive Zoning By-law review project will impose an additional cost to the project of approx. \$30,000.00, plus hst, recognizing that there would be some efficiencies realized by blending some of the two processes together.

Although not recommended by planning staff, an alternative approach to a comprehensive review would involve adding a definition for rehabilitation/treatment centre in the Zoning By-law and excluding it from the list of permitted uses in all zones, thus requiring a re-zoning on a site-by-site basis. This approach would not impose any significant costs onto the Zoning By-law review process, however it is not comprehensive nor does it provide clear direction for the Town to address these facilities moving forward.

If **Option 2** is chosen by Council, it is recommended that a special planning study be undertaken, separate and distinct from the Comprehensive Zoning By-law review project, in order for the Town, stakeholders and the public to focus their attention and efforts specifically to the subject matter and to address the matter fairly and expeditiously, without any interference or distraction associated with blending it into the broader Zoning By-law review project. Similar to Option 1, the success of the process will be highly dependent on establishing a comprehensive public engagement and facilitation program.

It is estimated that the upset cost to complete this special planning project will be \$40,000.00 plus hst. Given that Meridian Planning Consultants Inc. are already retained by the Town to undertake the Comprehensive Zoning By-law project and thus are intimately familiar with the Town's Official Plan and Zoning By-law provisions, the local context and the land use planning issues associated with these uses, it is suggested that

Meridian be retained as a single-source provider for this project. This would save several months and help expedite the process by avoiding the need for an RFP process.

Both Options above will also result in additional staff time required to manage the project and assist in the review process. Additional funds necessary to undertake the work under the above Options will need to be approved as a pre-commitment to the 2021 municipal budget.

## 10.0 CONCLUSION

The potential introduction of rehabilitation/treatment centres and the operations associated with emergency care establishments in the community has generated concerns from members of the public and the KPRD School Board. While many acknowledge there is a need for these facilities and generally support their integration into the community, there is evidence that the Town's land use planning instruments lack sufficient policy and regulation oversight to properly plan for and guide the Town in effectively managing these emerging land uses in the community.

Council has the ability to direct that a planning review or study of the issue be undertaken, either by way of incorporating this review into the Comprehensive Zoning By-law update process or undertaking a special topic-specific review as part of an Interim Control By-law. Both Options will incur some degree of staff and financial budget impacts. Should a comprehensive review of the subject matter be undertaken, a robust public consultation and facilitation process is recommended to ensure feedback is obtained from all interested stakeholders on this sensitive and unique topic.

## 11.0 COMMUNICATION RESULTS

The contents of this Report are being communicated to Council for action in open, public session.

## 12.0 ATTACHMENTS

Draft Interim Control By-law affixed as **Schedule "A"**.

## 13.0 AUTHORIZATION

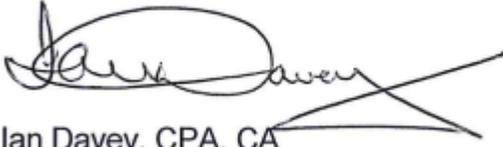
Report Prepared By:



Glenn J. McGlashon, MCIP, RPP  
Director of Planning & Development



Report Approved By:

A handwritten signature in black ink, appearing to read "Ian Davey". The signature is written in a cursive style with a large loop at the beginning and a long horizontal stroke at the end.

Ian Davey, CPA, CA  
Interim CAO/Treasurer

## Schedule "A"

	THE CORPORATION OF THE TOWN OF COBOURG
	BY-LAW NUMBER <u>      -2020      </u>

### AN INTERIM CONTROL BY-LAW AFFECTING ALL LANDS WITHIN THE TOWN OF COBOURG

**WHEREAS** section 38 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, permits the council of a municipality to pass an Interim Control By-law (the "By-law") that may be in effect for up to one year, which prohibits the use of land, buildings or structures within the municipality or within a defined area thereof for such purposes as set out in the By-law, but only if the council of the municipality has directed that a review or study be undertaken with respect to land use planning policies and/or regulations that apply to the subject area.

**AND WHEREAS** the Council of the Corporation of the Town of Cobourg passed Resolution No. \_\_\_\_\_ on the \_\_\_\_ day of July, 2020 directing that a full review of the provisions of Comprehensive Zoning By-law No. 85-2003 provisions be undertaken as they relate to residential or institutional rehabilitation/treatment facilities and emergency care establishments within the Town of Cobourg;

**AND WHEREAS** the intent of this By-law is to study the use, establishment and development of residential or institutional rehabilitation/treatment facilities and emergency care establishments in the Town of Cobourg for a period of one year.

**AND WHEREAS** the Council of the Corporation of the Town of Cobourg seeks to control the use of land, buildings and structures for new residential or institutional rehabilitation/treatment facilities and emergency care establishments within the municipal boundaries of the Town of Cobourg while the study is being completed.

**NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF COBOURG DEEMS IT NECESSARY AND EXPEDIENT TO ENACT AS FOLLOWS:**

1. For the purpose of this By-law:
  - a. "interim control area" shall mean all lands within the municipal boundaries of the Town of Cobourg;
  - b. "residential or institutional rehabilitation/treatment facility" shall mean the use of land, buildings or structures, or any part thereof, for residential, sheltered, specialized or group care, treatment and/or rehabilitation for addiction to drugs or alcohol, and may contain accessory uses including but not limited to general kitchen and dining areas, lounges, meeting rooms, treatment rooms, offices and laundry facilities;
  - c. "emergency care establishment" shall mean Emergency Care Establishment as defined in Zoning By-law 85-2003;
2. The provisions of this By-law shall apply to the interim control area.
3. Notwithstanding the permitted uses and regulations of Zoning By-law No. 85-2003 and any other by-law to the contrary, no person shall within the interim control area:

- a. use any land, building or structure as a residential or institutional rehabilitation/treatment facility or emergency care establishment, except for a use that lawfully existed on the date of the passage of this By-law as long as the land, building or structure continues to be used for such purpose; or,
  - b. be permitted to construct, alter or expand any building or structure for use as a residential or institutional rehabilitation/treatment facility or emergency care establishment, save and except where such construction, alteration or expansion is a continuation of a lawful use in existence and in operation on the date of passage of this By-law.
4. Notwithstanding the prohibition on emergency care establishments, Council may, at its discretion, permit the establishment of one or more emergency care establishments during the term of this By-law if Council has determined that such a use is necessary in order to respond to a health care emergency such as COVID-19.
  5. If any provision or requirement of this By-law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this By-law or the application of such provision or requirement to all persons other than those to which it is held to be invalid or unenforceable, shall not be affected thereby, and each provision and requirement of this By-law shall be separately valid and enforceable to the fullest extent permitted by law.
  6. This By-law shall come immediately into force and effect upon passing hereof and shall expire one (1) year from the date of adoption by Council unless otherwise repealed or extended by Council in accordance with the provisions of the *Planning Act*.

READ and passed in Open Council on this      day of July, 2020.

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MAYOR

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MUNICIPAL CLERK